



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 22 Meitheamh 2022*

*Wednesday, 22 June 2022*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.10 a.m.

*Paidir.*

*Prayer.*

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## **Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Sean Sherlock - to ask the Minister for Agriculture, Food and the Marine on the current status of the Brexit Adjustment Reserve; (2) Deputy Michael Creed - to ask the Minister for Education if she will urgently review the design brief in respect of a new school in County Cork (details supplied) given the current enrolment and the projected population growth in the area and the demand for additional classroom accommodation in adjacent new primary school buildings, and if she will make a statement on the matter; (3) Deputy Holly Cairns - the need to discuss the shortage of school places for children with special educational needs and disabilities in Cork South West for the coming school year with the Minister for Education, as parents are deeply concerned about the lack of places for September and we need intervention now to resources schools properly to address the issue; (4) Deputy Jennifer Whitmore - to discuss the need for a coastal Local Link bus service in Wicklow; (5) Deputy Pádraig O'Sullivan - to ask the Minister for Health the steps he is taking to address the lack of services available in the Cork University Hospital paediatric diabetic clinic; and if he will make a statement on the matter; (6) Deputy Brian Stanley - to discuss with the Minister for Health the lack of dental services for children and the current difficulties with the dental treatment services scheme in Laois and Offaly; (7) Deputy Kieran O'Donnell - to ask the Minister for Health for an update on plans to address the crisis levels of overcrowding at University Hospital Limerick's emergency department; (8) Deputy David Stanton - to ask the Minister for Housing, Local Government and Heritage his views on the recently adopted Cork County development plan in respect of the proposal by the council to consider, as part of the plan, the siting of a retail outlet centre near Carrigtwohill; (9) Deputy Colm Burke - to ask the Minister for Health to outline his plans for implementing the free contraception scheme for 17 to 25 year-olds which is due to commence in August 2022, and if he will make a statement on the matter; (10) Deputies Richard O'Donoghue and Mattie McGrath - to ask when there will be a proper investigation into the management of the University Hospital Limerick; (11) Deputy Ciarán Cannon - to ask the Minister for Housing, Local Government and Heritage how and when he intends to address the

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chronic underfunding of Galway County Council; (12) Deputy Thomas Gould - to discuss the provision of affordable housing in Cork; and (13) Deputy Pat Buckley - to discuss the shortage of council workers in the Cork County Council area and its effects on local services such as waste management.

The matters raised by Deputies Sherlock, Pádraig O'Sullivan, Stanton and Whitmore have been selected for discussion.

## **Saincheisteanna Tráthúla - Topical Issue Debate**

### **Brexit Supports**

**Deputy Sean Sherlock:** I note that the Minister of State, Deputy Butler, is giving the reply which will have been given to her. I do not expect the Minister of State necessarily to be in charge of this particular issue. I wanted to raise the issue of the Brexit Adjustment Reserve, BAR, fund, as it relates to the fishing industry. I anticipate that the Minister of State will tell me they are working on it and that it is open to the SME sector. This fund was set up to ensure that money flows into the fishing industry to meet the effects of Brexit. This is money that could very easily go into the fishing industry to allow for supports for processing in particular in a way that ensures jobs are maintained, capital investments are made and innovations can be brought to the industry to allow it to at least survive in the teeth of the storm that is Brexit and its impacts.

I have been in contact with the Irish Fish Processors and Exporters Association, IFPEA. It tells me six larger companies are now excluded from the processing capital investment scheme resulting from BAR. This is completely wrong and contrary to the principles of the Brexit Adjustment Reserve, where no one is left behind. The six projects earmarked by these companies would have a massive positive impact in their respective communities and would also be real drivers for change within the fishing industry, creating new employment and greater value in exports. They would sustain their companies with product diversification and high-end value added. As a member state, Ireland should be highlighting and pushing forward projects such as these as opposed to the current approach where the fund is deemed to be accessible only to SMEs.

The Minister of State may refer to the issue of state aid rules in her reply. When he visited Killybegs in September 2021, the Commissioner for fisheries said that there are no state aid rules and we have absolute flexibility to prioritise our funding. We could open that up to larger producers and bring them under the scheme as well. That flexibility is key to ensuring there is a successful scheme. The larger companies themselves can grow the number of employees they have. There is the issue of sub-supply of plant and machinery into the sector under the capital expenditure element. Contractors are ready, willing and able to provide services. They are all waiting for news of this scheme. Increasingly they are becoming frustrated by the fact that the scheme is not up and running and that the manner in which the scheme is devised excludes larger processors. I am asking the Minister of State to take that on board.

**Minister of State at the Department of Health (Deputy Mary Butler):** I thank the Deputy for his question. As he quite rightly said, I am responding on behalf of the Minister, Deputy

McConalogue, who is unable to attend. The Department of Public Expenditure and Reform has responsibility for administering the European Union's Brexit Adjustment Reserve, BAR, in Ireland. My colleague, the Minister, Deputy Michael McGrath, is best placed to provide an overview of how Ireland's approach to the BAR is evolving more generally. I am, however, on behalf of the Minister for Agriculture, Food and the Marine, happy to provide an update on the latest developments in BAR-related measures to support the agrifood and fisheries sectors.

A core objective of the BAR is to provide financial support to the member states and economic sectors most affected by Brexit. Both the fisheries and agrifood sectors were identified from an early stage as two of the economic sectors in Ireland most likely to face very difficult consequences. It is also worth recalling that the eligibility criteria set by the European Union to qualify expenditure under the reserves are stringent. A key criterion is that any proposed expenditure must demonstrate a direct link to negative impacts arising from Brexit.

As regards the fisheries sector, the outcome of the EU-UK Brexit negotiations resulted in a reduction in access to fish stocks for the sector. This clearly has negative consequences for the sector that are directly associated with Brexit. In response to this outcome, the Minister, Deputy McConalogue, established the seafood sector task force in March 2021 to examine in detail the impacts on the fishing sector and coastal communities and to recommend mitigation measures. Several schemes recommended by the task force have been put in place to support the sector and these schemes are likely to be supported by the Brexit adjustment reserve. The schemes include: the voluntary tie-up schemes for 2021 and 2022, worth more than €30 million; a €3.7 million inshore fisheries business model adjustment scheme; a €1 million inshore marketing scheme; a €35 million local authority marine infrastructure scheme; a €25 million blue economy enterprise development scheme; and a €45 million seafood processing capital support scheme.

In respect of the agrifood sector, to date in 2022 support measures worth more than €4 million have been implemented in the horticulture sector, including supports for the seed potato sector and a UK promotional campaign for Irish mushrooms. A further €7 million has been allocated to fund an Enterprise Ireland capital investment scheme for meat and dairy processing. This investment is being used to fund development of new products and markets.

For the agrifood sector, it is clear that the full impacts of Brexit are still developing. For example, the UK has not yet imposed full import control requirements on agrifood products arriving from the EU which, when applied, will add costs to Irish supply chains to the UK. In addition, the ongoing uncertainty associated with the implementation of the Northern Ireland protocol will have negative impacts on Irish exporters to the UK in terms of their planning and investment decisions. Finally, the UK agrifood market will continue to evolve in the coming years, including as result of trade liberalisation via new UK free trade agreements with third countries, and this can only increase competition in the UK market for Irish exporters.

All these consequences of Brexit are ongoing for the Irish agrifood and fisheries sectors and will impact on their future competitiveness on the UK market. I take on board what the Deputy said in respect of six larger fishery organisations being excluded. I will certainly bring that back to the Minister.

**Deputy Sean Sherlock:** I thank the Minister of State. When the scheme was being set up, there was an interaction with the task force and discussions on this issue. My understanding is that the recommendations of the seafood task force were to support all sectors of the industry

equally because no sector of the Irish fishing industry escaped the negative impacts of the Brexit deal. Enterprise Ireland intervened at the task force to outline where flexibility existed and how state aid would permit supports to the non-SME sector, similar to what occurred during Covid. It was self evident at the task force meetings that some people within the Department had an ideological difficulty with the State supporting certain sectors of the fishing industry even though the European Commission clearly permitted it and actively encouraged it. The evidence of that is the statement of the fisheries Commissioner to which I referred. In addition, we have the remarks of Elisa Ferreira, the Commissioner for Cohesion and Reforms, who stated:

In moving forward, we do not want to leave anyone behind. The funding that Ireland will receive will contribute to improve living standards, support economic growth in the country and mitigate the negative impacts in local communities. Those are fishing and coastal communities.

At the end of the day, we want to see the money flowing. Money needs to start flowing into those communities and into processing, along with providing real-time supports for a sector that all present will agree has taken a hammering as a result of Brexit. We do not want to be creating bureaucratic entanglements that prevent money from flowing into the communities that so badly need it.

**Deputy Mary Butler:** I again thank the Deputy. The Department of Agriculture, Food and the Marine is currently assessing whether these evolving impacts are eligible to be addressed by the BAR-funded measures that would future-proof the sector against such impacts, as the Deputy stated. It is also engaging with stakeholders and the Department of Public Expenditure and Reform to confirm which impacts and measures are eligible and meet the criteria for BAR funding. I again assure the House that the Government will explore all opportunities to develop measures to support the industry to adapt to the challenges Brexit continues to present for Irish food and fish producers. As I said, I will certainly raise the issue with the Minister and ask him to reply directly to the Deputy.

## Health Services

**Deputy Pádraig O'Sullivan:** I wish to raise the issue of paediatric patients in Cork University Hospital, CUH. An issue in respect of type 1 diabetes and the lack of provision of insulin pumps in particular is causing concern for parents. Many parents to whom I have spoken have been calling for additional staffing and resources for several years. This has been an issue for quite some time. Many of the issues relate to employment and the inability to appoint a consultant and nurses in that space. That has proven difficult in recent years. Many children whose parents I have spoken to have received initial appointments. The parents praise the CUH staff and the level of service they have received up to now but, unfortunately, after the initial consultation there is an issue in respect of insulin pumps in particular. Many parents to whom I have spoken have been waiting more than a year for those new pumps to be approved and for people to be trained in their use. The delays are occurring both in CUH and in training the parents and families.

Obviously, the great benefit of the pump therapy is that it reduces people's reliance on having to give themselves injections, as they may have to do repeatedly throughout the day. It is a much better process than the older and outdated one. I am aware of a four-year-old boy who is due to start school in September. His school and his special needs assistant, SNA, in par-

ticular have been great. They were ready to be trained to help him with his injections or to do the injections for him while he is at school but, unfortunately, at the last minute CUH withdrew the potential for training those school staff members to make sure that young child can self-medicate. Obviously, that is a specific circumstance, but it is indicative of the wider problem in respect of staffing and training.

I understand there is a severe shortage of consultants in the field. CUH currently has one whole-time equivalent and two diabetes nurses, with a further two to be hired. We are still waiting for them to start. Much of the correspondence I have received states that commencement will happen shortly but many of these families have been waiting two or three years and the commencement cannot come quickly enough. The consultant who is in place in CUH currently has between 400 and 500 patients under his care. He has issued guidance notes stating that, in theory, a consultant should only have 150 paediatric patients under his or her care. Services at CUH are under severe pressure. Several children on pump therapy are awaiting new pumps. Many of the older pumps, or the warranties thereof, have expired. There are delays in issuing new pumps and getting people the relevant training for the new pumps so that they can carry over. They have had to revert to the injection model, which is not ideal.

Looking at it from the outside in, the problems in respect of vacancies and employment in the HSE seem to be catching up with us in this field. Does the Minister of State have any update in respect of the commencement of those much-needed staff?

**Deputy Mary Butler:** I thank the Deputy for raising this issue and giving me the opportunity to provide an update to the House on the paediatric diabetes clinic services at Cork University Hospital. I take on board the situation he raised in respect of a four-year-old with type 1 diabetes who is starting school for the first time and trying to cope with all the intricacies of that. As the Deputy is aware, type 1 diabetes is an intensive condition to manage. Commencing a child on an insulin pump requires intensive education for not only the child but the entire family, as well as the school and the special needs assistant, SNA, involved. It involves close monitoring of glucose levels and insulin doses, particularly in the early stages of insulin pump use.

To support the child and the family, an intensive programme is put in place by the multidisciplinary team. This helps to optimise the child's health and prevent hospitalisation. Specialist nurse teams work closely with the family to allow for close monitoring, insulin pump dose adjustment and to ensure the child and family have guidance and support during intercurrent illness and outpatient appointments.

The HSE has advised that with respect to services in the Cork area, Cork University Hospital, CUH, is a centre for paediatric diabetes providing care for patients in the south-west region. There are currently more than 525 paediatric patients attending the diabetes service in CUH. In CUH the multidisciplinary team members have met and reviewed all patients, who will be prioritised in line with the individual patient's clinical need, based on best practice and international guidelines in the recommencement of the insulin pump service. The HSE has advised me that the new pumps are due to be available in CUH by the start of July.

A small selection of children will be started on the new pumps and it is planned to increase the numbers as more supplies become available in CUH. Children will be supported and guided in their use on a case by case basis. The HSE has assured me that engagement is ongoing with the Cork diabetes parent group, T1 Diabetes Parents' Alliance, which is being kept updated

on service developments.

The HSE has confirmed that the CUH paediatric diabetic team comprises one whole-time equivalent consultant dedicated to the paediatric diabetes and endocrinology service. This is provided by two paediatric consultants with a special interest in diabetes and endocrinology at 0.5 whole-time equivalents each. There is also one full-time dietician in post and two whole-time equivalent diabetes nurse specialists in post. The HSE has further advised that additional staffing resources were secured by way of a business case submitted by CUH to the South/Southwest Hospital Group, where an advanced nurse practitioner and two additional diabetes nurse specialists were secured for the paediatric diabetes service. These posts are being progressed through recruitment with a nurse specialist panel being available to allow for the direct progression of the positions. I take on board what the Deputy has said in that it cannot happen soon enough, especially with 525 young children attending the service.

The Government, along with the Department of Health and the South/Southwest Hospital Group are fully committed to the progressive development of the paediatric diabetes clinic service within the group and to improving this service for patients of the south and south-west region.

**Deputy Pádraig O’Sullivan:** I thank the Minister of State and appreciate her response, although it is similar to some of the responses I would have gotten over the past number of weeks. I am in a fortunate position because I have three children and I am unaware of any medical needs they might have. They are very young and I hope they will be fine when it comes to issues like type 1 diabetes, which as the Minister of State said is a severe illness that will affect people for the rest of their lives. When engaging with the HSE and health services in the country, however, these are the types of things that infuriate people. There is the language, including words like “shortly” but there are no definitive or indicative timelines. Communication is ordinarily scant, and that frustrates parents and causes most concern.

I acknowledge that CUH has recently engaged with that new parents’ group, which is welcome. A number of parents I spoke to have acknowledged that. Realistically, we must get on with hiring these staff urgently. This has gone on for a number of years. I can remember watching video clips on Facebook going back to 2017 and 2018 on this matter of a lack of pumps. This is what we are talking about today and it is three or four years on from those initial protests but very little has been done.

I understand funding and the posts have been signed off. I ask the Minister of State to follow up with CUH to see what “shortly” means in this context. Is it next week, next month or in six months? Any type of an indicative timeline would be great for those people. As I said, a number of the children are starting school, which is stressful enough in itself, even without having to be tasked with self-injecting on numerous occasions throughout the day. I thank the Minister of State for her time.

**Acting Chairman (Deputy Sean Sherlock):** The Minister of State has time for a reply.

**Deputy Mary Butler:** I see the Acting Chairman is multitasking today.

I take on board everything the Deputy said. As we mentioned, diabetes is a very serious illness and commencing a child on an insulin pump requires intensive education for the child and entire family, with close monitoring of glucose levels and insulin doses required, particularly in the early stages of insulin pump use. Type 1 diabetes is an intensive condition to manage and

in order to provide safe care for the entire paediatric diabetes patient cohort, the service must prioritise the essential components of diabetes care for all children under the care of the service.

It is welcome that with the diabetes service in Cork, new insulin pumps will be available at the beginning of July and plans are well advanced to train staff, patients and their families in the use of these pumps. The hospital has secured additional staffing resources that are in the process of being recruited. Unfortunately, as I know all too well in my role, sometimes recruitment of staff can take between 40 and 50 weeks. We will check it out for the Deputy and see if we can get a more indicative timeline in that regard.

I assure the Deputy the South/Southwest Hospital Group remains committed to the progressive development of paediatric diabetes services within the group and to improving the service for patients of the south and south-west region. I know how worrying it is for families and especially the young children trying to deal with this on a daily basis. We will revert to the Deputy on this.

### **Planning Issues**

**Deputy David Stanton:** I thank the Ceann Comhairle for selecting this topic this morning and the Minister of State for being here to respond. I am concerned by the decision by the Minister to issue direction to Cork County Council on the matter of section 31 of the Planning and Development Act 2000, as amended. That is following the recommendations of the Office of the Planning Regulator with regard to the Cork county development plan, which was recently adopted by the authority's members. The Minister received recommendations from the Office of the Planning Regulator to exercise his functions under the provisions of section 31 of the Act to delete certain paragraphs from the plan and also to delete the amended and additional provisions for retail outlet centres under MA 1.9.20, including objective TCR 10.2 on retail outlet centres and associated matters.

This means there is a stall put on the aspirations of the planning authority, which is Cork County Council, to make provisions for the development of a retail centre near Carrigtwohill. I am sure the Minister of State is very familiar with the outlet centre in Kildare, as I am. It is extremely popular and many people go there. They may not buy a lot but they might walk around if it is a nice day. Sometimes people cannot even get parking. Many people from the south of the country, including the Minister of State's constituency and mine, travel to that outlet. We are interested in having a similar centre, although perhaps not to such a scale, in the Cork and Carrigtwohill region.

I understand a draft direction was issued and it is open to public consultation for two weeks, after which the council has four weeks to prepare a response. The Office of the Planning Regulator will then have another three weeks to advise the Minister, after which he will give a final direction. This is in spite of a number of High Court rulings that quashed similar directions made by the Minister last year. There is a history here and I do not want to get into it too much because other legal proceedings may be ongoing and initiated by the council to clarify the matters.

My concern is that if the current direction is upheld, it will, in effect and at best, stall for an indefinite period the development of an outlet centre in the east Cork area. At worst, the opportunity to construct a €100 million centre could be lost forever. My interest is in the potential

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to create 850 jobs and the further development of tourism and business in the area, which will see a large rise in population in the next decade. Another recommendation of the Office of the Planning Regulator, which needs to be dealt with, demands very high density of housing in the area. That could forestall any housing being built.

Coupled with the rise of the cruise liner trade to Cobh, the potential for this centre is enormous. All we have to do is look at the success of the outlet centre in Kildare and the fact it has increased more than once in size, such is the demand from the public. The people want this. Why are we in the south of the country to be denied such a similar facility, which would complement what is already on offer in the area. The Acting Chairman is also familiar with the likes of the wildlife park at Fota Island, Spike Island and Barryscourt Castle, which is to reopen shortly. There is also the beautiful town of Cobh with its magnificent cathedral, the heritage centre and botanic experience, as well as the Jameson centre in Midleton. Cork city would also benefit.

I ask the Minister to keep an open mind on the benefits of such a centre. The Office of the Planning Regulator may not always be right. We must also take into account the views and wishes of the elected members of Cork County Council who have worked long and hard on the development plan they have adopted. They know their area very well. I understand it is not possible for the Minister to withdraw the direction once it is signed but I want to put on the record the need to tread very carefully from here on out. Does the Minister have to obey the Office of the Planning Regulator, OPR, without question?

We should at least let this go to planning and not stop it at this stage. Let it go into the planning process. It might end up with An Bord Pleanála but so be it. To kill the concept at this stage before it even gets a chance to get off the block is not right.

**Deputy Mary Butler:** I note the Deputies representing Cork are out in force today. This is the third Topical Issue from Cork. Kudos to them.

I thank Deputy Stanton for his question on the Cork county development plan, which I am answering on behalf of the Minister of State with responsibility for planning and local government, Deputy Peter Burke, and the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien. The Cork County Development Plan 2022-28 was agreed by the elected members of Cork County Council on 25 April 2022. In accordance with section 31AM(6) of the Planning and Development Act 2000, as amended, the chief executive of Cork County Council issued a notice to the Office of the Planning Regulator informing the office of where the planning authority had decided not to comply with recommendations made in the relevant report of the office.

The office considered this note and issued a notice under section 31AM(8) of the Act to the responsible Minister on 20 May 2022, recommending that he exercise his function to take such steps to ensure that the plan sets out an overall strategy for proper planning and sustainable development. The Minister, Deputy Darragh O'Brien, subsequently issued the note of intention to direct the chief executive of Cork County Council on 3 June 2022.

The process now entails a number of steps. A two-week public consultation began on the draft direction on 17 June, which is open for submissions up to and including 1 July. No later than four weeks after the expiry of the consultation period, the chief executive must prepare a report on the submissions received which is given to the elected members, the office and the

Minister. The office must then consider the chief executive's report and submissions and shall recommend to the Minister that the direction is issued with or without minor amendments. If there are no amendments, or the amendments are only minor, the Minister may issue the direction to Cork County Council.

The direction under section 31 has immediate effect. A copy of the direction will be laid before each House of the Oireachtas and made available on the website of the Department of Housing, Local Government and Heritage. Where the office is of the opinion that a material amendment to the draft direction is required, further investigation is necessary or it is necessary for another reason, the office may then appoint an inspector no later than three weeks after receipt of the chief executive's report. The inspector has three weeks from when appointed to give a report to the office.

The office makes the inspector's report available to the chief executive and regional assembly and any persons who made a submission on the draft direction. Submissions are allowed within a ten-day time period after receipt of the inspector's report. The office has three weeks or can extend that period after receipt of the inspector's report on any submissions made, as the case may be, to recommend to the Minister with responsibility for planning and local government to issue the direction, not to issue the direction or to issue a direction which has been amended by the office to take account of recommendations in the inspector's report and any submissions made.

The Minister can then decide to issue or not issue that direction. The Minister has stated he can make no further comment at this time due to the fact that this is a live statutory process. I understand where the Deputy is coming from. As he stated quite clearly, he is coming from a perspective of perhaps 850 jobs and employment in construction. Furthermore, concerning the matter of a retail outlet centre in Cork, it is the subject of ongoing legal proceedings and, consequently, the Minister cannot make any further comment at this time.

**Deputy David Stanton:** I thank the Minister of State for her response. I acknowledge that there are legal issues involved and an ongoing statutory process, which I respect and agree with. The reason I have raised this issue is because, as the Minister of State acknowledged, this is a major issue for the area and the country.

We have to see where the balance lies. The members of Cork County Council are democratically elected. The vast majority of them, having spent a long time discussing and debating the matter, recommended that zoning go ahead to allow this to happen. In my view, that is democracy in action at the lowest level and we should respect that.

From an environmental point of view, it will keep people in the south of Ireland. It is envisaged that there could be 220,000 visitors to the centre annually. It would generate more economic activity in the south of Ireland and benefit the city and surrounding towns. As I said, there are now 100 cruise liners coming into Cobh every year, a figure which will grow. Those people would make a beeline to the centre. I mentioned earlier that 850 jobs are involved, which is also important.

The whole region is going to expand. The feedback I have received from constituents is that people want this in the area. On top of that, as I said it will be good for the whole region because it will grow enormously. There are plans for thousands of houses in the Middleton-Water-rock area. Irish Water has now, thankfully, decided to put in a pipeline which will enable

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development to happen. However, the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, has decided to block the upgrade of a road for the time being. That has the danger of stymieing growth.

I have had that discussion on and off with the Minister. We hope, to pardon the pun, the roadblock will be removed shortly and we will see the badly needed housing development go ahead. The rail link is due to be electrified and there will be rail services every 15 minutes, which is fantastic. There is a lot of potential and positivity, but this development has to be part of it.

**Deputy Mary Butler:** I know the Acting Chair is also interested in this discussion. It is important to note that the two-week public consultation began on the draft direction on 17 June, which is open for submissions up to and including 1 July. The process is ongoing.

I have listened carefully to the views expressed today and I thank the Deputy for his valuable contribution. I will bring it to the attention of the Minister. I trust the process I have detailed is helpful to the Deputy and all Members present in understanding the arrangements, including the consultation processes in place for the public, local authorities and State agencies to progress with the adoption of county and city development plans in accordance with national strategies and legislation.

I would also like to reiterate, as I mentioned in my opening comments, the limitations as to what can and cannot be commented on at the moment. It is important that such processes are respected and followed by all participants in the process, and I know they will. I take on board what the Deputy has outlined from an economic point of view and the spin-off that would be available if such a development was to progress.

## **Public Transport**

**Deputy Jennifer Whitmore:** We will be moving from Cork to Wicklow. I thank the Minister of State, Deputy Josepha Madigan, for coming to the Chamber to take this Topical Issue. I know it is not her area and she will probably be limited in what she can say. It would have been preferable for the Minister for Transport to be here, but I understand that is sometimes not possible.

I want to raise the need for a coastal Local Link service for Wicklow. When I talk about a coastal Local Link service, what I mean is a Local Link service that connects Greystones, Kilcoole, Newcastle, beaches like Brittas Bay and Magheramore, Wicklow town and Arklow. It is a relatively short distance, but no bus service connects these towns and villages at the moment.

This is not the first time I have raised this issue. I raised the need for additional Local Link services in 2017, and the issue has been discussed for a long time. However, I do believe it is critical that we put this in place this year. I will initially call for a seasonal bus service connecting those towns, but there is potential and a need for an all-year service to connect them and provide a much-needed transport link to the DART in Greystones for people in Arklow and Wicklow town.

When I talk about a seasonal service, I am sure many Members are aware of Brittas Bay,

which is one of the treasures in Wicklow. It is not just a county treasure when it comes to tourism; it is a treasure for the entire country, in particular the east coast. A lot of people make a day trip every year from Dublin to Brittas Bay and Magheramore to enjoy the fabulous beach. Brittas Bay is a very small village. It has a couple of car parks and a few shops. Part of its charm is that it does not have a lot of infrastructure. Because of this each year we see increasing numbers of people coming to the village and leaving their cars all over the place to the point where over the past two years, there have been serious health and safety issues. I got stuck in a traffic jam there one day for 20 minutes with an ambulance stuck behind me and all of the other cars. It was trying to get to someone in need of emergency care on the beach. I understand this happened three or four times last summer and this is obviously not acceptable.

Many locals live in fear of a fine sunny day at the weekend because they cannot leave their homes. It is not safe for them to walk on the roads with the amount of car parking on the sides of the roads and the congestion that happens. To be fair, the council has done some remediation work. It has put in double yellow lines. I know some of the locals have opened up temporary car parks. This should be only part of the solution. The answer to this is a public bus service that would go from Greystones to Wicklow town and Arklow to bring people to the beach. There are private operators. I spoke to them last year when they were available to provide a seasonal service but the National Transport Authority, NTA, did not take them up on their offer. It would pay for itself. We speak about climate emergencies, health and safety and using local tourism spots but we have to provide the facilities. We have to provide the services. It is crazy in this day and age that a beach such as Brittas Bay does not have a bus service. Down the road in County Wexford, there is a seasonal Local Link bus service that connects Wexford town to Curracloe. I fail to see how such a service can be provided in Wexford but is not provided for such a popular beach in Wicklow.

**Minister of State at the Department of Education (Deputy Josepha Madigan):** I thank Deputy Whitmore for raising this important topic, which I am taking on behalf of the Minister, Deputy Eamon Ryan. I advise that the Minister for Transport has responsibility for policy and overall funding in relation to public transport but it is the National Transport Authority that has statutory responsibility for securing the provision of public passenger transport services nationally, including management of the rural transport programme which operates under the Transport for Ireland, TFI, Local Link brand.

Local Link services are an integral part of the public transport offering connecting communities throughout rural Ireland. In recognition of the vital role these services play, there has been a substantial increase in funding for Local Link services over recent years, going from €12.2 million in 2016 to more than €28 million this year. The additional funding has enabled the introduction of 85 new rural regular service routes, as well as improvements to demand responsive door-to-door services and the piloting of evening or night-time services in certain rural areas, which have now been mainstreamed. The new rural regular services operate at least five times per day over a five, six or seven day per week schedule. They are specifically designed to ensure connectivity with other public transport services and better linkage of services between and within towns and villages.

In terms of Local Link services in Wicklow, the NTA has advised that there is a range of services in operation including regular rural services and demand responsive services. These allow passengers to travel from their local village or town for business, shopping, healthcare or to connect with the national bus and train network. An example of such a service is the Carlow to Arklow route 800 service, which was introduced in December 2020 and has seen consider-

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able growth in passenger numbers since it began. Wicklow and Arklow towns are also shortly to benefit from a new Local Link route, the 183 Arklow to Sallins, which is in procurement and will commence service later this year. In addition to the range of TFI Local Link services, Wicklow is also served by a variety of other public transport offerings, including those provided by Dublin Bus, Bus Éireann, commercial operators, the DART and other rail services.

I want to highlight the Minister for Transport's commitment to the roll-out of the Connecting Ireland rural mobility plan, which aims to increase connectivity, particularly for people living outside our major cities and towns. In budget 2022, the Minister for Transport secured an allocation of €5.6 million to progress, develop and begin delivery of this important plan. Through Connecting Ireland, additional and improved public transport services are being made available by installing additional stops, modifying routes and delivering more services. These services will ensure better access for all those housed in our rural communities. On the ground, the services will be mainly provided by a mixture of TFI Local Link and Bus Éireann services.

The NTA has advised the Department of Transport that it is in the procurement, planning, and design stage for up to 40 enhanced services nationwide this year. All going well, many of these services are anticipated to be operational by the end of the summer. Connecting Ireland aims to identify these gaps in the public transport network and to develop plans to address them. I understand that all settlements defined as such by the Central Statistics Office, CSO, that line the Wicklow coast along the R750 are connected by public transport. As such, there are no plans for a coastal Local Link bus service in County Wicklow as a requirement for such a service has not been identified. That being said, there are other proposed routes for Wicklow and these can be viewed on the NTA's website. I assure the Deputy that the Minister for Transport, through the provision of existing services and the roll-out of Connecting Ireland, remains committed to ensuring that those living in County Wicklow are provided with a safe, reliable and sustainable public transport network.

**Deputy Jennifer Whitmore:** I thank the Minister of State. In her response the Minister of State said that all of the settlements defined as such by the CSO are connected. I presume by this she means Greystones, Arklow and the bigger towns. They are connected by a very poor rail service. There are two trains in the morning. This is not sufficient by any stretch of the imagination. Brittas Bay has no public transport available to it. During the summer in particular there is an absolute need. I ask that the Minister and perhaps the NTA visit there on a sunny day to see the demand placed on the village. There is no public transport in the area.

The Minister of State also referred to the Local Link services. I know this is not her area but if an alien were to come down to Ireland and hear all of the eco-spin that comes out of the Government it would think we have public transport sorted and that it is perfect. The Minister of State has spoken about all of the Local Link services available in Wicklow. I did a quick search. There are 30 services, of which four operate Monday to Friday and the other 26 have one bus every week. If anyone in the Government thinks one bus a week is sufficient to cover public transport needs in rural Ireland I suggest they speak to constituents throughout the country because it is not. It is not sufficient from an economic perspective, a community perspective or an environmental and emissions perspective. This mindset needs to change.

The Minister of State also referred to the Connecting Ireland plan. I have been calling for Local Link services in Wicklow since 2017. Each time I raise it I am told there is a plan coming. There is €5.6 million for Connecting Ireland for the entire country for this year when we are in the middle of a climate crisis. This is a paltry amount of money. While it is a pity the

Minister for Transport is not present, he should go back to the drawing board and try to understand the transport needs of rural Ireland and invest to ensure they are met.

**Deputy Josepha Madigan:** As the Deputy has pointed out and appreciates, I am not the line Minister for this matter. Nevertheless I have taken into account some of the Deputy's contribution, particularly that there are 30 Local Link services but in essence, they work out at one bus per week. With regard to the composition of a settlement I wonder whether it is based on population, which may not take Brittas Bay into account. I am not *au fait* with it but I will pass it on to the line Minister. I heard what the Deputy said about the poor rail service. The Local Link services allocation was €12.2 million in 2016. This has increased to €28 million this year. I appreciate the contribution the Deputy has made and I will pass it on to the line Minister.

### **Respite Care Services: Motion [Private Members]**

**Deputy Catherine Connolly:** I move:

That Dáil Éireann:

notes:

- that Ireland signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007 and ratified the UNCRPD in 2018;

- that, notwithstanding a commitment in the Programme for Government: Our Shared Future in 2020, Ireland has not yet signed or ratified the Optional Protocol to the UNCRPD, making Ireland one of just three European Union member states to have taken no action in this regard;

- that, pursuant to the UNCRPD, Ireland is obliged to ensure assistance to the caregivers of children and adults with disabilities; and

- the integral role that respite services play in the provision of assistance to those caregivers;

further notes:

- the unacceptable number of people on waiting lists for essential respite services;

- that carers have provided increased levels of care with less support and respite during the Covid-19 pandemic, and on an on-going basis this impacts on the wellbeing of carers and persons requiring care;

- the significant human cost for those affected by the closure of respite services as a result of the Covid-19 pandemic, and the on-going acute levels of unmet needs;

- that the Disability Capacity Review to 2032 identifies significant levels of unmet need for disability services, and changes in the size and age profile of the disability service population will add to unmet needs over the coming decade; and

- that the Disability Capacity Review to 2032 highlights that access to residential care has fallen since the 2008 recession, and supply did not keep up with population

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growth but actually fell;

furthermore notes that:

- the consequence of a failure to address identified current and future need is likely to be increased demand for crisis unplanned interventions, at significantly higher unit cost than planned services;

- if resources in areas like respite or home support continue to be focused on crisis situations, at the expense of supporting other families, the resilience of these other families will be undermined; and

- the Government's policy is supporting the provision of respite services in rented accommodation consequent on the absence of appropriate and sufficient capital funding for respite services;

recognises:

- the essential function of respite services in supporting family carers and the person with a disability, both in the home and in respite centres;

- the integral role played by respite services in our health and disability provision; and

- the work of those providing respite services and, in particular, the work of family carers, who save the State billions of euro every year in unpaid care; and

calls on the Government to:

- immediately reinstate all respite beds closed as a result of the Covid-19 pandemic;

- undertake a comprehensive audit of respite services, funded in whole or in part by the Health Service Executive, to establish the current provision of respite beds and the level of unmet need;

- as part of that audit, establish the level of provision of respite services in rented accommodation;

- provide the funding required to ensure on-going and sustainable capacity in respite services; and

- ratify the Optional Protocol to the UNCRPD.

I thank the Minister of State, Deputy Butler, for taking this debate and my colleagues, Deputies Pringle, Joan Collins, Harkin, Fitzmaurice and McNamara, for signing the motion. I do not anticipate that the Government will oppose it, but I am not sure. I have not received a copy of any amendment to the motion. The Minister of State is nodding her head, which I welcome.

I am not here in an argumentative mood or to fight. I am here chun an spotsolas a dhíriú isteach ar sheirbhísí faoisimh nach bhfuil ann, i ndáiríre, i nGaillimh agus is dócha nach bhfuil siad ann ar fud na tíre. Tá cuid de na seirbhísí ar fáil ach níl siad ar fad ar fáil agus tá éiginnteacht i gceist. Mar shampla i nGaillimh, de réir freagraí éagsúla tá sé leaba faoisimh i

bPáirc Mhuirlinne agus tá dhá cheann sa Chlochán i gConamara. Braitheann sé ar an gceist a gcuirtear agus ar na freagraí a fhaighimid. Tá sé thar a bheith deacair, dá réir.

Is í mo m'fheidhm anseo inniu an spotsolas a dhíriú isteach ar an ábhar seo chun an fhadhb a aithint i dtús báire agus ansin chun réiteach a fháil. As I said, I am not here to argue. I am here to shine a spotlight on respite services. The motion is quite basic, recognising that we signed and ratified the United Nations Convention on the Rights of Persons with Disabilities in 2018 and highlighting that we have not yet signed the optional protocol to the convention. This makes Ireland one of just three EU member states that have taken no action in this regard. The motion notes our obligations under the convention, of which I am sure the Minister of State is aware. It further notes the unacceptable number of people on waiting lists for essential respite services. I will not go through the whole text. She has read it and has indicated she will not oppose it.

We ask the Government immediately to ensure all the respite beds that were in place before the Covid crisis are now functioning. Along with that, we call for a focused and comprehensive audit of respite services to be undertaken. I highlight the fragmented nature of the services I am asking the Government to audit. That audit should include establishing the level of provision of respite services in rented accommodation. This is an issue that has come up in Galway in a presentation by Brothers of Charity Services Ireland. That organisation has no capital ability to purchase buildings that are suitable for respite and is utterly dependent on the rental market. This factor has not been taken into account in any discussion on respite services. I will come back to it presently.

All of the statistics I refer to are taken from the national capacity review that was conducted in July last year. It looked at six areas, one of which was respite services. It is important to note that all of the areas the review considered are interconnected. It looked at residential care, adult day services, personal assistance and home support, multidisciplinary therapies, respite, and other community services and supports. I am zoning in on respite care but all the areas are interrelated, as noted in the review. There will be much more demand on residential services, for instance, if we do not provide appropriate respite services. Although I am taking one aspect in isolation, I acknowledge they are all interrelated.

Common to all six areas is that the demand is greater than the service capacity and that demand will continue to grow. The review points out this will have significant human costs. The only aspect in which I disagree with this is insofar as the future tense is not accurate. There already is a significant human cost to the failure to provide services. The report acknowledges that the current situation is absolutely detrimental to the resilience of families and their ability to keep going.

In chapter 8 of the review, dealing with respite services, the figures are startling. Fewer than one in four people with an intellectual disability and living at home with family, including only one third of adults, received any form of HSE-funded respite services in 2017. I understand the figures have got worse since then, going by the answers to my parliamentary questions. In addition, access to respite for people with a physical or sensory disability living at home was considerably lower than that. There is a substantial unmet need for respite. The allocation to cover the service is €16 million to €20 million a year, which seems to me a tiny amount of money. The important point the report recognises is that this significant unmet need has detrimental consequences for those requiring respite, including the people with a disability and those caring for them.

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There is any number of reports I could refer to, which I usually do, but I will not refer to them today. The time has come when we must decide what we are going to do about this. The Minister of State, separate from her ministerial role, knows we in this House do our best to get answers by asking parliamentary questions over and over again. I have a bunch of such questions in front of me and I cannot make head nor tail of the responses I receive from the HSE. The latter talks about three agencies in Galway city and county providing respite services, but the executive is also an agent in this as a direct provider of respite services. In Merlin Park University Hospital, for example, there are currently six respite beds serving a city the size of Galway. Some responses I have received are more positive than others, indicating that there will be 13 beds by July or August or when the staff are in place. The situation remains that there are six beds in Galway city.

There are two respite beds in Clifden District Hospital. I am always reluctant to refer to a particular situation but, in this case, it captures the problem. The family in question has been told there is a space in Clifden, which is more than an hour's journey from the family home, for one week of respite, which family members have been begging for year after year. Other than this one week of respite, the family must look after the person who needs care. The answers coming back to questions on that family's situation lack any humanity. The response is that Merlin Park University Hospital is not suitable or there is no bed at this time and giving the contact details for Clifden hospital. There is no embracing the person who is doing the caring and no undertaking to provide some well-deserved respite for the loved one with the disability and the family. That is not happening.

The Minister of State has been to Galway to deal with another matter. There is language being used that serves to obfuscate, hide what is happening and make life difficult for people, when, in fact, we all want to ensure we have a better public health service. The problem is that services have been divided up and compartmentalised. I hope she will not state in her response that 10,000 hours are being provided per year. That does not mean anything. I cannot judge or analyse those figures. It would be great if I had a clear statement of what is required in Galway. The capacity review pointed to the unmet need but we have no idea what the provision is locally and whether it is proportionate to what is needed.

I spend my time reading information on this issue. It would be easier to understand this if it was in a book written by Kafka, rather than being in a situation where we are trying to say sorry to a family for a bed not being available this week but assuring them that there will be one available at some stage. I cannot use any reassuring language like that. In addition, we then have the divisions in the system. In Galway, there three agencies involved, plus the HSE, as well as the private suppliers and operators of healthcare. It is difficult.

I will move to the answers I receive, what the people coming into my office are saying and the research being carried out. The Health Research Board states that its research is based on 65% of the service providers responding to it. I refer to the annual report on the national ability supports system, NASS. When I looked at this report, it tells us that 36,649 people were registered on the system. This represents only 65% of those in receipt of services. This means that NASS has inadequate data, and this is the system that has been set up to provide the data to allow the Government to make policy. These data are inadequate and we do not know why that is. Some service providers are returning information and some are not, and we have no idea why this is the case.

Turning to the renting of buildings, let us look at the presentation that all Deputies in Gal-

way received, or certainly it was made available to them, just a few weeks ago from the Brothers of Charity, an organisation that has been on the go now for some 70 years. It referred to preventing carer burnout and the lack of funding for the provision of increased numbers of respite bed nights. The lack of respite services in Connemara was highlighted. That lack of services means that people must travel to the city centre to avail of respite care. Think of the impact that experience has on the person supported. Opportunities exist for this situation to be changed, but they cannot be availed of because the policy is to provide money for rent. A property has been identified in Connemara, but it is not possible to progress this initiative or there are certainly many obstacles to progressing it.

I refer to elements such as planning for the future, seeking our support, breaking down barriers to the provision of homes for people with a disability and enhancing access to capital funding for the purchase of residential and respite homes. I cannot remember the precise figure given for rented accommodation, but it was certainly striking. I will not try to repeat a figure that has gone out of my head, but it really jumped out because it referred to one tiny unit in Galway relating to a known developer or person. I refer to just renting one tiny unit, and this was just one example. I estimate that there are millions of euro going out every year to pay for rented accommodation in respect of which there is no security of tenure.

Another problem highlighted by the HSE and the agencies - and, in a sense, this is a positive one - is the inability to deal with this challenge as a result of the existence of standards and those standards being imposed. This is highlighted as being one of the barriers in this regard. I would have thought that was a positive challenge in respect of the necessity of raising standards. That must be done, however, alongside there being in place a Government policy that allows for capital funding to enable these measures to be carried out. As the disability capacity review points out, this approach is one that is, ultimately, costing more money. We are responding in an unplanned way. We have crisis interventions. We are breaking down the resilience of the families who are trying to provide this type of care more than 99% of the time. Those family members then end up needing care themselves. It is a vicious circle in the context of costs that are not justified and funds that should be going in at the beginning with proper services.

If the Minister of State has any influence at all with the HSE, it would be helpful if that organisation stopped the spin. It really would be helpful because the agency is there to serve, as I am here, and to use taxpayers' money to serve the people. We have a right to know how many respite beds are available in Galway city and county, and nationally. If those beds do not exist, then we must know precisely why and we also need to know about a plan for when they will be put in place. It is not okay to tell people that it will perhaps be in July, August or September, depending on which person is answering the question. The waiting lists from the agencies are truly shocking. I got an update yesterday, the longest day of the year, on respite days provided throughout the country, and I thank the HSE for that. It highlights that one of the problems is better regulation and that a significant number of respite beds have been used for long-term residential placements. This means that respite beds are going out of action because of the complexity and the age of the people presenting, who need more residential care.

All this was eminently foreseeable. Covid-19 was difficult, but we are supposed to have learned from the experience. We are supposed to be moving forward. If we look at the waiting lists that I have been told about in Galway, in addition to the six beds in Merlin Park, the two in Clifden and the two somewhere else that have not been identified, we have 66 beds provided by the agencies, such as the Brothers of Charity, Ability West, etc. Those beds are spread out. We have waiting lists of up to four years. I find it hard to accept that the lists have reached this

stage. I have a breakdown of them, but it is too much to read out bit by bit. On one hand, I have a response from the HSE stating that there were five beds. On the other hand, when I look at the waiting lists, I see that children and adults are waiting anything from six months up to four years for respite beds. This information dates from a few months ago and I do not imagine the situation has got any better.

In addition to the spotlight on respite beds, I ask the Minister of State to commit in this regard. She seems to be doing so, if she is not going against this motion and is not seeking to amend it. I refer then to an audit being undertaken within a reasonable timeframe of all respite beds in the country and that the information in this regard be broken down by county. This audit should also show how those figures relate to the actual need which exists, given that the capacity review found there was substantial, significant unmet need in this regard. Ultimately, it is a much better way to go, in the context of value for money, to have a planned service on which people can rely.

When I looked at the opening section of the capacity review, I read the three introductions from the Minister for Health, Deputy Stephen Donnelly, the Minister for Children, Equality, Disability, Integration and Youth, Deputy O’Gorman, and the Minister of State, Deputy Rabbitte. The Minister for Children, Equality, Disability, Integration and Youth acknowledged our obligations under the UN convention. He then made an interesting point regarding the need for certainty or predictability in his overview. We do not have any of that now. We have a completely *ad hoc*, fragmented and disjointed service that is not at all based on right. Therefore, I appeal to the Minister of State in a spirit of collegiality for us to work together because this is an essential service. For families to get respite care is the most basic service. This is not happening now.

**Minister of State at the Department of Health (Deputy Mary Butler):** I thank Deputy Connolly and the other co-sponsors of this motion. I welcome the debate. As the Deputy said, this does shine a spotlight on things. When I saw on the Order of Business last Thursday that there was to be a debate on respite, I was delighted because I believe it is a matter that we need to be debating.

I am responding to the motion on behalf of the Minister for Health and the Minister of State with special responsibility for disability, Deputy Rabbitte. I am also responding to it on my own behalf as the Minister of State with responsibility for mental health and older people. Furthermore, I am responding on behalf of the Government as a whole. I confirm that we are not opposing this motion. My answer will be in two parts. First, I will be speaking on behalf of the Minister of State, Deputy Rabbitte, about disability and respite, and then I will speak about my area of responsibility, namely, older people.

The one line that really stood out for me in Deputy Connolly’s opening contribution is that the provision of regular respite care has been shown to delay or prevent the admission of service users to long-term residential care. It does work. From my constituency office and as Minister of State, I am acutely aware of the challenges for older people. I acknowledge Deputy Connolly’s *bona fides* on this and the way she has addressed the matter today. For the past two years, she has been raising with me the issues of respite and older people in the Galway area.

We all recognise how important respite can be for relieving pressures and increasing the quality of life for families. We are committed to providing services and supports for people with disabilities that will empower them to live their lives and provide greater independence

in accessing the services they choose. In addition, the Government policy is to support older people to live in dignity and independence in their own homes and communities for as long as possible.

The need for increased respite provision is acknowledged and reflected in the national service plans for 2021 and 2022. It has been reflected in the significant funding secured for the development of new respite centres, alternative respite and the expansion of existing services by the Government. I stress that the Government recognises the important role that family carers play in the provision of care. They are the backbone of care provision and have cared for the most vulnerable in our society during the Covid-19 pandemic. Whether caring for a child or parent with a disability or illness or an elderly family member, carers, through their selfless hard work, knowledge and compassion, enhance the quality of life of the most vulnerable in our society daily.

I am sure many here today know that respite can occur in a variety of settings for various lengths of time, depending on the needs of the individual service user and his or her family or carer. Respite is not always centre-based and can be provided in several alternative ways, such as, for example, in the home, from home to home and through family support and day care centres. I met representatives of the Alzheimer Society of Ireland on Monday morning and learned that €1.75 million was provided this year to support respite in the home. One of the key points the representatives made was that this was done because of Covid. They asked that the arrangement be continued because it suits some people.

As a vital part of the continuum of services for families, respite potentially helps prevent out-of-home full-time residential placements, preserves the family unit and supports family stability. All in government acknowledge there is a need for increased respite provision both for persons with a disability and older persons. Budget 2022 demonstrated the Government's commitment to improving services and supports for people with disabilities and their families, with a total budget allocation of over €2.3 billion. In 2020, funding allocated to disability respite services amounted to approximately €70 million. In 2021, funding of €5 million was provided for nine additional centre-based respite services to provide 10,400 additional respite nights along with a range of alternatives, including Saturday clubs, breakaway schemes and summer schemes. This year, in the 2022 national service plan, we committed to the establishment of three additional specialist centre-based services: one to provide specialist care for people with Prader-Willi syndrome and a further two to provide high-support respite for children and young adults with complex support needs. This is expected to provide 4,000 nights to 90 children and young adults who have complex support needs. Additional funding has been allocated for further respite services, which will provide 9,400 nights to 245 children and adults in a full year.

The Government also provided for an unprecedented level of investment in the 2021 budget to improve access to primary care services and older people's services, including €150 million in additional funding for home support to progress the development of a reformed model of service delivery to underpin the statutory scheme for the financing and regulation of home support services. This funding has been maintained into 2022, providing for 5 million more hours of home support, notwithstanding the staffing issues I am currently trying to resolve.

For older persons, respite care is an important element in the support of caring for service users within their own homes and communities. The provision of regular respite care, which is so important, has been shown to delay or prevent the admission of service users to long-term residential care facilities. It also supports hospital avoidance.

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Respite care is provided in our public residential centres and also contracted by the HSE in private nursing homes. At the end of May 2022, there were 1,516 short-stay beds open across all CHO areas, 243 of which were designated as respite beds. Those are the figures for the whole country. There were a further 20 dementia respite beds, which are also exceedingly important.

The motion highlights that some carers have provided increased levels of care with less respite support during the Covid pandemic. I truly appreciate the human cost for those affected by the reduction in respite services as a result of Covid-19. While it is acknowledged that respite services operated at a reduced capacity throughout the pandemic, it is important to note that this was as a result of prevailing public health advice at the time and was singularly focused on keeping some of the most vulnerable safe during the pandemic. During this time, some respite centres remained open while others were temporarily repurposed as isolation facilities. Targeted one-on-one home support hours were offered in lieu of respite in certain circumstances, subject to the appropriate risk assessment. It did work in some cases.

As a Government, we are very much aware of the extraordinary work carried out by carers. Since everybody has my script and I am a little caught for time, I will skip the information in this regard. It is really important for carers and service users to ensure the demand for respite services and the unmet need of service users are addressed.

I am open to what Deputy Connolly suggested about an audit. I can give a commitment only in regard to an audit of respite beds for older people. I will talk to the other Minister of State, Deputy Rabbitte, about this. She is away on ministerial business at the moment, so she is not available today. I cannot give a commitment on her behalf but I would like to see the audit happen. We are currently auditing mental health beds throughout the country. An audit of respite beds per CHO is certainly something I would like, and I will get working on it.

It is important to refer to the Disability Capacity Review to 2032, published in July 2021 and which sets out the additional capacity required in specialist disability social care services in light of anticipated demographic change, and to address the gap between available services and the level of need. A disability action plan framework was published in July 2021, alongside the terms of reference for an interdepartmental working group to develop the action plan. The group has now completed its work and is now in the process of finalising the detailed, costed draft disability services action plan, with targeted respite residential capacity and alternative respite options as part of its range of actions.

I want to speak about the Government's commitment to meeting our duty under the UN Convention on the Rights of Persons with Disabilities, UNCRPD. Ireland ratified this on 20 March 2018. This marked an important milestone in a process to strengthen the rights of people with disabilities in Ireland that has gathered momentum since Ireland became a signatory to the convention in 2007. Ireland's approach to meeting the obligations of the UNCRPD is one of progressive realisation, each year moving forward on key reforms, with the obligations arising from the convention being met over time. Priority has been given to meeting legislative commitments and requirements initially. The Government recognises the importance of the optional protocol to the UNCRPD. The optional protocol is an international treaty that establishes procedures aimed at strengthening the implementation and monitoring of the convention.

Due to delays at UN level, Ireland's appearance before the committee will be delayed, possibly for some time. In light of this, the Minister for Children, Equality, Disability, Integration

and Youth and the Minister of State, Deputy Rabbitte, have indicated they are open to earlier ratification, contingent on the State being in a position to meet its obligations. This is reflective of the State's long-standing approach to entering binding international obligations in good faith.

I do not have time to read the rest of my script but the Deputies all have it. I could have spent my ten minutes speaking about respite for older people. I am sorry I did not have more time but I will give a commitment on the audit of beds for older people. I will talk to the Minister of State, Deputy Rabbitte, about an audit on the disability side.

**Deputy Joan Collins:** The findings of the HIQA investigation into the emergency department at University Hospital Limerick were extremely shocking and according to HIQA, could put lives at risk. HIQA's verdict was that the emergency department is under-resourced, understaffed and poorly managed. That verdict could be employed for our public health services as a whole. They are all under-resourced, understaffed and poorly managed despite the exorbitant salaries paid at the top of the Department of Health and the HSE. The same verdict could be doubly applied to the poor relation of healthcare in this country, that is, our mental health services.

This motion deals with the issue of respite care or should I say the almost complete lack of it. Only 3% of the overall €2 billion per year budget for mental health services is allocated for respite care. The section on respite care in the Disability Capacity Review to 2032 is remarkably short in what is overall a lengthy and comprehensive document. It comprises two paragraphs along with a box of key points. It includes statistics for 2017 which show that only one in four family carers for those over five years of age with intellectual disabilities received any respite care and that was the case for only one in three of those caring for adults. I welcome the Minister of State's commitment to conducting an audit for older people. It is key that we know what we are dealing with and then provide services.

The capacity review went on to point out that unmet need could be considerably higher, meaning we do not know the correct level of unmet need. In other words, the level of action we need can only be guessed at. There is no information as to what level of services exists now or a national breakdown of those services. The latest figures for bed numbers were for 2018. However, on page 15 of the review it is noted that access to residential care, a key element of respite care, has fallen since 2008. The shortfall is estimated at between 800 and 2,300 beds. The 800 number is based on a HSE emergency and urgent list which is not up to date, while the higher figure of 2,300 is based on restoring the level available in 2007. To deal with the backlog of unmet need and to account for future demographic change, an extra 1,900 residential places would be needed under the minimum scenario and an estimated 3,900 would be required to return to 2007 levels.

The motion calls for a number of urgent actions and for a comprehensive audit of respite services to be undertaken. The Minister of State has agreed to that. That audit may be provided by the HSE directly or through the voluntary organisations, funded as section 38 and 39 bodies, to establish the level of unmet need and what resources are required to meet it. The motion also calls as part of that audit for the us to establish the level of rented accommodation used for respite services. It seems there is a preference in the HSE for renting rather than buying homes to be used for respite care.

The motion calls on the Government to act now on its commitment in the programme for Government to ratify and sign the optional protocol to the UNCRPD. I note the point the Min-

ister of State made in her speech about that being contingent on the State being in a position to meet its obligations. We must ensure that we meet those obligations as soon as possible. The protocol is an important addition to the UNCRPD, to which we have already signed up. It would allow individuals and groups to raise complaints if they believe their rights have been infringed by the State. It is important we sign the protocol because it would mean the rights of people would at least be protected. It would push the Government and future Ministers to implement the plan.

I met with the Oireachtas disability groups yesterday. They feel the disability capacity review action plan should be followed up on and there should be an implementation plan in that regard. I would like to hear what the Minister of State has to say about that issue.

**Deputy Michael McNamara:** I thank my Independent colleague, Deputy Connolly, for putting forward this motion and bringing focus to the necessity to fully restore respite care. The issue was highlighted during the pandemic. It was one of the many difficulties that were highlighted during the pandemic. Everybody was forced to live together as a family, which was all well and good but brought additional pressures to families without the additional pressures of having to look after somebody who was not fully able to look after themselves. The pandemic is still with us but it has now become endemic. During the pandemic, particularly during the lockdowns, and immediately afterwards, there was rightly a lot of focus on the necessity of opening special needs schools, etc., because families were under considerable pressure and the closures were having a negative effect on those children who attend special needs schools. Similar concerns were legitimately expressed with regard to those who needed respite care and the pressure that families were under. There was a little less focus on that issue. I thank Deputy Connolly for bringing focus to it. We need to restore respite services to the level they were at before the pandemic.

I did a quick survey of the HSE facilities in Clare to see where they were at in the past and where they are now. The discrepancy was enormous, which is in line with the point Deputy Connolly is raising. We should not necessarily have this discrepancy. People are equal and there should be a relatively equal level of service across the State. Not only is that not the case across the State, there are big discrepancies within Clare. The Minister of State is familiar with the facility in Raheen because she has visited it. That is a facility close to where I live and, in fact, it is close to me for a variety of reasons. There is currently only one respite place at Raheen Community Hospital. There were three places available before the pandemic. The Minister of State will have seen the hospital's new wing and it is hoped that when the wing is open, two extra respite places will be available, which will bring the hospital back to its pre-pandemic level of three respite places. Those two beds are closed because the hospital must maintain an isolation unit in case there is an outbreak of Covid-19. I completely accept that reasoning but I hope nobody is suggesting that respite care is not an absolute necessity. Certainly, nobody at management level in Raheen is suggesting that. Management is moving to restore those respite beds.

Regina House Community Nursing Unit in Kilrush has five respite beds now. It had six beds before the pandemic.

St. Joseph's Hospital in Ennis is the biggest community hospital serving the Ennis district. Ennis is the biggest town not only in Clare but in Munster. The hospital has no respite spaces now. There were seven places before the pandemic. That is a significant loss in a town the size of Ennis. Constituents who are trying to get family members into either respite care or into St.

Joseph's have contacted me. There is a public consultation today on a new 100-bed facility to be opened in Ennis. I very much hope that constituents in Clare will avail of that public consultation because it is important.

Ennistymon in north Clare has five respite spaces whereas it had nine prior to the pandemic. Those nine included some short-stay beds for people who were being released from the acute hospitals without anywhere to go. Such people were availing of those respite beds on a very short-term basis until alternative accommodation could be found. Overall in Clare, there has been a significant drop in the availability of respite places, with a huge disparity in the level of the drop across the county. A bird's eye view of the issue needs to be taken by HSE management to ensure that one's entitlement to respite care and one's chances of getting that care are not reliant on a postcode lottery. I have already criticised the fact that we are already subject to such lotteries in the mid west with regard to accident and emergency units.

There is a horrible reality for families if people do not get respite care and if people are not able to look after family members. The last resort for every type of healthcare shortcoming is the accident and emergency unit. That is one of the many factors that is leading to the massive pressure on accident and emergency units. People have to go through the accident and emergency unit to get a variety of procedures. I am aware of a case of a woman who was in an accident and emergency unit and did not need to be there. She was there because she needed a CAT scan. She said she would go home and make an appointment but was told if she went home she would not get it and that she must sit there and wait. That was not in the Limerick region but another part of the country. However, it is indicative of the lack of strategic management of our healthcare facilities. I am digressing slightly from this motion. I thank Deputy Connolly for introducing it and giving us the opportunity to ventilate it. It is hugely important. I support the motion.

**Deputy Pauline Tully:** I commend the Independent Group on bringing forward this motion. I and my colleagues in Sinn Féin will be supporting it. We need to recognise the key role respite plays in supporting persons with a disability and family carers. However, it is not enough to recognise the role respite services play as we must also ensure they are funded adequately.

Respite helps prevent out-of-home full-time residential placements, preserves the family unit and supports family stability. There are approximately 500,000 family carers across Ireland who work unpaid hours to care for and support their loved ones. Family carers have long been held up as a crucial pillar of care and support in Ireland and save the State billions of euro annually. However, time and again, they have not received the support they need and rightfully deserve. Respite needs to be tailored to meet the needs of families as one size does not fit all. Alternative respite provision is needed in a variety of settings and for varied lengths of time depending on the individual needs of the service user and the family or carer. This should include a mix of in-home or home-to-home family support, Saturday clubs, breakaway schemes and summer schemes. Many carers tell me the respite for their loved ones has been booked only for it to be cancelled at short notice if an emergency case arises. This should not be allowed to happen. Sufficient spaces should be made available to cater for emergencies and those who are booked into respite.

The disability capacity review identifies a major shortage of respite for adults with intellectual disabilities. It notes fewer than one in four parents caring for an adult or child with disability receives any form of respite. It identifies a major shortage of respite for carers of adults with intellectual disabilities. It also recognises latent unmet need could be considerably higher

than what is recorded.

Sinn Féin has previously committed to a significant increase in spending for respite services. In March 2021 we introduced our own motion to the Dáil entitled “Caring for Carers”. In it we called on the Government to implement a number of measures to recognise value and assist family carers, including a call to ensure family carers get the respite they need by building up respite capacity, including delivery of hours and overnights through a doubling of public expenditure. Within this motion we also recognised carers and disabled people are more likely to be living in poverty and called on the Government to establish a discretionary fund to aid carers and people living with a disability who are struggling with heating and electricity costs. That is now even more relevant due to the ongoing cost of living crisis.

Tinkering around the edges will not resolve the issues in respite provision. The Minister of State with responsibility for disability recently committed to properly resource respite services in each county. If I may speak for a moment about my constituency of Cavan-Monaghan, this is certainly not the case. Currently, respite services for both adults and children are provided in Annalee View, a respite centre in Cootehill, County Cavan. However, because adults and children cannot be facilitated together, the services are provided on alternating weeks with adults one week and children the next. This is not sufficient to deal with the large number of people who require respite services throughout the two counties. There is a need for at least two centres. This is not just an issue in Cavan-Monaghan. Respite is vital yet its provision varies greatly from place to place throughout the country and in many cases it is very limited, if it is available at all. When I raised the issue with the Minister of State, Deputy Rabbitte, I suggested she look at decongregated settings because many of them may be suitable for respite when the residents have been moved into community settings.

The motion urges the Government to ratify the optional protocol of the UNCRPD. The UNCRPD was ratified by Ireland in 2018 and exists to protect and reaffirm the human rights of disabled people. The purpose of the convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all disabled people and to promote respect for their inherent dignity. If proper independent living provision was made, as stated under the UNCRPD, there would be less need for respite within some cohorts of our population. The State plans to ratify the optional protocol after the first reporting cycle but that could take several years. It needs to be reconsidered and should be brought forward. Sinn Féin has consistently called for the ratification of the optional protocol of the UNCRPD and so has the Joint Committee on Disability Matters.

I once again commend the Independent Group on bringing forward this motion. Sinn Féin supports it but we also recognise that as well as additional funding for respite, family carers and disabled people need a number of further wraparound supports that are contained in our policy document, “A Charter for Family Carers”.

**Deputy Donnchadh Ó Laoghaire:** The Minister of State knows family carers have had a very difficult two or three years, but it has always been something that is challenging. It can be rewarding but it undoubtedly offers significant challenges. Millions of euro are saved by the State through the sacrifices and efforts made by the 500,000 family carers. The least they deserve is the opportunity to have some respite. That is not just about reward or recognition but sustainability. It is about their ability to continue caring for their loved ones.

Unfortunately, over the course of the last few years and especially over the course of the

pandemic, respite was one of the last things to recover. *The Echo* in Cork recently reported Elizabeth Maddox, who heads the Castlemartyr Family Carers and Disability Support Group, acknowledging the fact it is still not the “end game” for carers. She said:

I am very lucky because I have a good support system but most carers need a break. Although family carers seem to be over the worst of Covid, it’s not the end game yet. Carers have been locked down even more now. They are often very careful about talking about burnout because they don’t want to lead the person they are caring for to feel like a burden.

However, it is still the case that respite, while improved from the very worst times of Covid, is still not back up to where it was before and the coverage and types of respite available vary significantly from area to area. When you look at the capacity reviews that have been undertaken in recent years as few as one in four is getting adequate respite. We urgently need to address that because it is about sustainability and fair treatment for these carers as well. As a society, we really would be completely lost without them. The 500,000 carers save the State millions upon millions of euro.

I will raise a final point before I finish up. It is something I have come across on a number of occasions, namely, the ability of parents of a child with complex learning difficulties or intellectual disabilities to have a lifelong plan for their child. There is education but there is something of a cliff edge at the age of 18 years, where the services that are there are concerned. The question in every parent’s mind is if they outlive them or if they are no longer able to care for them, what happens then? The fact there is not that certainty and that ability to plan into the future causes huge anxiety and fear. It is something we must look at to ensure there is a joined-up plan right the way up.

**Deputy Claire Kerrane:** It is very hard to go back to a carer and tell them they are on the waiting list but unfortunately there is no respite for them. I recently had to go back to a lady in her 70s who is caring for a daughter in her 40s and was looking for overnight respite that simply is not there. I am sure it is something everyone in this House has had to do and it is really difficult. She is caring for her daughter who is in her 40s and wants to keep her at home for as long as possible. The Brothers of Charity, which provides much of the respite in my constituency in both Roscommon and Galway, is doing its best but it is doing so with a wholly inadequate budget. When parents or carers get to the point and must make that really difficult decision that they can no longer care for their loved one at home, they move onto another waiting list when it comes to long-term residential care. To be honest, I do not know how family carers are still standing. Of course, they are still standing because they love the person they are caring for but they have had a horrific two years in particular with Covid. Overnight they lost all their services and supports - the very little services and supports they had.

We are still waiting for the new national carers strategy. It must be published and must have ring-fenced funding to go with it. It is also regrettable that family carers did not get the Covid recognition payment, given that overnight they lost their services and supports, and then had to care for their loved ones 24-7, in some cases on their own. I cannot begin to imagine how difficult that was. They deserve to be recognised with a fully-funded national carers strategy. They should also have been recognised with that Covid recognition payment.

I will also reference the long-stay contributions for residential support services. This was raised with me by a constituent whose son is in long-term care. The amount of money they contribute depends on the level of care that is required. There are three categories: a nurse for

24 hours; a nurse part-time; or no nurse and with little or no medical attention. The contribution paid should not be based on the level of care a person needs. That is wrong. There was just a standard payment where everyone paid it and that was it. That is the way it should be. I want to raise that concern about that legislation and the way those contributions are done.

**Deputy Paul Donnelly:** I thank the Members in the Independent Group for highlighting this issue and for bringing forward the motion. The current lack of day and respite services for people with intellectual disabilities and their families has become much worse since Covid-19. Many of the families who availed of the limited services are telling us that the service has not fully returned. Disability and day respite services in many areas are extremely limited. This is having a detrimental effect on people with intellectual disabilities and their families, and the effect on the families in particular is absolutely huge.

Parents and professionals are reporting increases in cases of depression, anxiety disorders, psychosis, and severely challenging behaviours, including serious assaults. Many parents and struggling siblings may have serious health problems themselves or in many cases are frail and elderly. Again, there is a real fear of what is going to happen if something happens to them.

There is a private service in Dublin 15, which parents pay for themselves. It is a limited service where parents of children with additional needs can get some time together. One father said he uses the time to go down to his car to have a sleep because it is the only time he can have a decent sleep. Others use the time to shop or to do homework and connect with their other children. Sometimes we can forget that connecting with the other children in the family is very difficult when there is a child with additional needs.

For many with an intellectual disability, their entire social lives are based in and around their services, including their friendships, their activities and their routines. Many of them cannot understand why it is so difficult to access that respite care. Mental health services for people with intellectual disabilities also remain extremely limited. We need progress and development of respite services. I have been involved in co-ordination in this regard with Tusla. We have spent so much time trying to access services only to be told that there are years on the waiting list before a person could get any service, or the family might get one hour per month or of an evening. An overnight respite is like gold dust for many families. That really needs to change. I put it to the Minister of State that we need resources. The families, the parents, the carers, and the people with the disabilities need those extra resources. It is significant to be able to provide those supports and to provide assurances to parents that they would have access to respite care.

**Deputy Martin Kenny:** I thank Deputy Connolly and the Independent Group for bringing forward this motion on respite care services. Levels of respite services were seriously deficient across the country even before Covid-19. This has been an ongoing and long-term problem. The Minister of State, Deputy Anne Rabbitte, was in my constituency recently at a meeting in Carrick-on-Shannon. We met with a group of parents of adult children with intellectual disabilities and other disabilities who attend the St. Ciaran's centre. Many of those mothers, many of whom are getting on in life, related their experiences that morning in Carrick-on-Shannon. Some of them have had no respite for the past seven or eight years. Some of them might get one night maybe three times a year. That issue really must be dealt with everywhere in the country. I commend the Minister of State, Deputy Rabbitte, as she gave a commitment that morning to ensure that a respite house and residential facility would be built in Carrick-on-Shannon, and planning permission will, hopefully, be in before Christmas for that.

Cuanmahon in Sligo, which at present is a residential service being decongregated, is two large bungalows, kitted out and HIQA approved. It will be used, hopefully from Christmas onwards, for respite services. That is progress being made but it is progress coming from a very low level. That is the issue we have. At the moment for the vast majority of people in County Leitrim or County Sligo, there really is only the one place, at Tullaghan, which is a private company that provides respite service. It is completely overwhelmed and cannot cope with the number seeking respite services. That is the situation everywhere in the country.

**Deputy Mary Butler:** Where is the facility the Deputy mentioned?

**Deputy Martin Kenny:** It is in Tullaghan, County Leitrim.

I also spoke with a person yesterday who related his experience of a man with a wife who has early onset dementia. The woman is only in her 50s and he has tried to care for her at home. He had to give up work. He is with her 24-7. It is a nightmare for that man and he has no services whatsoever, no respite is being provided and nothing is being done for them. This is despite continuous representations being made around this. The real recognition needs to be that it is not just about getting an audit done. Audits can take years. We need action to ensure the services are provided as quickly as possible.

**Deputy Johnny Mythen:** I will start by paying homage to the activists in my county of Wexford. This is a team of mothers, fathers, and families of children with disabilities called FUSS - families unite for services and support - who are fighting to reform disability services. They have stood up and protested to make their voices heard. I salute their resolve and I stand with them. They are truly an amazing group of people who, every hour and every day of the lives, must fight for basic services for their children.

There are some 500,000 family carers in Ireland. They save the State millions of euro every year. Shamefully, they do not have adequate support or, in most cases, any respite at all. Their income is deeply inadequate and their role needs to be more clearly understood, recognised, and supported. The round-the-clock 24-7 nature of being a carer must be recognised. As a result of this, respite needs to be tailored to meet the needs of the family as one size does not fit all. Alternative respite provision is needed in a variety of settings and for a variety of lengths of time depending on the individual needs of the service user and the family or carer - for example, within home, home to home, family support, Saturday clubs, breakaway schemes and summer schemes.

This motion rightly states that carers have provided increased levels of care, with less support and respite during the Covid-19 pandemic. The impact of this on carers' well-being, their mental health, and the siblings mental health must be acknowledged, not by words but by deeds.

Despite home care being the preferred option for most people, there is no statutory right to home care in Ireland. We have an ageing population and by 2040 almost one quarter of our population will be over the age of 65. This means that demand for home care will increase dramatically. The waiting list figures for home support services in County Wexford were so dire that a review had to be conducted recently. The main finding of that review was that the fundamental issue was staffing. This is a huge worry for the more than 600 families who are waiting for those vital services. Family Carers Ireland in County Wexford do their utmost to fill the gap but they too are struggling with severe demand and inadequate resources. For example, they have 30 hours per week to offer the whole county. The issue of recruitment and retention

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of staff is most evident in day and overnight respite services. A centre in Wexford was recently told by HIQA that it did not have adequate staffing and so must offer reduced services.

I put it to the Minister of State that questions must be asked about why this is the case. There are reasons people are not going to work in this sector. There are also reasons they are leaving the sector in their droves. We need to get to grips with those issues and tackle them head on.

The motion before us today highlights some of the key areas of concern around respite services. I thank the Deputies wholeheartedly, and particularly Deputy Connolly, for bringing the motion forward. I hope that all Members will see the merits in the wording of this motion and will fully support it.

**Deputy Chris Andrews:** I welcome the motion brought forward by the Independent Group. It is a very important issue. Many of us know the key role that respite provides in supporting family carers and those with a disability. More than 500,000 family carers provide vital care and support for their loved ones.

I will raise one issue, in particular, that was raised with me by a family. They are really struggling to get carers. One member of the family requires a lot of care and carers are constantly not showing up. They cannot fulfil those hours and the family is left stranded. The person needs two carers at a time and if only one shows up it makes it very difficult. This is very challenging for them as a family. The individual who contacted me said that if carers are non-EU citizens they are entitled to work 20 hours per week. This should be increased to 40 hours per week in line with non-EU workers who work directly for the HSE and in private nursing homes. This would increase the number of carers available to carry out essential work. I am aware that such a proposal crosses over with the Department of Justice and that it is a complex issue.

*11 o'clock*

What this person is finding out, as are many families across the State, is that the HSE and care homes are sucking away carers from visiting homes. That is having a negative impact on families, who are at their wits' end. They need this support but unfortunately they are not getting it. If adjustments were made and there was a level playing field for all people working in the care sector, that would help ensure carers, like the ones in this family, are not let down day after day.

**Deputy Sean Sherlock:** Before the Minister of State, Deputy Butler, leaves, I wish to acknowledge that both she and the Minister of State, Deputy Rabbitte, to be fair to them, have gone out and met the people involved and tackled these issues head on and they are not sitting behind their desks in their Departments. On that basis, before she leaves, I want to acknowledge the work she is doing. I also raise the issue of the St. Francis welfare home in Fermoy, which was redesignated during the pandemic as a transitional care facility. My understanding is that it is to close temporarily. I just wanted to raise that with the Minister of State and acknowledge her work before she leaves.

I am glad to have this opportunity to support the motion put forward by the Independent Group. It is a vital motion and I am glad the Government is not opposing it. It has come to my attention that recruitment seems to be at the heart of this issue. We keep being told by the HSE and the Government that the lack of personnel to meet the demand is one of the basic issues. I have received responses to parliamentary questions about this. I asked the Government how much it is spending on recruitment via the HSE, that is, moneys being given to recruit-

ment companies to recruit the talent that is required to meet demand, particularly in respect of respite, which is the subject of this motion. For 2020 and 2021, €12 million was handed over to recruitment companies to sort this issue. What are we spending the money on? Where is the value for money? Why is it that they have not succeeded in recruiting the staff we need to meet the demands of people in this sector who so badly need the services? We need to start auditing and questioning the amount of money being spent by the HSE. It has spent €12 million in the last two years on recruitment companies to recruit staff. I am being objective here but no one could argue that we are getting value for money with that kind of spend. If we were, we would have the staff in place to meet the needs.

The one issue I am constantly raising is that of Cooleens House, which is under the ambit of St. Joseph's Foundation. I am being told month in, month out and week in, week out, that recruitment is at the heart of the issue and that the centre cannot be reopened to allow people to avail of the services because it cannot recruit the required staff. One can only accept that answer for so long. If we are spending €12 million, surely to goodness that money, wherever it is being deployed, could find somebody to be able to reopen that facility. A person in charge is required. On top of that, there is a Darwinian competition going on whereby the HSE is taking staff away from section 38 and 39 organisations. The HSE is competing with voluntary organisations for staff, which the HSE is responsible for providing in the first instance. Cooleens House is like every other respite facility throughout the country. I only use that example because it is one I am familiar with.

We need to grasp the nettle in respect of the recruitment issue. For two years now we are being told the issue is recruitment and that we cannot recruit the staff. I do not think we are buying that anymore. We have been quite patient and people have understood that there is a recruitment issue but it is time for us to start drilling down and getting into the weeds of why we cannot recruit staff in a way that meets the demand and the needs of people who are affected. Speaker after speaker has said that families are coming to us as Deputies and Senators saying they cannot get respite care for their loved ones. When we question why that is, we are told it is because we do not have enough staff in the system. We need to start drilling down into why that is and how we can justify spending €12 million. The Government, through the HSE, has spent €12 million in the last two years giving money to recruitment agencies. What are they doing for that money? That is the question.

I welcome this motion. As I said, I am glad the Minister is not opposing it. There is also the issue of pay parity between section 39 organisations and the HSE. I accept the Minister of State has had meetings with the National Federation of Voluntary Bodies, FEDVOL, in respect of that and I understand that around €20 million is needed. The reason I am raising that issue is that there are two cohorts of people who are effectively doing the same job but because of a different governance structure, one set of workers is paid less than the other. Tackling that issue would go some way towards solving the problem of recruitment. We need a bit of energy around this piece of it. It is not fair at a time like this. I will go back to Cooleens House. When I questioned the Minister of State about Cooleens House, she noted that it has six rooms and provides enormous capacity for respite in north Cork. She acknowledges that the challenge of recruiting a person in charge is what is preventing it from being reopened.

I support the motion. I am glad to have this opportunity but we need to start looking at the recruitment issue. It has been thrown back at us as the reason for the delay or the inability to provide services. We are not accepting it anymore as a reason. It can be solved. The HSE must be questioned and interrogated more on how it can justify that kind of spend at a time when

people are crying out for services.

**Deputy Holly Cairns:** I thank Deputy Connolly and the Independent Group for bringing forward this motion, which the Social Democrats fully support. I welcome this opportunity to discuss respite care. This motion goes to the heart of how the incredible role of carers is continually overlooked and undervalued by the Government and the State. The inadequacy in the provision of respite care is a symptom of a much larger issue. Carers are absolutely essential and provide incredible support every day, with disgracefully little State assistance in terms of payments and respite. Respite care is crucial for carers. It provides them with a much-needed break from the psychological and physical toll of caregiving, while also benefiting the person who requires care. We all know that carers have been paid a lot of lip service during the pandemic, but unfortunately this rhetoric has not been accompanied by substantive supports.

Family Carers Ireland's 2022 pre-budget submission, entitled "The Forgotten Frontline", perfectly sums up the position of many family carers throughout the pandemic. They provided essential care in the home and dedicated all their waking hours to caring for loved ones, in many cases without any day or respite services. While budget 2022 included some small increases in the weekly rates and long overdue changes to the means test, these measures were simply not enough to address the true cost of care, and they are even less effective now against the backdrop of soaring energy and household bills. A recent report into the cost of caring published by Family Carers Ireland found that the minimum essential standard of living costs for a two-parent household caring for an adolescent with a profound intellectual disability amounted to €752 per week, excluding housing costs. This is €244 higher than the cost for a two-parent household with an adolescent child who does not have a disability. With inflation having risen to 8.2% by the end of last month, this gap has undoubtedly widened since this report was first published in February.

In view of this increasing financial burden on carers, the absolute minimum the Government could do is ensure there is adequate access to respite services, instead of the current postcode lottery. Even before the pandemic and the cost-of-living crisis, the provision of respite was disgracefully inadequate. The State has for too long undervalued the role of family carers and, consequently, underestimated the importance of respite. Some of this is due to the fact family carers often suffer in silence. They get up every day and do this invaluable work with little fuss because they simply do not have the time to campaign for services, and they should not have to. The State should not need to be cajoled into providing basic services and supports.

When things reach a crisis point, however, they are forced to take to the streets. The recent Families Unite for Services and Support, FUSS, rally, which I attended with Deputy Shortall, co-leader of the Social Democrats, displayed parents' palpable despair. They have reached breaking point because the State is effectively ignoring and neglecting their children. These are children with disabilities and additional needs who are being left to languish on waiting lists, while their parents, who on top of their caring duties must now take to the streets, are undoubtedly fed up.

One of their requests relates to respite and the issue of open access to personalised budgets. If the Government were to address this issue, it would empower more people with disabilities and their families to make choices that work for them. This is about their rights under the UN Convention on the Rights of Persons with Disabilities, and about receiving the necessary supports to live as full and independent a life as possible, but the Government along with its predecessors has repeatedly failed to implement measures that would allow people with dis-

abilities to exercise their rights as equal citizens. That is the very reason it has still not ratified the optional protocol to the UN convention.

I have continually raised the need to ratify the optional protocol and the Joint Committee on Disability Matters has also called for it. Last week, I attended the UN Conference of States Parties to the Convention on the Rights of Persons with Disabilities specifically to understand the role and importance of the optional protocol. In 2018, the then Government, some members of which still sit at Cabinet, was not shy about lauding itself for being the final EU government to ratify the convention, 11 years after it had been agreed. It failed, however, to ratify the very protocol that gives this convention teeth because doing so would leave the Government exposed, with nowhere to hide. It would shift the balance of power by giving citizens the ability to take cases against the State to the UN.

That is why the Government is dragging its heels, and it is an utterly shameful and cynical reason. Various Ministers have cited reviews, legislation and even the UN itself as reasons for the delay but as far as I can see, the only legitimate reason the Government has yet to ratify this crucial protocol relates to the fact it does not want to be held to account over its failures to provide an adequate level of disability services. After decades of failing to uphold the rights of people with disabilities, something needs to force its hand. This protocol could be that catalyst for change, not just in respite care but in every service needed to ensure the full realisation of the human rights and fundamental freedoms of all people living with disabilities.

When will the Minister for Health honour the Government's commitment to ratifying the protocol, reinstate the respite beds lost during the pandemic and carry out an audit of respite services? These are legitimate questions we should not still have to ask. It has been 15 years since the convention was agreed. This farce must come to an end.

**Deputy Gino Kenny:** I am sharing time with Deputy Paul Murphy.

I welcome this important motion on respite care services. It is good we are talking about the issue but we have to view it in both a post-pandemic and a pre-pandemic light. Respite care services are a vital cog in the system of care. In a previous life, before being elected to the House, I worked in respite services so I understand their importance for family members and service users. For the people who work in respite and other care services, it has, to say the least, been very difficult over the past two years to deal with the ongoing public health emergency.

The provision of respite care has been arbitrary for the families trying to get access, and it has been very difficult for some families who just cannot get the hours. Earlier during the pandemic, the withdrawal of day and respite services had a profound effect. It is almost incalculable what it did to service users, children, family members and staff. The services were gone completely. If a person does not have a routine, a relationship with his or her peer group, an educational space or other supports, it can have a terrible effect on family members and others. The State is still recovering in that regard, as are the services. Will the Minister of State outline what the State has done to fill that enormous void that opened over the past two years? I will always be haunted by some of the news reports about families for whom that service was simply gone. It was so distressing to hear family members say they had nothing and describe how they could now see their child regressing,

Many carers provide a vital service, not only for their children, loved ones and so forth, and that can go unnoticed at times. There should be a statutory entitlement for carers to 20 days'

annual leave for the work they do. That should be put into legislation in order that carers will be given time off. That would make sense and most people would agree to it, given there would be a significant benefit-in-kind to the State whereby carers would save it vast sums by avoiding the need to have their loved one enter a hospital environment.

Will the Minister of State outline his opinion on the effects of the pandemic on day services and respite services? Where have interventions been made to fill the void that has appeared? We need more resources, not least where that void has opened over the past two and a half years.

**Deputy Paul Murphy:** The central point Deputy Gino Kenny made is an important one, namely, that the undervalued and effectively unpaid work of carers saves the State billions of euro. Their work deserves to be recognised and they deserve to be treated properly as workers, part of which involves having the equivalent of annual leave in the form of a guaranteed and legislated-for ability to access respite care. This is obviously linked to the general poor treatment of people with disabilities by the State. The Government signed up to the UNCRPD but then did not sign up to the optional protocol in order that people can actually take action to vindicate their rights.

I want to speak about the particular case of a woman I will not name to whom I spoke last week, which really illustrates the struggles that so many people are going through in this country. She has a son with complex physical and mental needs. Originally, it was agreed that she would get four hours of home care per week. That was increased to 12 hours of home care per week on the basis of their needs. Because the whole thing is outsourced, the companies involved said they would need two workers to do this because the needs are so complex etc. and they could not possibly provide it. Then, for a long time, no company was able to provide it. Incredibly, because the hours were not being used and because the needs are so complex and so on, those hours have been taken off her. In the midst of all that, she went to LauraLynn children's hospice in terms of respite. LauraLynn agreed to accept her son for respite care and then got back to her and said it could not take him because he was mobile and, therefore, did not fit the categories. It said this was not coming from LauraLynn; this was HSE advice. This woman told me her son is mobile in the sense that he can crawl. He is not able to walk but according to LauraLynn, he is sufficiently mobile in terms of the HSE rules and, therefore, she does not qualify for respite care.

This woman and thousands of people like her are at their absolute wits' end. They do everything possible to struggle to take care of their loved ones and then the State does not back them up. The State does not provide the resources to actually facilitate them in terms of the vital role they play and vital work they do. I would like the Minister of State to comment on that if possible. It does not make any sense whatsoever to me.

**Deputy Verona Murphy:** I welcome the opportunity to speak on the subject of respite care today and thank the Independent Group for providing that opportunity. The importance of respite care should not be underestimated and in fairness, I think its importance is recognised by politicians from all sides. Despite the best will or good intentions of the politicians in charge, however, we must accept that there are huge problems with the system as it currently is. These problems are noted in the motion. There is an unacceptable number of people on waiting lists for essential respite services. There was an increased workload on carers with less support and respite during the Covid-19 pandemic, which has impacted on the well-being of carers and persons requiring care on an ongoing basis. There is a significant human cost for those affected by the closure of respite services as a result of the Covid-19 pandemic and there are ongoing acute

levels of unmet needs.

Family carers are hugely important people whose contribution has been undervalued for too long. I had a recent visit with a family carer in County Wexford who told me she had been quoted a cost of €550,000 for residential care for one year. Let us not, therefore, underestimate the value of the family carer. People caring for loved ones in need of constant care and support provide a tough and draining devotion from both a physical and mental point of view. The constant commitment to this work under the most strenuous of situations is admirable and, in some cases, heartbreaking. Carers live their lives vicariously through their more in-need loved ones. We all know those in receipt of care can have a variety of different needs and may require care of different intensity.

A press release from the Department of Social Protection published in early June indicated that there are 121,000 family carers in Ireland. There are likely to be many more who perform the functions of a family carer without being officially recognised as such. I also note that the Department of Social Protection announced some positive steps recently, including an increase in the capital disregard for carers from €20,000 to €50,000, an increase in the weekly income disregard for carer's allowance to €350 for a single person and €750 for a couple and the receipt by 121,000 carers and their families of the €1,850 annual carer's support grant. These are all welcome supports but we must always ask ourselves whether anything more can be done.

That particular statement from the Minister for Social Protection refers to the tough position in which carers were placed during the Covid-19 restrictions when respite care was suspended for so many people who relied on it so much. I sincerely hope that approach is never repeated. As with so many things when it came to Covid-19, the decisions made at the time have consequences. Many service users regressed so much during Covid-19 that they will no longer leave their homes. Not only does respite care benefit the carers but it also provides variety and professional care to the person in need of the care. The removal of that support will have created stressful situations for all involved.

As we can see, this motion calls on the Government to do a number of different things. I will comment on some of them. It calls on the Government to immediately reinstate all respite beds closed as a result of the Covid-19 pandemic. It is a complete scandal that Covid-19 resulted in respite beds remaining closed despite all Covid restrictions being removed. How has this happened? How has this been allowed to happen? What is the Government going to do to solve the problem? When will the problem be solved? We need answers to these questions and immediate action to reinstate any beds that remain closed.

The motion seeks to undertake a comprehensive audit of respite services funded in whole or in part by the Health Service Executive to establish the current provision of respite beds and level of unmet need. This is absolutely critical. Whatever waiting lists exist must be cleared. Why is it that we cannot seem to provide a service without a waiting list of some description? In order for this problem to be solved, it is first necessary to establish the extent of the problem. It must be done immediately. Respite is vital to the mental well-being of carers and I cannot stress this enough.

The motion seeks to provide the funding required to ensure ongoing and sustainable capacity in respite services. I mentioned the other day, when talking about special educational needs, the constant battles people face every year to secure supports for their children. A similar situation appears to exist in the respite sector. Ongoing and sustainable capacity must be ensured.

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We cannot have families operating day-to-day, not knowing from one week to the next whether their supports will be there.

The motion calls on the Government to ratify the optional protocol to the UNCRPD. According to the Irish Human Rights and Equality Commission, IHREC, the Government decided in 2018 not to implement the optional protocol that allows disabled people to make individual complaints to the UN. The Government said it would ratify it in 2020 when it had made its first report to the UN. It is now 2022 and there is still no sign of this being ratified. Perhaps the Minister of State could outline the current status of that plan and provide a timeframe for its ratification.

Another important issue related to the area of care is the pension situation. The programme for Government refers to a pension solution for carers. I have raised this issue a number of times in sessions on promised legislation, as have many other Deputies. We are now more than two years into the term of this Government. The magic money tree has been shaken for so many wasteful causes yet carers are still without a pension solution. When will this be sorted out? When are we going to even hear an update on it? Any responses to questions to date have been sorely lacking in detail and targets or dates.

An RTÉ report today and yesterday stated that the number of HSE employees being paid more than €500,000 per year has doubled from three to six. This would be justifiable in an organisation that was operating efficiently. It is totally unacceptable for an organisation that is in such disarray as the HSE is. The money used to pay those obscene salaries could be put to better use by getting people respite care and getting them off the waiting list. Carers are the people who are most in need.

**Deputy Mattie McGrath:** I too thank the Independent Group and compliment its Members on bringing this motion forward. I note the Government is not opposing it. I hope this is not another one of the motions that the Government does not oppose but on which it does nothing.

We have to salute the carers. I wear the carers badge as often as I can - it is only a small thing - to recognise the strenuous and arduous work that carers do. However, they are being blackguarded by the HSE and the Department. I note the Minister of State, Deputy Butler, has gone, like the snow off the Comeragh Mountains. When she sees us coming in she cannot face us. She closed respite beds in Carrick-on-Suir hospital, which served her own area. That will give some idea of the mindset in the Government.

Tens of millions of euro are being spent each year on private companies for recruitment. They are an abject failure because they are not recruiting. Why are they getting the money?

There is also the issue of child carers. Many children are caring for their loved ones and grandparents when they should be at school or taobh amuigh ag súgradh, out playing. It is not fair to them. There are many anomalies. Carers do such valuable work. Then there is the wasteful HSE with people getting over half a million euro. It is totally out of touch with, and tone deaf to, what is happening in the country. The Minister of State, Deputy Feighan, and his colleagues will find that out when they go knocking on the doors. People will be waiting in the long grass for them, if there is any bit of grass given there is no fertiliser to grow it. However, the people will be waiting for them with the peann luaidhe because they have totally abdicated responsibility. All they want to do is serve global masters in Europe and to hell with the daoine, the ordinary people.

We all will need carers some day because many of us may have different needs, and we will know about it then. It is shameful and pitiful. I salute Councillor Richie Molloy, one of my councillors in Tipperary and manager of the south Tipperary carers association, and his gallant team, given the uncertainty they are experiencing. They have the begging bowl out and have to lobby and fundraise with walks, coffee mornings and so forth to try to keep the service going. It is shameful.

**Deputy Richard O'Donoghue:** I thank the Independent Group for bringing this motion forward. Respite care centres are a gift in any community and can give those in need of care a break and give the family carer a respite from caring. In our community we are fortunate to have the Dromcollogher Respite Care Centre, which is a wonderful strength and resource. It is open to all areas in our rural community.

Respite care centres such the one in Dromcollogher are guided and regulated by HIQA to ensure the quality of care and safety of residents. However, I am adamant that there has to be a relaxing of the rules when it comes to respite care versus nursing homes. For example, living space and relaxing areas need not be as large. The brief for respite care centres is clear in that they provide short-term care for residents. The Minister of State, Deputy Butler, has visited Dromcollogher - I was there when she visited - and she has seen at first hand the type of centre it is and the type of care it gives.

Relaxation would enable residents to bring their prescribed medication in blister packs prepared by their own pharmacy, rather than having to get an in-house doctor and pharmacist to deal with it, which makes the experience complicated and may not be altogether necessary. Basically, if a person is coming for respite care, he or she is coming with medication from his or her doctor, but the ruling is that when people come into a respite centre they must use an in-house doctor. A person could have drugs from Monday to Thursday that are prescribed by a doctor externally but when the person comes into a respite centre that is being duplicated, at a cost. I am asking for that to be relaxed and for the drugs that are prescribed by external doctors to be allowed come into the centre.

**Deputy Michael Collins:** I welcome this motion from the Independent Group. It gives us the opportunity to debate what is a very important issue for many people who have ill loved ones in their homes.

I do not believe the Government or the HSE puts any value on respite services. Respite helps families to keep ill loved ones in their homes for many years, if their loved ones can get a couple of weeks of respite during the year in their local community hospitals. Sadly, this was not available during the Covid-19 pandemic for many people as the service was discontinued or scaled down. I did not agree with this as it put severe pressure on families who were already struggling. It had the opposite effect as it meant that the elderly people had to give up caring for their loved ones at home and the ill person ended up in long-term care.

Local GPs in west Cork were asking me to help get respite care for patients in certain hospitals and in nursing homes in west Cork over the past two years and even up to now. In many of the main hospitals in west Cork, it was extremely limited. Respite for children and adults with disabilities is deplorable. Parents are not getting any breaks. Respite care is not the only crisis we have in west Cork, as long-term residential places for adolescents and adults are almost impossible to access. CoAction West Cork has closed five respite houses in Castletownbere due to staffing and pay parity issues. This Government turns a blind eye to that. When the Minister

of State, Deputy Butler, who legged it out of the Dáil just before we spoke, decided to carry out a hush-hush Fianna Fáil nod-and-wink visit to west Cork as a Minister of State of this country, I wish she had contacted me so we could have visited the people who are really affected by these closures in Castletownbere and met the families who have very ill loved ones at home and cannot get respite care in hospitals in west Cork. Then she would have had the real picture of what is happening in the real world.

**Deputy Michael Healy-Rae:** I thank the Independent Group for bringing this important motion forward. Respite provision is important to allow caregivers to obtain a break. These caregivers are saving the State millions of euro every month. Despite this, the Government continues to treat them in a cold and derogatory manner. All these caregivers are being taken for granted by the State. Many of my constituents who are caregivers have been keen to stress to me that while they face many pressing issues, it is respite provision that is the most pressing. They feel betrayed, and are very annoyed with this Government for not addressing this issue.

I also fully support the CEO of Family Carers Ireland who has spoken of the need to increase the carer's allowance to €325 per week in budget 2023. This would be only right and proper because the care that is given to people in their homes is very important. It is saving the State millions of euro. Everybody knows that if an older or vulnerable person can be kept in his or her own home, it is the right place and safe place for that person to be. It is what we want, and I support that fully and I always will. I thank the carers in County Kerry who are doing such good work in keeping people at home.

**Deputy Danny Healy-Rae:** I, too, thank the Independent Group for bringing this very important motion before us today. I hope the Government will assist in doing something about the position of carers. It is very important for carers to get some respite so they can keep the family member in the home for as long as possible. I know an old gentleman, and he is a gentleman, of 86 years of age who is trying to care for his son who is 46 years old alone. He has been sanctioned for respite care since January but still has not received it. This man is on his knees; he needs home help himself.

On the issue of home help, people in Kerry and especially in the Killarney and Castleisland areas are waiting for home help for elderly people to try to keep them in their homes for longer. The HSE says it is having trouble recruiting staff, yet I know staff who are trained but who still will not be hired. They have gone away and taken other jobs after having being trained and doing the courses. What is wrong with the Minister? Why is this happening? It is so important to allow people to stay in their homes for as long as possible, but they are not being assisted. The hospitals are crammed and the emergency departments are clogged up. They have nowhere to go. There should be a small bit of assistance. If more home help and carers were provided, it would give people a chance and they would stay in their homes for longer, which would save the Government millions of euro. However, the Government has no notion at all about millions other than to fire them out wherever it wants, but it will not give them to our own people who really need it.

**Minister of State at the Department of Health (Deputy Frankie Feighan):** I thank all the Deputies for their contributions to this debate. On behalf of my colleagues, the Minister, Deputy Stephen Donnelly, and the Ministers of State, Deputies Rabbitte and Butler, I assure Members that this Government is acutely aware of the importance of respite care for service users and their families and remains firmly committed to ensuring increased capacity is built into respite services provided by or on behalf of the HSE. The Government is committed to

providing services and supports for people with disabilities, which will empower them to live their lives and provide greater independence in accessing the services they choose. In addition, overarching Government policy is to support older people to live in dignity and independence in their own homes and communities for as long as possible.

The Government recognises the important role that family carers play in the provision of care in Ireland. I would like to restate what my colleague, the Minister of State, Deputy Butler, said about family carers and how they are the backbone of care provision in our country and have cared for the most vulnerable in society during the Covid-19 pandemic. The need for increased respite provision for persons with a disability and older persons is acknowledged by the Government and is reflected in the HSE's national service plans for 2021 and 2022.

The Government's commitment to improving services and supports for people with disabilities and their families, was demonstrated in budget 2022, with a total budgetary allocation of more than €2.3 billion, which included funding to reflect the importance of respite breaks as part of the overall suite of services available for people with disabilities and their families. Building on the 2020 funding for respite services of circa €70 million, in 2021, funding of €5 million was provided for nine additional centre-based respite services, to provide 10,400 additional respite nights along with a range of alternative respite projects including Saturday clubs, breakaway schemes and summer schemes. The number of overnights, with or without day respite, accessed by people with disabilities in 2021 is advised as 94,606. The number of day-only respite sessions accessed by people with disabilities in 2021 is advised as 16,306.

Budget 2022 provides €9 million to build the capacity of our respite services with the Government committed to the establishment of three additional specialist centre-based services - one to provide specialist care for people with Prader-Willi syndrome and the other two to provide high-support respite for children and young adults with complex support needs. These centres are expected to provide 4,032 nights to 90 children and young adults with complex support needs. In addition, funding for further respite services is provided for in budget 2022, which will provide 9,408 nights to 245 children and adults in a full year.

The Government also provided an unprecedented level of investment in the 2021 budget to improve access to primary care services and older people's services, including €150 million of additional funding for home support to progress the development of a reformed model of service delivery to underpin the statutory scheme for the financing and regulation of home-support services. This funding has been maintained into 2022, providing for 5 million more hours of home support. The overarching policy of the Government is to support older people to live in dignity and independence in their own homes and communities for as long as possible. Where this is not possible, the HSE supports access to quality long-term residential care where this is appropriate.

Access to respite care is based on both the needs of the older person and their carer and can take place within their own home or in a residential care unit managed by the HSE, voluntary agencies or by private providers. Respite can occur in a variety of settings for various lengths of time, depending on the needs of the individual service user and their family or carer. Respite is not always centre-based and can be provided in a number of ways, for example, centre-based, in home; home to home, family support, etc. As a vital part of the continuum of services for families, respite potentially helps prevent out-of-home full-time residential placements, preserves the family unit, and supports family stability. However, the provision of residential respite services has come under increasing pressure in the recent years due to a number of

impacting factors, including: an increase in the number of children and adults who are seeking access to respite as a reflection of general population increase; increasing levels of complexity across the sector due to better and improved health care; an increase in the age of people with a disability resulting in people presenting with changing needs; and the impacts of regulatory standards and national policy on capacity.

As was set out by the Minister of State, Deputy Butler, the Covid-19 pandemic has resulted in the closure of some residential disability services in line with public health advice. I do acknowledge that this has been difficult for many people with disabilities and their families. Respite services operated at reduced capacity throughout the pandemic. This was as a direct impact of prevailing public health advice at that time, to keep some of our most vulnerable safe during the pandemic. During this time, some respite centres remained open, while others were temporarily repurposed as isolation facilities. The use of targeted one-to-one home support hours were offered in lieu of respite in certain circumstances, subject to appropriate risk assessment. Throughout the pandemic, staff and resources associated with closed or curtailed services were redeployed where possible to support residential provision and to provide for targeted in-home, community and online supports for service users and families based on prioritised needs. For those with disabilities and their families and for older persons, the impact of the pandemic on those services has presented challenges and the human cost for those affected by the reduction in respite services as a result of Covid-19 cannot be underestimated.

The Disability Capacity Review to 2032 - A Review of Disability Social Care Demand and Capacity Requirements to 2032, published in July 2021, set out the additional respite capacity that will be required in light of Ireland's anticipated demographic change, and what is required to address unmet need. Following the commitment in the 2020 programme for Government to work towards implementing the findings, a disability action plan framework was also published in July 2021 alongside the terms of reference for an interdepartmental working group to develop this action plan, for submission to the Cabinet sub-committee on social affairs and equality. The action plan, which is in the process of being finalised, will help to guide the Government to ensure that we can plan ahead to meet changing needs and demographics and ensure that people with disabilities can get the right services, in the right place, at the right time. It is also intended to work towards providing equitable access to respite services irrespective of where people reside. While challenges remain, the need for increased respite provision is acknowledged and reflected in the HSE's national service plan for 2022.

It is important to note that the programme for Government aims to prioritise policy actions that protect the most vulnerable, including those both in caring roles and those they care for, as our economy returns to growth in the aftermath of the pandemic. The Department of Health is committed to working with other Departments to ensure that we are providing the most appropriate supports to sustain carers in their caring role. Officials from the Department of Health recently partook in the annual carers forum hosted by the Department of Social Protection. This annual forum is there to allow family carers and representative organisations to voice their views on caring in Ireland and their priorities to support them in their caring role. The national carers strategy aims to recognise and respect family carers as key care partners where carers are supported to maintain their own health and well-being and to care with confidence.

I assure the House that the Government is as determined as ever to provide timely access to high-quality health and social care services, including respite services for all children and adults who require them. As Ministers of State with responsibility for disability and mental health and older people, Deputies Rabbitte and Butler, are acutely aware of the respite service for

service users and their families. Respite remains a key priority. This is reflected in the funding commitment achieved for the development of new respite centres, alternative respite and the expansion of existing services.

**Deputy Marian Harkin:** I thank Deputy Connolly for her comprehensive and eminently reasonable motion on the provision of adequate respite care services. This motion lays bare the cruel situation in which many family carers find themselves and asks that an adequate and sustainable service is put in place. It also very reasonably asks that all respite beds closed as a result of Covid be reinstated. This is what we call living with Covid. It is completely unacceptable that this has not happened.

Unless someone is a carer and has responsibility 24-7, or even part-time, and unless it is an individual's day-to-day reality, most of us cannot comprehend the beyond urgent need for respite services. These services allow family carers to have a weekend off and a family to be an ordinary family, where they can sit down for a few hours undisturbed, watch television, go to a football match or go to the cinema. Carers are suffering burnout. Family life is partly or completely disrupted and lives are put on hold.

The shortage of respite services means we are firefighting. What is happening is the most urgent case takes precedence over the extremely urgent, which takes precedence over the very urgent. The Minister of State and I are well aware of a situation in south Leitrim where there are no respite beds. I know of a family that had eight days respite per month for a young person with very special needs. Overnight, they were told it was gone because a more urgent case had come on board. It was simply gone. I know the Minister of State, Deputy Rabbitte, is doing her best with it and, fair dues, she came to Carrick, but the question is why did this happen in the first place? People are still waiting and asking why it is taking so long.

I will raise a final point regarding a major problem in the care services. The Minister of State and I know carers travel from one home to another for a half-hour here and a half-hour there. It could be 10 km or 15 km one way or the other but they get no payment for travel. At the best of times, that is unacceptable but with the major increase in the cost of petrol and diesel, how are carers supposed to travel at their own expense when they are paid approximately €12 or €13 an hour? I have been contacted by carers who are thinking of giving up work because it costs them so much money - not to go to work or to go home, but to work. The acute shortage of carers will lead to a collapse of the system.

I ask the Minister of State to act on two things: travel costs paid to carers and the delivery of an adequate respite service for family carers.

**Deputy Catherine Connolly:** I thank all the Members for their very helpful and supportive contributions. I was more hopeful at the beginning than at the end of the Minister of State's contribution. The tabling of this motion was an attempt to put a spotlight on the situation relating to respite, the dreadful situation on the ground and the inconsistency from county to county. Deputy Sherlock talked about recruitment issues. I agree with him but there is a bigger and more fundamental problem, which is there is no recognition of the essential nature of the service provided by respite. It is simply not there. Some 3% of the budget goes to it.

I will be parochial and mention Galway in order to illustrate the point. I am receiving texts on an ongoing basis regarding somebody in Galway. I will not go into the details. There are no respite services at Merlin Park University Hospital for the family in question. This is a hospital

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that sits on 150 acres, where there is lots of space and many buildings, but has only six respite beds for a city the size of Galway. I have just been informed that Carrowroe has no respite beds, which I knew, but it will have no respite beds in the future because of some plan to move them all into Merlin Park. We are talking about a huge county and we are also talking about the Irish language.

I tabled this motion to try to put a spotlight on this matter. I thank all the Deputies for their support for it. In putting that spotlight on it, let me just compare the lovely words with which the Minister of State concluded his speech with the reality on the ground. All respite was cancelled - we have all acknowledged that - in March 2020 due to the pandemic. In a reply to a question relating to Galway, it was stated that infection prevention control requirements meant that respite could not continue to be provided in some units post pandemic; we do not know how many. Waiting lists were not maintained so we do not know who is waiting. We were then told respite is prioritised based on need and date of application from the clinical practitioner since the beginning of 2022. There are no waiting lists now because they were cancelled. There are six beds in Merlin Park so, no matter what a clinician says, no respite beds are available.

If we look at that in the context of an answer I got in October 2021, the breakdown of the waiting lists for three agencies in Galway indicated 94 adults were waiting more than four years for respite, 36 were waiting two to three years and 31 were waiting 18 to 24 months. Between another two agencies, 19 children were waiting more than four years for respite, 11 were waiting two to three years and six were waiting 12 to 18 months. I made a decision earlier not to go into the minutiae. I am ending up doing so because of the overall spin that comes out from the Department, and through Ministers, regarding what is happening on the ground. We have a serious difficulty with the absence of respite beds and an equally serious difficulty with the spin around that.

I do not mean to be parochial in any way even though I am using Galway as an example. This motion requests an audit for the whole country. The Minister of State gave us figures of thousands of hours provided in respite services. This means nothing to the person who cannot get respite in Galway for one week in July, notwithstanding he or she is caring 24 hours around the clock. I do not expect the Minister of State to answer me in the Chamber. I ask him to at least recognise why this motion was necessary. It asks for one basic thing: an audit to be urgently carried out to find out what services are available to see whether they are meeting the need, not to mention the unmet need that has been clearly set out.

The capacity review I referred to, along with the 2018 health service capacity review, stated it was unsustainable for hospitals to go on the way they were and that we needed community care. That is what Sláintecare states. Respite is one tiny part of that. Yet, I read out information regarding horrific waiting lists in Galway city, and Merlin Park having six beds with a promise of 13 some time in August or July, depending on staff and the person who is addressing it. I accept the Government is not opposing my motion and that the Minister of State, Deputy Butler, said she was very open to doing an audit relating to her area. She was also going to speak to the Minister and the Minister of State, Deputy Rabbitte, about the overall audit. An audit is the most basic ingredient before we can have a planned service. It is also a step towards honesty and recognising that we are not providing respite care.

I also requested as part of the motion that we look at rented buildings because it is money going astray. This has been repeated not just by me but the agencies and service providers in Galway that are spending millions on rent to provide respite, among other services, with no

security of tenure. It is a complete waste of money that is due to the Government's approach to capital projects as opposed to revenue and rental projects.

We need a date for the optional protocol. I realise that certain ingredients have to be put into the mix and that we are working on those. However, we need a date for the signing of the optional protocol, if we are seriously committed to planning for and giving services on a human rights basis.

Question put and agreed to.

### **Ceisteanna ó Cheannairí - Leaders' Questions**

**Deputy Eoin Ó Broin:** Yesterday, the Cabinet approved the defective concrete block remediation Bill. After months of delay, homeowners affected by pyrite, mica and pyrrhotite have sight of the Government's intentions. Tomorrow, the Joint Committee on Housing, Local Government and Heritage will sit for six hours to scrutinise the general scheme of the Bill. We will hear from homeowners, experts and officials. It is disappointing that the full Bill has not yet been published in advance of that meeting and it is concerning that the Government is allowing just three weeks for the legislation's passage. It is a complicated Bill that comes with a price tag possibly exceeding €3 billion and there is a concern that the Government will not afford adequate time for full committee consideration of the Bill over the next number of weeks. This concern is shared by homeowners, and it should concern the taxpayers, who are being asked to foot the bill.

No Deputy wants to delay the passage of the legislation, but surely we all want to get it right. As it stands, the legislation is not fit for purpose. It is defective. Like the homes it promises to fix, it is filled with cracks and holes and stands on weak foundations. It will not provide 100% redress for many homeowners. The formula for calculating costs is deeply flawed. The proposals for addressing cost inflation are wholly inadequate. The exclusion of foundations is contrary to the science. There are no mechanisms for penalty-free downsizing. There is no clarity on meeting current building and energy efficiency regulations. There are concerns that homeowners will be denied demolition and rebuilding even where that is the most sensible option. There are fears that the damage threshold will exclude many affected households. There are concerns that the appeals process may not be fully independent.

Just as the Bill has been delayed, many are worried that the subsequent regulations will be, too, meaning that the new scheme may not be open and available for applications until 2023. I wonder why the review of Irish Standard, IS, 465:2018, which underpins the scheme, will not be concluded in parallel with the Bill, if it will also be delayed and whether it will address key issues such as, for example, foundations and pyrrhotite. These are all genuine concerns expressed in recent days by affected homeowners, families who have lived in the most appalling and stressful of conditions for more than a decade, who have been repeatedly failed by Governments and who are urging all of us to work together to get the Bill right.

Ultimately, responsibility for defective buildings lies with industry - rogue quarries, block manufacturers and, in other cases, contractors - but the Government is also to blame. Light-touch regulation introduced by Fianna Fáil and Fine Gael in the 1980s and 1990s created the context in which such rogue operators could survive and flourish. Thankfully, we now have the opportunity to clean up that mess, do right by homeowners and, crucially, deliver 100% redress.

My question is simple. Will the Minister commit to working with all of us on the committee over the next three and a half weeks to ensure that we address all of these issues and give the homeowners in the affected counties the redress scheme that they desperately need and rightly deserve?

**Deputies:** Hear, hear.

**Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien):** I thank the Deputy for his question and for raising the important issue of defective blocks. As he rightly stated, the Bill is detailed and complex legislation. By the way, it has not been delayed. There has been weekly, if not daily, engagement with homeowners and I have endeavoured to engage with Opposition parties. I wrote to the Deputy directly with many detailed questions a number of months ago that he publicly committed to responding to, which he has not done. That is his wont, which is okay.

Let us consider the scheme's fundamentals. There will be 100% redress. We have upped the cap from €247,500 to €420,000. We have allowed significant additional costs such as storage and rental. We have also removed the barrier to accessing the scheme, for which homeowners were paying up to €6,000 or €7,000 heretofore. Those payments have been refunded to most of those who paid them and we are reducing the cost to approximately €500.

I will of course work with all Opposition parties. I am glad that Deputy Ó Broin is now engaging, although somewhat delayed. This is important legislation and, to be fair to the committee, it has taken a sensible approach to it by ensuring that there will be a meeting tomorrow with the affected homeowners group as well as experts in the field in order to get their views. I have received those views right the way through the process. As the Deputy knows, Mr. John O'Connor, the former chief executive of the Housing Agency and the designated liaison between the residents and me, met the homeowners group on the day last week when I brought the first memorandum to the Government.

The scheme is greatly improved. It needs to be grounded in legislation. The previous scheme, to which all parties, including the Deputy's, gave a guarded welcome in 2020, was insufficient. I gave a commitment to homeowners in all affected counties and others that may be affected that we would greatly improve the scheme, provide 100% redress not only for a principal private residence, but for one other property that was registered with the Residential Tenancies Board, RTB, examine the guarantee, which will now be 40 years, and allow a second home grant in order that, if options 2 to 5 are selected - the replacement of the outer leaf, inner leaf or a combination of both - a guarantee will be given by the State and a homeowner will have access to the scheme again. This is important, as is extending the guarantee to 40 years.

Regarding pyrrhotite and infill, the Deputy is raising many of his concerns without having seen the legislation. As he knows, he and other members of the committee will be receiving a detailed briefing in advance of the meetings. That has been arranged. In that space, we will endeavour to work through the process. We need the legislation passed by the summer. There is no question of anyone trying to railroad it through. It has not been delayed. Rather, we have taken on board all of the legitimate concerns and points in order to improve the scheme.

Let us be clear, in that this is a significant Government intervention to the tune of at least €2.7 billion. The Deputy may not have seen that inflationary measures are built into it whereby I as Minister or any future Minister can revert to the House over the next three years and in-

crease the rates by a further 10%. If we see rates going the other way, that will be addressed too.

I want people to get their homes and lives back on track. I am committed to working through this legislation over the remaining weeks of this session in co-operation with Opposition parties, as well as Government Members who have been engaging on this matter, so that we have a scheme that is fit for purpose for residents in the affected counties and other counties.

**Deputy Eoin Ó Broin:** People living in cracking and crumbling homes are not interested in petty political point scoring. They want us to get the legislation right. Not only have I read the general scheme, but I have had informal briefings from the Minister's officials on the content of the as yet unpublished Bill, so I am as across it as I can be without having read it.

Tomorrow, homeowners from Clare, Mayo and Donegal will present to the Oireachtas Committee on Housing, Local Government and Heritage. They will set out all of the concerns that I have just listed. They will be telling our committee that the Bill, as it stands, will not work. They will urge us and the Minister to address these concerns by way of amendment during the Bill's passage. I am asking the Minister not just to display a willingness to work through the legislation, but to commit to working with us on crafting appropriate amendments on all of the issues that I have outlined and where homeowners and scientific experts have raised legitimate concerns in order to ensure that, when the Bill passes, which I hope will be by the end of this session, it will be the right legislation to provide the right redress to the thousands of affected homeowners.

**Deputy Darragh O'Brien:** I assure the Deputy that, as I have done with all Bills that I have brought before the House, many of which I have received support for from Opposition benches, I will work through the legislation and we will consider any amendment to it as we move through the process. It is fair to say that tomorrow's meeting will give an opportunity for residents to put forward their views. There have been guarded welcomes for this scheme from some quarters. Everyone accepts that it is a greatly improved scheme, one that is founded in robust legislation. The purpose of it coming through the Oireachtas, both Dáil and Seanad, is to seek views from Opposition parties and to look at amendments, which we will do. I was not trying to score any petty political points with the Deputy; I was simply outlining the fact that I endeavoured to engage with him earlier in this process. The Deputy gave a commitment to respond on what the Sinn Féin position was and he did not do so; that is all. Now that the Deputy is engaged I will be more than happy to do that with Sinn Féin, Labour, the Social Democrats, Independents and my Government colleagues. We can work this through to provide the basis for a greatly improved scheme that the Government has brought forward and to get the legislation passed by the summer recess so people can get on with getting their homes remediated and getting their lives back on track.

**Deputy Cian O'Callaghan:** I want to read the Minister an email I received recently. In the email, the person who contacted me says:

I'm 36 years old, working in a full-time job as an IT professional for a global multinational. I have savings and continue to put as much of my salary away as I can afford. Although I earn above the median income and have a stable job, I am forced to share a house with 5 other full time working professionals aged from late 20s to early 40s. Our rental house is owned by a global hedge fund. For each of us the prospect of home ownership or renting a property of our own is a laughable proposition. I'll be close to 50 by the time I've got enough of a deposit to afford a mortgage. This government, and every government of

my adult lifetime, have let me down.

Why is it that this Government is so determined to prioritise the interests of investment funds over those of people who want to own a home? Last year, when it was revealed that an investment fund was purchasing 135 out of 170 homes at Mullen Park, Maynooth, the Government said it was an isolated incident and was unacceptable. What does the Minister have to say to the revelations in the *Business Post* this week that funds snapped up more than 350 houses in the past year? That is nearly three times the number of homes that were going to be sold in Mullen Park. We told the Minister that a 10% stamp duty rate would not be a sufficient deterrent but he refused to listen. He again refused to listen when we raised concerns in February about the activity of a fund called Orange Capital Partners. At the time, the *Irish Independent* reported that the fund was buying up 300 homes in Dublin, including a number of homes in Portmarnock in the Minister's constituency. The fund did not care how much it paid for these homes. To be precise, it said: "it is irrelevant what we pay for them." The rental market in Ireland is so lucrative that funds know they are guaranteed big profits, regardless of what they pay.

How are first-time buyers and families supposed to compete with funds with bottomless pockets? Is it any wonder that the number of first-time buyers in Dublin has decreased by 30% in the past five years? Irish people are now almost 40 years old before they can buy their first homes. Under this Government, more and more people are being locked out of home ownership. Will the Minister finally listen and act decisively to ban investment funds from buying homes in bulk? Will the Minister include apartments in that ban?

**Deputy Darragh O'Brien:** I thank the Deputy and what he refers to as a "revelation" in the *Business Post* was no such thing. I brought a memo to Cabinet three weeks ago detailing the measures we brought forward over a year ago to protect first-time buyers against bulk purchases. What the Deputy has neglected to say is that in that period of time planning permissions have been granted for over 16,000 homes with the condition that they cannot be sold on a bulk basis. That is a fact and that has happened in just the space of one year.

I refer to the revelation the Deputy mentioned with the 351 homes. Mullen Park, as the Deputy knows, was not sold to investor funds. Those houses were sold for individual sale, which the Deputy has neglected to say. There were 47,000 house sales over the last 12 months, 351 of which were to investment funds, which is about 0.7% of the overall sales. The measures this Government and I have taken relate to planning going forward and they are working. We have levelled the playing pitch for first-time buyers and first-time buyers are up to the highest level on new mortgages that they have been since 2007.

I support home ownership and I want the person who has emailed the Deputy to be able to own his or her own home. That is why we have supported the help to buy grant, which the Social Democrats opposes. It is a €30,000 tax rebate that helps people to get their deposits together. I wonder if the Deputy will say that in his response to the person who emailed him. Will he also tell the person that the Social Democrats was one of the few parties to oppose the Affordable Housing Act 2021? The Social Democrats opposes cost rental, which is delivering hundreds of tenancies for people on a 40-year minimum basis on secure tenure and at 50% below the market rent. That allows for the direct build of affordable purchase homes, and the Deputy opposed 253 of those being built in Ballymastone in his county of Fingal in north County Dublin. Furthermore, the Deputy is on record as opposing what is probably the most significant measure that will be taken, which is the first home shared equity scheme which we will launch in July. That will help the person who emailed the Deputy to bridge the gap be-

tween the finance the person has and the finance needed by the State taking an equity, not by a second mortgage as the Deputy claimed last year when we brought it forward.

We bring forward these measures, including the €4 billion per annum we are bringing forward under Housing for All, because this Government has a housing plan that is published and financed. The Social Democrats, in comparison, has a lack of housing policies and a lack of finance behind any of the measures it wants to bring forward. We are clear on what we want to do and we are seeing commencements up to the highest level since 2007, with over 30,000 commencements in the 12 months to May, the highest quarter commencements and completions. We want to help people own their homes. The measures we have brought forward are targeted to do that. We want to build more social homes than we have ever done before and we are targeting 9,000 new build social homes this year through Housing for All as part of the 90,000 we will deliver between now and 2030.

**Deputy Cian O’Callaghan:** It is a pity that the Minister spent most of his time making attacks. People do not want to hear attacks back and forth; they want us to discuss solutions. I have a couple of facts for the Minister. First, 82% of planning permissions in Dublin city in 2020 were for build to rent schemes, which are exclusively bought by investment funds so there is no individual purchase in that. More than €100 million was spent last year by investment funds in buying up houses. Last year, not a single affordable purchase home was delivered by the Government; it was only 65 cost rental homes. The reality in home ownership is that the level of it continued to fall last year. Fewer than 6,000 new build homes were available for individuals to buy, which has fallen on previous years. Will the Minister act decisively to ban investment funds from bulk buying homes and will he include apartments in that ban?

**Deputy Darragh O’Brien:** I was not trying to score any political points. I was just stating the facts of the Social Democrats position and of what we are bringing forward as a Government on affordability measures because we support home ownership, social housing and social housing delivery. We have a plan that is fully funded on a multi-annual basis to do that and that plan is starting to take hold. There is no question that we will turn this around in a year or two but the plan is starting to take hold. We are seeing direct build affordable homes in the Deputy’s county of Fingal, in Cork and right across the country, hundreds of which will be delivered this year. Hundreds more cost rental homes will be delivered and the first home shared equity schemes will begin, which will be a significant measure to help those who need that assistance from the State by bridging the affordability gap for them. The planning measures we have brought forward are working and I have just given the Deputy the facts on that. Some 16,000 new planning permissions have been granted with the condition that the homes cannot be sold to funds. Let us be realistic when the Deputy talks about this revelation. We are talking about 0.7% of homes that were sold over the last 12 months. Let us not try to make an issue that does not exist. We support home ownership and we need supply across all areas, including rental, social, affordable and private, and that is what we are determined to do.

**Deputy Peadar Tóibín:** In its first ever inspection of hospital overcrowding, the Health Information and Quality Authority, HIQA, found that there was a risk of a grossly overcrowded emergency department in University Hospital Limerick. It found that one of the patients was waiting on a trolley for five days and that people were travelling from the mid-west to Dublin to access accident and emergency departments. Emergency departments have record levels of waiting times, with most people waiting for roughly 13 hours. Older people are waiting 19 hours for admission into accident and emergency departments. Patients in Tallaght University Hospital are waiting 24 and a half hours for admission and there were 8,600 people on trolleys

in May. The Mater Misericordiae University Hospital and the Midland Regional Hospital, Mullingar have told patients not to come near them because they are under such pressure with overcrowding. According to the Irish Association of Emergency Medicine, up to 350 people are dying annually due to overcrowding in this State.

According to a response I received from the Minister for Health to a parliamentary question, there has been a jump from 79,000 to 105,000 adverse incidents taking place in hospitals across the country. That is a jump of 32% of people who have suffered ill health as a result of mistakes happening in hospitals. Extreme incidents have risen from 373 cases to 579 and include death and incapacity. These are happening because of the massive fact that overcrowding is gripping our hospitals. Why? It is because of the lack of capacity. We have seen the number of hospital beds fall from 20,000 to 14,000 and the number of ICU beds is 200 fewer than even the HSE states there should be.

If one tries to register for a GP in counties like Meath at the moment, one cannot get such a registration for love nor money. If one has a GP, it will take a fortnight to get access to an appointment. So far this year, 400 doctors have emigrated to Australia. The health service is a disaster and a car crash and it is happening under the Minister's watch.

What is the response of the HSE? It states it wants to close Navan accident and emergency and five ICU beds that go with it, and send the 25,000 patients to a queue in nearby hospitals to wait for hours for life and death treatment. One does not have to be Einstein to work out the response to overcrowding is more capacity, not less.

The man in charge of the HSE, Paul Reid, is paid €411,000 per year. The number of people in the HSE paid more than €410,000 has doubled in a short period of time. Now we hear the Government will give a 10% to 15% pay increase to public servants earning this amount of money. Is there no level of productivity related to the amount people get paid? Is there no link between the outcomes of people's work and the amount they get paid in the HSE? How can the Government proceed with pay increases to these civil servants at a time when we have such a crisis in the health service?

**Deputy Darragh O'Brien:** I thank the Deputy. He does our health workers and those who work in the HSE a great disservice by saying the health service is a disaster.

**Deputy Peadar Tóibín:** They would agree.

**Deputy Darragh O'Brien:** The Deputy will understand what the health service has been through over the past two years and the incredible commitment of our professionals in accident and emergency departments, right through our wards and back room and management teams. They have had two exceptional years trying to keep our people safe and manage this country and the health response through Covid. The Deputy's comments calling the health service a disaster are reprehensible and he should withdraw them. The commitment that has been shown by our health professionals has been incredible.

That said, there are serious challenges with regard to waiting lists. Part of that is due to the restrictions that were in place on access to our hospitals during the two years of Covid. The Deputy neglected to say that. Let us be real and realistic. The HSE has a budget this year of €22 billion. Waiting times and waiting lists like we see are not acceptable. That is why the Minister, Deputy Stephen Donnelly, has brought in specific plans and sent an expert team into University Hospital Limerick, which the Deputy referenced. Each hospital will bring forward

plans supported by the HSE on reducing waiting lists and managing emergency departments, EDs. We must recognise where our health service has come from and the incredible work the health service professionals on the front line, including GPs, have done over the past two years to get us through the pandemic. Do we have challenges there? Of course we do. There is no question whatsoever but there are challenges there. We are determined as a Government, and the Minister, Deputy Donnelly, supported by his colleagues, is determined, to make progress in this space. Resources are not an issue.

To answer the Deputy's question on the FEMPI legislation, this was an agreement made by Government and supported by most parties in the Dáil to unwind FEMPI. The percentages the Deputy gave are incorrect. There are 1.7% to 10% increases for the about 1% of the public service who are left, most of whom are hospital consultants. The Deputy has been in here before bemoaning the loss of hospital consultants and professionals who are going abroad. Is he now saying we should rip up an agreement and not pay that 1% of workers, many of whom are the healthcare workers he mentioned today, while we are in the process of negotiating a new public sector pay deal? Is he for real? Does he think that is sustainable? The Government will stand by the agreements we make. We will see this through and are doing the right thing on behalf of our people.

**Deputy Peadar Tóibín:** Make no mistake, Minister, this disaster is an indictment of the Government and not a reflection on the health professionals who carry the weight and burden of Government mismanagement on their shoulders. That is the truth and do not try to deflect it.

The Government entered into pay talks with low- and middle-income earners in the public service and the Minister, Deputy Michael McGrath, is offering them a 2.5% increase in salary. He is telling low-income individuals they will have a pay increase, potentially, of a quarter of the current rate of inflation in this State, while those earning more than €150,000 will get a pay increase over the rate of inflation.

Let the Minister not tell me he cannot change the law. That is what governments do. They have the right to change the law. Top civil servants like Robert Watt and Paul Reid earn the largesse of this Government. There is never a problem with chasing inflation or with the national debt when it comes to them. There is generosity from the Government's pockets, but for people on salaries of €30,000 or €40,000 the Government shuts down the idea of proper pay increases to meet the rate of inflation. If the Government continues, Paul Reid will get a pay increase of potentially €50,000, on top of €411,000. How is that fair when the health service is in the crisis it is in?

**Deputy Darragh O'Brien:** It is unfortunate the Deputy has taken this approach but he is entitled to do so. Let us be honest with people about the investment in the health service. We have record beds and resources for diagnostics-----

**Deputy Peadar Tóibín:** There were 20,000 beds. There are 14,000 now.

**Deputy Darragh O'Brien:** -----and record levels of staff. The Deputy is asking the Government to renege on an agreement that is in place. I have great regard for our public and Civil Service. We have fantastic people working across the sector and, particularly over the past two years, those who wanted to see it have seen the value of that and of ensuring we resource our public service.

**Deputy Peadar Tóibín:** It is 2.5% for low incomes.

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**Deputy Darragh O'Brien:** The Deputy and Aontú are saying they would rip up an agreement that has been supported by the Dáil previously, by most parties. We are looking at a pay increase of between 1.7% and 10%. Is the Deputy for real in saying he would rip that up if he was in government and bring in legislation to renege on an agreement while we are in the middle of trying to negotiate a new public sector pay deal? Hopefully, Aontú will never get into government.

**Deputy Peadar Tóibín:** We would link pay to productivity for senior public servants.

**Deputy Darragh O'Brien:** Good luck.

**Deputy Carol Nolan:** During Leaders' Questions last March, I called on the Taoiseach to clarify if Government had conducted any assessment of the impact of disability respite services following the commitment to provide disability-specific accommodation to citizens fleeing war-torn Ukraine. I have not received an answer three months on and still await one. Today, however, I ask if the Government has conducted any similar assessment of the State's capacity to deliver housing to its own citizens, in light of the enormous rise in inward immigration, international protection and asylum applications.

As I understand it, the numbers arriving into Ireland are now at the rate of 1,500 per month. I am conscious this is a difficult and sensitive issue and we must tread carefully if we are to avoid blame being targeted at those who least deserve it. However, I am convinced that if we do not learn to find some way of exploring in a grown-up, pragmatic and constructive way the links between unsustainable levels of inward migration or asylum into this State and housing, then we will never find a meaningful solution to an already overwhelming crisis. Government can produce all the strategies it likes around housing and it can commit to implementing White Papers, ending direct provision and ensuring that nobody, regardless of nationality or origin, is left to sleep on hotel floors but all of this is utterly meaningless if we do not find a way to make the immigration and asylum system more robust and fairer to everyone, citizen and non-citizen alike.

Over the weekend, Michael O'Toole of the *Irish Mirror* reported that there has been a phenomenal rise of 700% in one category of immigration alone. In an article in *The Irish Times* headlined "Housing supply buckling under extra strain of asylum seekers", Harry McGee reported one Fine Gael Deputy describing the impact of the UK Government's Rwanda policy as "a runaway train coming down the track at us, and we have no way to stop it". All of this means that Ireland's capacity to provide even the bare minimum of emergency accommodation and shelter to its own citizens and those genuinely fleeing war is being severely undermined.

We can no longer bury our heads in the sand when it comes to these issues. Our political system must find a way to talk maturely and openly about these issues without fear. The Minister will be aware that, in May, the Government was warned that the arrival of tens of thousands of refugees posed a risk to social cohesion and integration, particularly in deprived communities. That risk will be massively increased and will continue to grow and become more widespread unless we seek to ensure that our barely functioning immigration system is brought under control. Does he agree that it would be a lose-lose scenario for everyone involved and particularly for those who have now been homeless for some time if we did not bring this under control quickly?

**Deputy Darragh O'Brien:** I respectfully suggest that the Deputy's comments this after-

noon pose a risk to social cohesion. I want to be very clear on behalf of the Government.

**Deputy Carol Nolan:** That is outrageous.

**Deputy Michael Healy-Rae:** That is an exaggeration. The Minister is losing the run of himself.

**Deputy Carol Nolan:** That is outrageous. It appears the Minister has a problem with every speaker this morning. Let us face the reality and the facts.

**Deputy Mattie McGrath:** The problem is over there.

**Deputy Carol Nolan:** It is disgraceful.

**Deputy Darragh O'Brien:** Government has been very clear, particularly regarding our response to our friends from Ukraine. We will take in as many Ukrainian citizens fleeing the brutal war foisted upon them through no fault of their own as we must. We will not introduce any caps in that regard. Our housing response is in addition to Housing for All. Let us be very clear; there is no blurring of the lines here. I referenced that earlier on. We have the most significant housing plan in the history of the State involving €4 billion a year in Exchequer investment. It will deliver 300,000 homes between now and 2030. We are on track to deliver-----

*(Interruptions).*

**Deputy Darragh O'Brien:** -----more social homes this year than we have in any year in the history of the State.

**Deputy Mattie McGrath:** Does the Minister believe his own spin?

**Deputy Darragh O'Brien:** Will Deputy Mattie McGrath try to behave himself a little bit?

**Deputy Mattie McGrath:** Does he believe his own spin?

**Deputy Carol Nolan:** The arrogance is unbelievable.

**Deputy Darragh O'Brien:** I will ask Deputy Nolan a direct question. Does she support this State providing refuge and safe harbour to citizens from Ukraine who are fleeing a brutal war?

**Deputy Carol Nolan:** I asked the Minister the question.

**Deputy Mattie McGrath:** Freagair an cheist.

**Deputy Carol Nolan:** Is the Minister now questioning the Opposition? I asked him a question.

**Deputy Darragh O'Brien:** From her comments here today - the Deputy is trying to parse that-----

**Deputy Carol Nolan:** That is outrageous.

**Deputy Darragh O'Brien:** What she is trying to say is that there will be some impact on our delivery of housing for people-----

**Deputy Carol Nolan:** There is.

**Deputy Michael Healy-Rae:** Of course there is.

**Deputy Darragh O'Brien:** Ceann Comhairle, there is little point in me trying to respond.

*(Interruptions).*

**An Ceann Comhairle:** I will suspend the House if people do not allow the Minister to reply.

**Deputy Darragh O'Brien:** Deputy Nolan has walked a very fine line here this afternoon. What she is effectively calling for is a cap on immigration and asylum seekers in this country. Let us be clear. I am calling that out. That is what she is calling for. We will not support that. We will not support a cap on Ukrainians coming here who have fled a war foisted upon them through no fault of their own. As far as I know, all parties, with the exception of the Deputy and her colleagues, support that approach. Does it pose challenges for us? Of course it does. Do the Irish people realise that? Yes, of course they do. This is a welcoming country. Over our history as a people, we have had to seek safe harbour all across the world. We were treated very badly in some of those countries. We are not going to allow that to happen here in Ireland. Our Housing for All plan is robust and will deliver the houses we need. The provision of longer-term accommodation and housing for Ukrainians and, indeed, those from the Middle East, Africa and other places who are seeking safe harbour is in addition to that. Does the Deputy want to draw a distinction between different groups who come here? Is that what she is asking me to do?

**Deputy Mattie McGrath:** The Government has drawn the distinction.

**Deputy Carol Nolan:** That is absolutely outrageous.

**Deputy Darragh O'Brien:** We will not go down that line.

**Deputy Mattie McGrath:** The Government has drawn it.

**Deputy Carol Nolan:** May I respond please? The Minister's comments are absolutely outrageous as is the reckless policy he has in place. I will make my points very clear. Is the Minister saying that we welcome everybody in only to leave them sleeping on hotel floors for years? That is what he is saying. That is how reckless his Government has been. How dare he misconstrue what I have said. I asked him very direct questions. We have a housing crisis. The situation is unsustainable. It would be lovely to be able to give everybody a house. The Minister has said that himself. Is he suggesting that we can do that? Is he suggesting that it is fine to have people on hotel floors for years, because that is what he is saying to me? The Minister needs to come down off his high horse, face the reality and the facts and listen. He has been on his high horse since the first representative of a party asked him a question this morning. He is entitled to answer the questions of those of us in the Opposition and we are entitled to pose them. I want to clarify that I do not want to see anybody who is fleeing war or genuine persecution sleeping on a hotel floor for years. Neither do I want to see families in Laois-Offaly left without accommodation, languishing on a housing list for ten years. How dare the Minister answer me in that way and misconstrue what I have said here today. The Minister would be better off doing his job because he is failing miserably. He is failing Irish citizens. He is failing his own people and the immigrants as well.

**Deputy Darragh O'Brien:** I think people will be able to----

**Deputy Michael Healy-Rae:** Thanks for that.

**Deputy Darragh O'Brien:** Here we go again. I would encourage people to read the record of what Deputy Nolan said in her opening question. People will be able to make up their own mind as to whether she is drawing a distinction between our own Irish people and those who are coming here to seek safe harbour and refuge. We will not put a cap on the number of people coming here from Ukraine.

To bring this back to some form of reality, our housing plan is now taking hold. There were more than 30,000 homes completions in the 12 months to May, the highest number since 2007. We will deliver more than 9,000 new-build social homes right across the country this year. I have been in Laois-Offaly and have seen the developments that are happening there. We are bringing forward affordable housing for people for the first time in 15 years. We will do that as well as-----

**Deputy Carol Nolan:** When is that going to happen?

**Deputy Darragh O'Brien:** -----meeting our international obligations as a humanitarian country-----

**Deputy Carol Nolan:** When?

**Deputy Darragh O'Brien:** -----to provide safe harbour and refuge to those who need it.

**Deputy Carol Nolan:** This is what we are talking about, leaving people on hotel floors.

**Deputy Darragh O'Brien:** What the Deputy has called for today is a cap on that. That is what she has called for. I would ask people to read the record of what she has said.

**Deputy Carol Nolan:** The Minister is outrageous. He should come to Laois-Offaly to do something rather than to look around amid the fanfare. He is an absolute disgrace.

### **Ceisteanna ar Pholasáí nó ar Reachtaíocht – Questions on Policy or Legislation**

**Deputy Eoin Ó Broin:** The cost of living is pushing households to breaking point. People struggle to put food on the table, to put fuel in their cars and to put a secure roof over their heads. A report published by EUROSTAT today shows that Ireland had the highest prices for consumer goods and services in the European Union last year. Meanwhile, we see the biggest squeeze on incomes in a generation. Speaking on the radio this morning, the Tánaiste, Deputy Varadkar, reiterated that the Government has no plans to intervene before the budget unless things get worse. The Minister knows that people cannot afford the basics. He knows that, for many households, it would be a crisis if a child were to need a new pair of shoes. Families across the State are increasingly relying on food banks. Just how bad do things have to get before the Minister's Government acts?

**Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien):** Let us be very clear. As the Deputy knows, Government is acutely aware of the pressures fami-

lies and our people are under. Inflation is not just an issue in this country, but worldwide. It has been brought about by the war in Ukraine and issues with regard to supply chains, food and energy in particular. We have already introduced approximately €2.4 billion worth of measures to try to soften that blow. We will not be able to remove the effects of inflation completely. The Taoiseach and Tánaiste have been very clear that we will be doing more but we need to do it in a focused, targeted and strategic way. One of the best ways to do that is to take a whole-of-government approach at the budget this year. The measures we have already introduced are really significant and are significantly more than our nearest neighbours. We are aware of the pressures families are under and we will be introducing more measures, particularly at budget time.

**Deputy Ivana Bacik:** Yesterday, along with other Opposition speakers I called for a debate this week on the operation of An Bord Pleanála. I am asking the Minister to commit to having that debate at least before the summer recess. We are all conscious that the drip-feed of allegations about impropriety or conflicts of interest have the potential to undermine seriously public confidence in our planning and construction system. This is at a time when the President has rightly described us as having a housing disaster and has referred to our housing policy as a series of failures, which is a matter of real concern.

We are all conscious that the Minister ordered an inquiry by Remy Farrell SC and that the six-week period within which the report is to be provided to him concludes at the end of this week. We are all concerned that we will not have time before the summer recess to see that report and to have a debate on it in this House. In the context where an internal interview is also under way into the same allegations of An Bord Pleanála, it is incumbent that we have a commitment from the Government to having a debate on this.

**Deputy Darragh O'Brien:** I thank Deputy Bacik for her question. Obviously, the independence of the board and the position the board has are of crucial importance. I take the allegations very seriously in that regard. That is why a number of reviews and investigations are happening, including the specific one by Remy Farrell SC. I have not yet received the report. I know there was a vote in the Dáil yesterday to have a debate on this in advance of getting the report. If we are reasonable, which the Deputy is being, we need to be able to get the report and review it. I would welcome input from others when we have that report. Should I be in a position to publish it - I see no reason why I would not be - it would be appropriate at the correct time to have a debate, but obviously not in advance of the report being sent to me and being considered. I will keep the House informed of the progress in that regard.

**Deputy Cian O'Callaghan:** The Minister is due to receive that report six weeks after it was initiated, which is tomorrow. Is it on course to be delivered to him tomorrow? How long will it take for him to review it and to inform us what actions he will take on foot of the report? What will the Government do to ensure that all the allegations in the public domain will be properly investigated?

**Deputy Darragh O'Brien:** There have been some comments that the terms of reference for the senior counsel review are somewhat restricted. They are not at all. Term 5(a) states the senior counsel "shall exercise such discretion in relation to the scope of his examination of the matters of concern as he considers necessary and appropriate". Term 5(b) adds further to that. Where other allegations have come into the public domain, they are also being investigated. I have not received the report which is due within six weeks. The senior counsel can, if he sees fit, seek an extension to that if more work is being undertaken or if he has not concluded his

work. I have not yet received a request to extend the timeframe. If I do, I will certainly let the House know and let spokespeople know. As for how long will it take me to review the report when we get it, I do not know the scale or size of the report yet. Let me receive it first. I will keep Deputies informed the progress.

**Deputy Paul Murphy:** I want to raise a crisis situation facing hundreds of apartment and duplex owners in a major housing complex in Dublin South-West. Because of fire safety defects when they were constructed, they potentially face being locked out from accessing their apartments with the common areas being closed down by the fire officer. They are being told that each apartment and duplex owner will have to pay €15,000 to remedy these issues. Many of the people simply do not have that money; it is simply not possible. This is not their fault nor is it the fault of others in similar circumstances to them across Dublin and throughout the country. They did not know this when they bought their apartments; they could not possibly have known. They are the victims of an era of self-certification, poor regulation and shoddy building practices. The State needs step in here. We need to have a redress scheme to enable the work to be done.

**Deputy Darragh O'Brien:** Of course, it is not the apartment owners' fault. I assume the Deputy is aware that I established a working group on fire defects for apartments that has been working over the course of the last year. Most importantly, included in that have been the residents represented by the Apartment Owners Network and the Construction Defects Alliance. They put together the terms of reference; that was not influenced by me. I expect to receive the report very shortly. I take this issue very seriously. It is not the fault of the residents or apartment owners. When I receive it, I will bring the report to Government and we will consider what action we will take to help homeowners in this space. It has been a very extensive process with over 28,000 submissions received. We have the widest survey of the types of defects within these apartments and the report will reflect that. I will keep the House informed of progress.

**Deputy Noel Grealish:** A few weeks ago when headlines were dominated by queues and chaos at Dublin Airport, there were 35 people on trolleys and chairs in the emergency department of University Hospital Galway, a scene which was most likely replicated in other hospitals throughout the country. This did not feature in the media at all. We are now experiencing a summer Covid wave with cases in hospital rising significantly in the last week and expected to rise further in the next few weeks. The Chief Medical Officer has stated that hospitals are under increased pressure and the only certainty is that we will need to live with this virus for a long time with surges in hospitals at certain times of the year. The problems with overcrowding and the lack of capacity in University Hospital Galway will only get worse as the year progresses. I ask the Minister to outline what is being done to improve capacity and reduce overcrowding in emergency departments throughout the country in the short and medium term.

**Deputy Darragh O'Brien:** I thank the Deputy for raising this important issue. The Minister, Deputy Stephen Donnelly, has asked the HSE to prepare a comprehensive emergency department plan to address the issues in individual hospitals. He visited the emergency department in University Hospital Galway earlier this year. With the increase in the number of Covid patients over recent weeks, the consequent ongoing requirement to provide separate Covid and non-Covid pathways is putting pressure on the capacity to deliver. As I mentioned earlier in a response to a previous question, we are committed to resourcing those plans to take any measures we can to alleviate pressures on emergency departments, including University Hospital Galway. I will advise the Minister for Health that the Deputy raised the matter here today. We will keep him informed of progress in that regard. It is a very serious issue but we will provide

the resources to our emergency departments throughout the country to help move that process forward.

**Deputy Mattie McGrath:** Farm contractors and forestry contractors made a presentation in the audiovisual room here some months ago. They represent a vital component within the industry. They were pleading with the Government. They asked to meet the Minister for Agriculture, Food and Marine, who has ignored them, and the Minister for Finance. At €1.51 per litre, agricultural green diesel is now three times the price it was last year, with the additional cost of the AdBlue. This industry is vital for the delivery of our crops, our harvest, our food supply and timber for building. They want a certain amount of fuel ring-fenced for the harvest to ensure they can continue. Nothing has been done and no heat has been taken off them. It seems the Government is not interested in them. Is the Government trying to create a situation where it will starve the people and there will be no food? What is happening seems obvious to me. It is the same as it is doing with its policy of inward immigration. It is madness, to be honest. However, Ministers will not even meet the people and listen to them. They are elected to represent the people in Government and they have a duty to meet these incredible organisations. When will Ministers meet them?

**Deputy Darragh O'Brien:** Deputy Mattie McGrath is well aware, this was discussed yesterday and earlier today, of the measures we have introduced to help different sectors. If there is a specific request with regard to any sector, I will certainly raise that with the Minister for Agriculture, Food and the Marine. Forestry licensing in 2021 was 56% higher than in 2020. It is a very important component and part of our materials for the delivery of housing and other infrastructure. We are supporting those sectors through the measures we are taking during this cost-of-living crisis. If the Deputy has received a specific request, he should pass that to me and I will discuss it directly with the Minister for Agriculture, Food and the Marine and we will see if we can arrange a meeting shortly.

**Deputy Marian Harkin:** Last night, I received a devastating response to a Topic Issue matter I raised about the closure of the catheterisation laboratory, cath lab, at Sligo University Hospital. There were no new proposals offered; just excuses. I was told about the existing link with University Hospital Galway but the recent national heart attack audit confirmed that the average travel time between the two hospitals is three hours, which is double the maximum recommended time of 90 minutes.

There are six specialist heart units in Ireland. There are two in Dublin and one in each of Waterford, Cork, Limerick and Galway. There is nothing north of Dublin and Galway. Why are heart patients in the north west being discriminated against? Will the Minister confirm whether the national review of the specialist cardiac services will include the provision of these services in Sligo?

**Deputy Darragh O'Brien:** I thank Deputy Harkin for raising the matter of the mobile cath lab at Sligo University Hospital. As the Deputy knows, it is operated by a private company. The company concerned has advised it is to cease its provision of mobile cath lab services at Sligo University Hospital, and other hospitals in the Irish market, at the end of June. As a result, the Saolta University Health Care Group is working with hospital management on contingency measures to ensure adequate services are provided to patients. The HSE has advised that all options have been explored in relation to the continued provision of cath lab services in Sligo University Hospital after the cessation by the current service provider later this month. I will bring the points the Deputy has raised directly to the Minister for Health.

**Deputy Marian Harkin:** The Minister for Health has just left the Chamber.

**Deputy Darragh O'Brien:** I guarantee the Deputy I will do that. I know this is a serious matter for her constituents and for Sligo University Hospital. I will ask the Minister to respond directly to the Deputy on this serious issue to see what else the HSE can do to ensure the provision of services continues.

**Deputy Brian Leddin:** How we have appraised infrastructure projects historically has not been appropriate because we have done so in a very narrow way and applied a short-term view. We often do not take the wider and longer-term benefits of infrastructure into account and we have got it wrong time and again. Projects such as the western rail corridor will not add up if we look at them through a narrow lens. There are multiple broad and long-term benefits of projects such as the western rail corridor. That project, in particular, is a force multiplier.

Phase 1 of the corridor, from Limerick to Galway, has been completed. It made a mockery of forecasts and the traditional analyses we applied to these infrastructure projects. We need to consider this project which, as I said, will be a force multiplier for the Minister and his Cabinet colleagues. We need to take this project seriously because it will open up the west of Ireland for development. I want to put that project on the Minister's radar.

**Deputy Darragh O'Brien:** I thank Deputy Leddin. There is no question but that there are benefits to improving our infrastructure across the country and ensuring it supports regional development, in particular. That is why we have taken specific measures around the urban regeneration development fund. Almost €2 billion has been provided to our regions to provide compact urban growth. We need to improve our public transport capacity, in particular our rail capacity. The Deputy has specifically the western rail corridor. I and the Minister for Transport believe the western rail corridor certainly has merit. We will work through it as a Government to see how we can progress it further.

**Deputy Pa Daly:** I raise the issue of adult education tutors who work with the most marginalised groups and students but suffer basic unfairness in the terms and conditions of their employment. These workers pay the Teaching Council but do not have the status of teachers. They see pay inequality among their colleagues across the education and training boards, ETBs, and there is no pay parity between pre-2011 and post-2011 entrants. They do not have an incremental salary scheme. They work in the public sector but do not have public service contracts. There is uncertainty over their hours and during the summer months they are laid off and must sign on. Will the Government step up and provide basic fairness to these important educators.

**Deputy Darragh O'Brien:** I thank the Deputy. I have met groups in my own constituency of Dublin Fingal, including Prosper Fingal. They have been encouraging and I know a campaign is under way within those companies to address pay, in particular. It is a matter the Government will consider seriously. The provision of these services is crucial and the work these tutors do on behalf of vulnerable adults and children, in particular those with special needs, is absolutely critical. We need to ensure those tutors are supported. The matter will be considered by the Government in the coming months.

**Deputy Fergus O'Dowd:** The HSE reports for 2016 to 2020, the period for which the most recent figures are available, show that there were abuse concerns expressed in the cases of 16,000 vulnerable adults over the age of 65. The human rights of these older people have been ignored and trampled on. The concerns relate to physical, emotional, sexual and financial abuse

in HSE settings. We need to vindicate the rights of those older people. We need a statutory safeguarding authority with sweeping powers to protect and vindicate those rights, and hold the perpetrators accountable.

In January, the Taoiseach told me that options were being considered to meet the concerns and needs of the families of the 23 who died in appalling circumstances in Dealgan nursing home in County Louth during the first outbreak of Covid-19. We have heard nothing since from the Minister. What is the outcome? What is going to happen? Will this Government be seen to act to vindicate the rights of those people?

**Deputy Darragh O'Brien:** I thank the Deputy. We certainly need to ensure we vindicate the rights of those people. I know the Deputy has raised the issue of Dealgan nursing home directly with the Taoiseach in the past. My understanding is that it is intended that the group set up to consider the issue will formally submit its report to the Minister for Health shortly. I will raise the matter directly with the Minister on the Deputy's behalf to ensure he is given an update. Any abuse of anyone, but in particular vulnerable adults, is absolutely reprehensible. That is why the Taoiseach and the Minister for Health have taken this matter seriously. I will seek an update from the Minister and revert to the Deputy.

**Deputy Imelda Munster:** I raise the ongoing chaos at the Passport Service again because nothing has improved since the most recent time I raised the issue. It seems that documentation is still not being checked until the passport target date, which means that people who applied in plenty of time must go to the end of the queue when further information is requested. We are now in the peak summer season. We are now moving towards the end of June. Families are having to cancel holidays at the eleventh hour. Members of some families are not able to travel with the rest of the family because their passports did not arrive on time. It seems that none of the improvements we were told would be implemented have been. People are at their wits' end and stressed to the hilt waiting for the Passport Service. When they ring, they get no response. They are trying to chase their applications but are getting no response. This should have been foreseen. What urgent action is the Government going to take to rectify the situation?

**Deputy Darragh O'Brien:** There is no question but that there have been issues in the Passport Service. I have experienced that myself through contacts I have received from my own constituents. There have been improvements in recent weeks, as I think the Deputy will recognise. One of the particular issues relates to first-time passport applications where errors may have been made and not picked up soon enough. Families are only receiving the news that there are errors weeks afterwards. The Deputy has raised a very valid point. To be fair to the Minister, Deputy Coveney, I know the service's resources have been increased. Approximately 5,000 passports are being issued per week, which is a significant level. However, this is a time when people want to get away on holidays if they can. We need to make sure the Passport Service can respond to the increase in applications. That is what we intend to do. In fairness, on the issue of first-time passports for children, I recognise that people are still having issues. We are determined to get to grips with the issue.

**Deputy Cathal Crowe:** Away from politics, I had reason to take my car for a national car test, NCT, last week. I was also in the accident and emergency department of University Hospital Limerick. More is known about my car's service history and performance, which is transferable to the next owner, than is known about the patients in the accident and emergency department at the hospital. Information is not transferable. There is no integrated information system to comprise a GP's notes, a referral and a stay in a different hospital network. What is

the Government going to do to ensure an integrated system? We talk about hospital structures, trolleys and beds but unless there is information sharing, where are we going?

In advance of raising this issue, I spoke to a number of doctors. They tell me that when someone in an accident and emergency department is being triaged, time is wasted trying to verify the patients' dates of birth and previous history. Has a patient diabetes or heart disease? All of that information should be on a screen in front of the staff of accident and emergency departments.

*1 o'clock*

There is more known about my car than about the patient. What is going to happen on the creation of a fully-integrated information system in healthcare?

**Deputy Darragh O'Brien:** I happen to agree with Deputy Cathal Crowe. It is a very fair point. We need integrated information systems in our health service. The HSE is working on that very piece but it is about how we can share information between our GP and the local hospitals as well. Much of it is paper-based and the systems do not speak to each other, where there are systems. It is something that is being worked on by the HSE. I do not know how far down the road we are in that space but it is obviously crucial the technology keeps up with the patient, that we have integrated systems where patients records can be kept and where they can be transferred and accessed by health professionals. I will bring the matter the Deputy has raised directly to the attention of the Minister for Health.

**An Ceann Comhairle:** He might look at the Estonian system because the government there has mastered it.

**Deputy Darragh O'Brien:** Is it good?

**An Ceann Comhairle:** Absolutely.

**Deputy Darragh O'Brien:** I will tell the Minister, Deputy Stephen Donnelly.

**Deputy Brendan Griffin:** I have a few specific suggestions on housing that would dramatically increase the supply of homes for sale and long-term rent on the market. Will the Minister look at providing better incentives to property owners to make their properties available for long-term rather than short-term rental? In this context, will he look at something similar to the €14,000 rent-a-room disregard? This could dramatically increase the supply of long-term rentals that are currently only available for short terms.

The other aspect was whether the Minister will prioritise bringing forward grant aid for first-time buyers to renovate derelict properties. That is really important. Will he also bring forward incentives for people who own these properties to sell them to first-time buyers?

Last of all, I welcome the Croí Cónaithe scheme and it is very important but will the Minister also ensure the provisions of this scheme are made available in respect of old cottages and farmhouses, which are our rural architectural heritage, in the open countryside as well as in towns and villages?

**Deputy Darragh O'Brien:** I thank the Deputy. On his last point, I will very shortly be announcing the Croí Cónaithe towns and villages fund. It will focus first on the centre of towns and villages. We will see how well that works. What this will do is provide a grant in the region

of €30,000 to people who want to buy properties that are either vacant or derelict to help defray the cost of doing them up and getting them livable, on the basis they are living in them. We also provide a scheme under repair and lease for social housing, which is working very well. We have increased the limits to €60,000, where people will get an allowance to do up those properties and then rent them to the local authorities on a long-term basis. The Croí Cónaithe towns and villages fund will be launched in the coming weeks and will have a very significant positive effect on tackling vacancy and helping people own their own homes.

The long-term rental issue the Deputy raised in connection with the income disregard is something that will be considered in advance of the budget.

**Deputy David Cullinane:** In responding to an Teachta Tóibín on a previous question, the Minister quite rightly praised front-line healthcare workers but we must value the work they do not simply by our words but by our deeds. Why then is it the case that six months on from the Government agreeing to pay the pandemic bonus only one third of healthcare workers have received that payment? It is just unbelievable. That needs to be expedited and everything possible that can be done should be done to ensure they get their payment.

I also ask the Minister to expedite the special leave with pay payment for front-line healthcare workers with long Covid. That is due to expire at the end of this month. It needs to be extended. We cannot leave front-line healthcare workers who have long Covid improperly supported. Will the Minister tell us if that payment will be expedited for front-line workers with long Covid beyond the end of June?

**An Ceann Comhairle:** I thank the Deputy. It is one question on one issue.

**Deputy Darragh O'Brien:** The special leave with pay scheme for healthcare workers was, as the Deputy rightly says, due to end at the end of June. My understanding is the Minister, Deputy Stephen Donnelly, is working with the Department and the Department of Public Expenditure and Reform to address the issue before the end of next week and we would like to see that extended. On the fact that only a third of healthcare workers have been paid the bonus due to them on foot of a Government decision in recognition of the work they did through Covid in very difficult times, I certainly am disappointed with the slow rate of payment. One third of workers being paid so far is not acceptable, frankly. The HSE needs to speed up and prioritise the payment to those healthcare workers, who deserve that payment. I call on the HSE to prioritise this and do everything it possibly can to ensure those payments are made to workers who deserve them without any further delay.

**Deputy Joe Carey:** Significant delays are being experienced in issuing decisions from An Bord Pleanála. Many of those decisions relate to strategic projects. Loads of constituents are in touch with me around this issue. Has the Minister plans to improve the situation there to get these decisions out more quickly? Many of these relate to commercial developments that are really needed and we must make more of an effort to turn around these decisions more quickly.

**Deputy Darragh O'Brien:** Deputy Carey raises a very good point. It is about the resource of An Bord Pleanála to ensure it has the people it needs to process the work it has. I provided for an additional 42 posts over the last number of months at inspector level and senior level in the board to beef up the team there and speed up that work. I have received another workforce plan from the board for further resources that are required to work through what it has. We need an efficient planning system. We cannot have decisions delayed interminably in the board and I

want to see that improved. We have made one very significant change, namely, the large-scale residential developments and bringing the strategic housing developments, SHDs, back to local authority level. That will free up some capacity too and ensure planning decisions are made at a local authority level first. Then if they must go to the board, they go to the board. The Deputy raises a very fair point.

**Deputy David Stanton:** In light of the concerns reported recently on the strong possibility of rationing of energy in the coming autumn and winter, is the Government completely satisfied the amount of gas coming into Ireland through the Moffat interconnector is absolutely guaranteed to continue throughout the winter? If not, what contingency plans are in place in the event of any reduction of, or disruption to, supply?

**Deputy Darragh O'Brien:** I thank Deputy Stanton for raising this point. On 14 June, the Government approved a package of measures to secure electricity supplies and to help mitigate rising household electricity bills. The ongoing supply of fuel, gas and oil is something that has been discussed at Cabinet level. We are confident the situation is stable at the moment but it is something we must continue to watch. The Minister, Deputy Eamon Ryan, is certainly keeping the Government and Cabinet abreast of that situation. It is a very volatile environment we are living in, especially right across Europe. We saw what happened very recently with gas supplies being reduced to Germany. It is an absolute priority for us. We as a State need to ensure, and we will continue to ensure, we have energy security within this country.

**Deputy Ciarán Cannon:** Earlier on, the Minister spoke about the need to develop our rural towns and villages as it is a critically important part of our country's development. I am really beginning to question the capacity of Irish Water to play its part in that. The people of Gort in south Galway have been without a drinking water supply since 2 February when Irish Water issued a boil water notice to almost 3,000 customers there. Almost five months later, that supply has not been restored. Despite my best efforts at engaging with Irish Water, nothing of any great certainty has been given to me about when the service might be restored. Will the Minister engage with the CEO of Irish Water to determine the definitive timeline for when the supply of drinking water to the town is restored and that there is ongoing communication and engagement with the people in that town to keep them abreast of what is happening? I have seen nothing but a deep disrespect for the people of that town in terms of how Irish Water has engaged with them and this long-running saga of almost five months must be brought to a close.

**Deputy Darragh O'Brien:** First, I assure Deputy Cannon that I will make contact myself with Irish Water on behalf of his constituents in Gort. I can give him an update on it that the filtration system has been replaced and both filters are now in place. They have been linked to an automatic alarm system. There is a three-day sampling and testing programme that commenced in conjunction with the environment regulation team in Irish Water and that just happened on Tuesday, 21 June. There were no issues highlighted. Irish Water continues to liaise with the HSE and the Environmental Protection Agency, EPA, to ensure the notice is lifted as quickly as possible. On completion, Irish Water will liaise with the HSE and EPA on the lifting of that notice. I will personally take that matter up on the Deputy's behalf.

**Deputy Claire Kerrane:** Part of the Government's response to the cost-of-living crisis to date has been supports available through the local community welfare officer. However, the figures speak for themselves and we have seen a fall in the number of exceptional needs and urgent needs payments made. In the period 2016 to 2019, there were between 90,000 payments to over 100,000 payments made. Last year it was 55,000 and to date it has been about 18,000

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payments. This should be a cause of concern, especially the figure for heating and household bills with about 1,000 payments made in the first four months of this year. That should be ringing alarm bells. I welcome it is now an additional needs payment - that seems to be a change on the Department's website - with income limits. It is very helpful and I welcome that. I ask that this be advertised. Could this support also be put online? I spoke with a woman in her 50s last week who is a lone parent who has worked all of her life. She does not want to go to the local community welfare officer in person. Given that online services are available for the Department of Social Protection, and given that these emergency payments are going to be needed in the weeks and months ahead, could that be brought online?

**Deputy Darragh O'Brien:** I thank Deputy Kerrane for raising this matter. One of the reasons we have seen the reduction in these payments being made over the past number of years is because there are more people working. More than 2.5 million people are working in the State, which is the highest we have ever had. That said, there are people who still need to access support by the State and the supports are there. As for making sure that people know about them, I have listened. There have been advertising campaigns on radio, which I am sure the Deputy has also heard. The Deputy's specific point is well made, however, with regard to others who may not have access to technology and so on. I will speak directly with the Minister for Social Protection, Deputy Humphreys, on the Deputy's behalf.

*Cuireadh an Dáil ar fionraí ar 1.11 p.m. agus cuireadh tús leis arís at 2.13 p.m.*

*Sitting suspended at 1.11 p.m. and resumed at 2.13 p.m.*

### **Insurance Reform: Statements**

**Minister of State at the Department of Finance (Deputy Sean Fleming):** I welcome the opportunity to address the Dáil on the issue of insurance reform. This is a key priority for the Government as a whole and has been a key focus of my post as the Minister of State with responsibility for insurance issues.

As all Members of this House will be keenly aware, a well-functioning insurance industry is vital for a healthy and vibrant economy. The pricing and availability of general insurance has been subject to considerable volatility in recent years, in particular for some sectors. The vast bulk of the €4.6 billion domestic insurance market employing 28,000 people across all regions generally functions well for consumers. The main sectors are private motor insurance with 2.2 million insurance policies and home insurance with 1.3 million policies. We must not take this for granted as in the very recent past we have witnessed the failure of large domestic insurance firms. This has not been cost-free, with insurance customers still paying for this through the insurance compensation fund levy, which is applied to all policies.

To put the record straight, we must acknowledge there is no single policy or legislative fix to remedy issues around the cost and availability of insurance. With only one large domestic provider, the reality is that we are heavily reliant upon international insurers that operate in Ireland on a cross-border basis. Under the EU Single Market framework for insurance - the solvency II directive - the Government and the Central Bank of Ireland cannot interfere in such matters.

While motor insurance has improved, with premiums falling by about 16% since the formation of this Government, issues remain in relation to some businesses with high levels of

footfall such as those in the hospitality, retail, tourism, voluntary and child-play sectors in terms of public and employer liability cover. Indeed, data from today's national claims information database report published by the Central Bank shows 60% of all business policies are under €1,000, while 92% are under €5,000. For this reason, the Government has continued to prioritise domestic insurance reform as identified in the programme for Government. We are delivering on this commitment through the action plan for insurance reform, an ambitious multi-initiative, whole-of-government approach that seeks to tackle key insurance issues head-on, including award levels and the cost of claims, competition, fraud, system reform and the availability and cost of insurance for policy holders.

The reform is being delivered through a Cabinet committee sub-group that includes a number of Ministers: An Tánaiste, Deputy Varadkar; Ministers Donohoe, McEntee, McGrath and O'Gorman; Minister of State, Deputy Troy; and me. Resulting from the sub-group, the Government published the action plan for insurance reform in December 2020. The action plan sets out 66 actions to bring down costs for consumers and businesses, introduce more competition into the market, prevent fraud and reduce the burden that insurance costs can have on people, businesses and community and voluntary organisations.

I will outline some of these actions and the impact they can be expected to have. The implementation of the personal injuries guidelines to replace the book of quantum was delivered in April 2021. This was made possible thanks to the Judicial Council Act 2019 and was delivered six months ahead of schedule. I acknowledge the work of the Judiciary on this issue, which represents the cornerstone of our reforms.

There is already evidence that the guidelines are having the desired effect of lowering overall award levels. This impact is clearly seen in the latest report from the Personal Injuries Assessment Board, PIAB, covering average awards made by PIAB during the first eight months of the guidelines. This shows that the total average award was more than 40% lower compared to awards under the previous book of quantum, with the same drop being seen across motor, employers' liability and public liability claims. The average PIAB award is now slightly under €14,000 compared to almost €24,000 in 2020. Significantly, 72% of awards were for under €15,000, compared to just 30% of awards in 2020 being under €15,000.

Furthermore, while legal actions have been taken against the guidelines, I welcome the two recent High Court rulings on 2 June and 17 June which stated that the guidelines are constitutional and that the PIAB had acted correctly and lawfully in assessing personal injury claims with reference to them. The judgments are, however, still subject to appeal and until settled it will naturally take time for the full impact of the guidelines to be seen.

I have spoken to the industry on a number of occasions, as has the Oireachtas, and I have consistently restated the need for it to pass on the saving from these guidelines. It has been indicated to me that pre-guidelines, some €25 out of every €100 in motor premiums related to personal injury costs. Assuming the guidelines lead to an approximately 50% reduction in these claims and their associated legal costs, it would imply a reduction to this element of the premium paid by policyholders.

Another major achievement has been the introduction of regulations by the Central Bank to ban price walking for home and motor insurance, which comes into effect next week on 1 July. The price walking ban is evidence based. Importantly, this will mean that insurers can still offer discounts for new business, thereby retaining the benefits of switching for those who prefer to

change insurance provider regularly. It will also facilitate potential new market entrants who wish to attract customers, thereby supporting healthy competition. It is worth reflecting that Ireland will now be the first EU member state to introduce such a ban for insurance products.

Another development has been the establishment of the office to promote competition in the insurance market within the Department of Finance. The role of the office, which I chair, is to assist in promoting competition in the Irish insurance market and therefore reduce insurance costs and increase the availability of cover, including for businesses. The office is working closely with IDA Ireland to bring new entrants into the Irish insurance market, including in areas that have been identified as pinch-points.

In all of these engagements I have stressed the importance for insurers to expand their risk appetite into pinch-point sectors that are experiencing issues with availability and affordability of cover, particularly high-risk and high-footfall areas. This is a priority for the office. As noted already, however, the Government cannot compel insurers to cover individuals, businesses or even certain sectors of the economy. What we can do, however, is make the Irish market one that is more attractive to enter. Implementation of the action plan by the Government is the most important step in this regard.

Group schemes allow insurers to more effectively identify and control risks through standardising risk-mitigation strategies. These offer collective bargaining and purchasing power, which single entities cannot access. Some examples of successful group schemes that have emerged recently are: Early Childhood Ireland with Arachas and Allianz, which covers crèches and afterschool facilities; Play Activity & Leisure Ireland, PALI, with Berkshire Hathaway Speciality Insurance and Arachas, for play and activity centres; Horse Sport Ireland with Allianz, which provides cover for amateur equestrian events; and the Irish Association of Adventure Tourism, Fáilte Ireland and Arachas, which are working in this area for activity-related tourism businesses.

Looking to the future, fintech also offers new possibilities. This morning, I chaired the inaugural cross-Government fintech steering group meeting. InsurTech is providing the context for Irish start-up businesses in the insurance sector to, in time, help reduce premiums and stimulate the growth of a more diverse insurance market.

Deputies will be aware that earlier today the Central Bank published its second report on employer liability, public liability and commercial property insurance, covering the period up to the end of 2020. The report provides further insights into the cost of insurance, claims settlement and profitability of the insurance market in these specific areas. I recognise that the report goes up to the end of 2020. The Central Bank is looking to publish its reports in a more timely manner in future. This is only the second such report in this area. The reports will be more up to date in future.

I, along with the industry, wish to see genuine claims settled, but we also need greater efforts to tackle bogus and exaggerated claims. I welcome that there is a greater effort being made in the courts to call out such cases. There are several other achievements under the action plan which are important to mention, some of which address fraud. This includes: the enactment of the Criminal Justice (Perjury and Related Offences) Act 2021, which places perjury on a statutory footing for the first time; the establishment of an insurance fraud co-ordination office within the Garda National Economic Crime Bureau; and the introduction of new regulations on solicitors' advertising. All of this has been made possible through the work of the subgroup

operating from the Cabinet.

Regarding the impact of ongoing reforms, motor insurance, which is compulsory for drivers, has continued to fall. The latest CSO data for May now show a reduction of just over 40% from peak prices in mid-2016. Indeed, the same data show that motor insurance fell by 10.9% in the year to May, at a time when inflation generally is running at 7.8% in the opposite direction.

Notwithstanding the fact that the action plan has facilitated progress to date, I acknowledge that there are ongoing issues in the insurance sector. Uninsured driving is a significant issue, on which I have had a number of engagements this year. According to the Motor Insurance Bureau of Ireland, MIBI, one in every 13 private vehicles on Irish roads operates without insurance. As we speak, there are 170,000 vehicles on Irish roads that do not have adequate insurance. I find that extraordinary. MIBI estimates that this increases the cost of motor insurance by €30 to €35 per motor policy. That means the people who are paying their policies are paying an additional €30 or €35 merely to cover the cost of the claims of the uninsured drivers on the roads. I want to deal with this issue. I have had positive and productive meetings with MIBI and the Department of Transport on the matter and it is welcome that the Minister for Transport's Road Traffic and Roads Bill 2021 contains a number of provisions to identify the scale of uninsured drivers in Ireland. This momentum should be built upon and all relevant stakeholders should explore how to target those drivers who refuse to purchase motor insurance, which is a mandatory legal obligation for everyone driving a car.

I also acknowledge the issue of business interruption in the context of the Covid-19 pandemic. As Deputies will appreciate, I cannot comment on ongoing test cases. These include matters of quantum and are still before the courts. Related to this issue is that of insurers deducting the value of State supports from valid business interruption claims. With pandemic supports for businesses, the primary focus of the Government and the Oireachtas was to get money to affected businesses as quickly as possible to ensure they could continue to operate. In that regard, measures such as the Department of Social Protection's recovery of benefits scheme were not envisioned in advance as part of the Government's urgent response to Covid-19. This is a lesson to be learned from the pandemic and I hope that for all future State schemes, this House will remember that lesson and ensure that legislation is future-proofed to cover that issue. I am aware of calls for the Government to legislate to recoup the value of the moneys withheld by insurers. This was considered as part of the preparation of the Insurance (Miscellaneous Provisions) Bill. However, there were a number of issues with this approach, including constitutional difficulties with retrospectively legislating in this manner.

While we have had notable success under the action plan so far, there remain a number of outstanding actions. Three of these are key. The first is reforming the law on occupier's liability to rebalance the duty of care. Provisions have been approved by the Government for inclusion in a Bill that will address this issue. I acknowledge the work of the Minister for Justice on this, which is a key piece of our reform agenda. It demonstrates the issue at governmental level. That is why we need that Cabinet subgroup. The Department of Justice is fundamental in many of the issues I have been referring to and the Department of Finance, the Central Bank and the Department of Enterprise, Trade and Employment also have key roles. I have already explained how it relates to road traffic and the Department of Transport. It is a cross-Government approach. Reform of the duty of care is a key ask of both insurance reform campaigners, such as the Alliance for Insurance Reform, whose efforts I would also like to acknowledge today, and the insurance industry.

The next key action is to reform the Personal Injuries Assessment Board, PIAB. This is being managed by my party colleague, the Minister of State, Deputy Troy. We will bring forward a series of reforms including on mediation, retaining information, and the disclosure of information to An Garda Síochána, to reduce fraud, as well as tighten the Court's discretion regarding costs in litigation. I have met with the Garda Commissioner to discuss these matters. Drafting of this Bill is at an advanced stage. The Bill is on the priority list for publication during the summer session.

The further key action is enhancing the enforcement powers of the Competition and Consumer Protection Commission, CCPC, through the Competition Amendment Bill, which is currently before the Oireachtas. In addition, I am pleased that the Government's Insurance (Miscellaneous Provisions) Bill completed all Stages in the Oireachtas yesterday. It represents another important step on the journey towards greater transparency and openness in our insurance market. I would like to thank all Members of the Oireachtas for their input and assistance in getting the Bill through the Oireachtas in a prompt manner. I will continue to meet the chief executives of all major insurance companies operating here to ensure they honour their commitment to pass on the benefits of our reform agenda to policyholders by way of reduced premiums and increased insurance availability.

I again emphasise the importance of insurance reform to this Government. Under the action plan, a significant amount has already been achieved and the data on insurance costs, from both the CSO and the Central Bank's national claims information database, speak to this. It is now important that we in Government, and in this House, redouble our efforts to ensure that key items of legislation, particularly those linked to the duty of care and PIAB reform, are progressed as speedily as possible through these Houses.

I am optimistic that delivery of these key reforms will increase both the affordability and availability of insurance products, to the benefit of consumers, businesses and community groups. I look forward to a constructive and informed debate. I thank all Deputies present for their attention.

**Minister for Justice (Deputy Helen McEntee):** I thank the Acting Chair for the opportunity to address the House on the actions my Department has taken, as well as my forthcoming plans, in respect of insurance reform. Insurance reform is a key priority for this Government, as we clearly heard from the Minister of State. It is reflected in the programme for Government, the Government's action plan for insurance reform, and in my justice plan 2022. This is a whole-of-government effort. My Department has responsibility or part responsibility for 34 of the 66 actions contained in the action plan.

I am pleased to inform the House that of those 34 actions, 26 are now complete. These include important reforms such as the introduction of the personal injuries guidelines, the enactment of the Criminal Justice (Perjury and Related Offences) Act 2021 and the establishment of the insurance fraud co-ordination office, opened by An Garda Síochána in July last year. Last month, I received Government approval to reform duty-of-care legislation, a key insurance reform measure and an important part of the Government's overall action plan. I propose to amend a number of sections of the Occupiers' Liability Act 1995 in line with the Government's policy objectives of restricting the liability of occupiers. I believe these proposals strike the correct balance between ensuring businesses, community groups and organisers of events will fulfil their duty-of-care responsibility while acknowledging the importance of personal responsibility on the part of visitors, recreational users and trespassers.

The proposed amendments, which build on a review paper prepared by my Department in February 2021 and subsequently published, contain four key developments. They will insert into primary law a number of recent court decisions that rebalance the duty of care owed by occupiers to visitors and recreational users; change the standard of care such that when the occupier of a property has acted with reckless disregard to a visitor, the standard of reckless disregard rather than that of reasonable grounds should apply in respect of any consideration of liability; limit the circumstances in which a court can impose a liability on the occupier for a premises where a person has entered that premises for the purpose of committing an offence; and allow for a broader range of scenarios where it can be shown a visitor has voluntarily assumed a risk resulting in harm. The Office of the Parliamentary Counsel, working with my Department, is proceeding to draft the proposed legislation, which will be placed before the Oireachtas for enactment as part of the upcoming courts and civil law (miscellaneous provisions) Bill 2022.

The Judicial Council personal injuries guidelines, which I referred to earlier, came into effect in April 2021. They were adopted to promote consistency and fairness in the awards of damages in personal injury cases. The new guidelines replaced the book of quantum and have materially reduced the award levels for many categories of common injuries, particularly soft-tissue injuries. This represents a significant step in meeting our commitment to making insurance more affordable for consumers, businesses and community groups. One of my Department's actions in the Action Plan for Insurance Reform was to report on the early impact of the guidelines by the end of 2021. We sought data to complete this action from relevant stakeholders, namely, the Central Bank, the Courts Service, the Personal Injuries Assessment Board, PIAB, and the insurance sector. PIAB provided data indicating award levels had at that time reduced by around 40% since the introduction of the guidelines, while Insurance Ireland indicated its members had experienced reductions in award levels in line with PIAB figures, again at about 40%. It proved too early, however, to gauge the full impact of the guidelines, given concrete data from the national claims information database were not available and cases at that point were not coming through the courts under the guidelines.

Notwithstanding the challenges in accessing relevant timely data, I presented a report on the initial effect of the guidelines to the subgroup on insurance reform at its meeting in February. The report was published in March as an appendix to the second implementation report on the Action Plan for Insurance Reform. Furthermore, I welcomed the publication of the report on personal injuries award values by PIAB in April, which showed awards for personal injuries had dropped by 42% year on year between April and December of last year. In addition, average general damages awards had fallen from €21,850 to €11,583, or by almost half.

In that context, the guidelines have had a clear and significant initial impact since their introduction, although many older legacy claims are still being assessed under the old book of quantum, meaning the full impact may take some time to be seen. My Department will, of course, provide whatever relevant information it holds to any further assessment of the impact of the guidelines. It is important to stress that the success of the guidelines will be dependent on buy-in from all stakeholders, including insurers, businesses and community groups. If they are to succeed, it will be vital for stakeholders to ensure the award levels set out are adhered to irrespective of how the claims are settled. A level of certainty regarding award levels will, I believe, lead to greater consistency in insurance premiums. The Government will closely examine the impact of reduced awards under the guidelines to ensure these reductions are reflected in reduced premiums for customers. Under the Action Plan on Insurance Reform, my Department has been tasked with ascertaining and setting out the measures necessary to imple-

ment pre-action protocols for personal injury cases and is engaging with the Attorney General on the matter.

The discount rate is the rate used by the courts to determine the size of an award necessary to compensate a person for damages in respect of future financial loss, typically in personal injury cases with serious long-term implications for the person concerned. Following a public consultation and an analysis of the submissions received, my officials submitted a number of options to me in respect of the manner in which the discount rate should be determined. Arising from that report, I have decided to address the issue by establishing an expert group to provide advice to me on an appropriate discount rate. On receipt of its recommendations, it is my intention to use my power as Minister, under section 24 of the Civil Liability and Courts Act, to set the discount rate. Work is under way on establishing the expert group and I look forward to receiving its advice in due course.

My Department has significantly increased resourcing to the Garda National Economic Crime Bureau, GNECB. This saw the number of staff increase from 95 at the end of 2020 to a total of 127 at the end of 2021, allowing for the opening of the insurance fraud co-ordination office last July. The establishment of this office will improve co-operation and co-ordination with the insurance industry, bring consistency to the handling and investigation of insurance fraud referrals from the insurance industry and improve on subsequent referrals to the Director of Public Prosecutions, DPP, for prosecution. The GNECB has proactively shared its guidelines on investigating insurance fraud with all divisions on the internal Garda portal and is also providing training and support to all Garda divisions on how to investigate fraud. It has put in place reporting mechanisms between An Garda Síochána and the insurance industry and drafted memorandums of understanding in association with Insurance Ireland and the Alliance for Insurance Reform which are awaiting formal sign-off by An Garda Síochána and once approved will be rolled out.

A new insurance claim fraud category has been included on the Garda PULSE system since November 2018 to enable the production of statistics on fraudulent claims, something that was not really the case previously. However, a large degree of manual examination of cases was still required by Garda analysts to extract suspected bogus insurance claims cases specifically, given the insurance fraud category on the PULSE system captures a broader range of insurance-related cases. The establishment of the insurance fraud co-ordination office and the implementation of procedures in the memorandums of understanding with the insurance industry will improve referrals and the collation, classification and veracity of the data. It will ensure the central collation of all complaints of insurance fraud directly from insurance companies, as well as the assessment, classification and logging of all cases on PULSE for statistical purposes, before routing them to the relevant divisional resources countrywide for timely investigation.

The Criminal Justice (Perjury and Related Offences) Act 2021 provides a clear, statutory definition of perjury and should enable the offence and related offences to be more easily prosecuted before the courts. The Act establishes a statutory criminal offence for perjury. It provides for statutory perjury-related offences including false statements under oath, false statutory declarations and false declarations, and for penalties of up to 12 months for conviction on a summary offence and up to ten years for conviction on indictment. It will also have a significant deterrent effect on those who might consider making false or fraudulent claims and sends a clear message to people who would abuse court time in this manner. Having examined changes to reduce insurance fraud, including penalties for insurance fraud in consultation with relevant agencies, my Department is of the view that no further legislative penalties are required at this

time although, as with anything, we will keep that under review. Enforcement as opposed to additional penalties is what is required to ensure the current legislative provisions will be utilised as intended.

Overall, I am pleased to see the progress the Government has made in implementing the ambitious Action Plan for Insurance Reform since its publication in December 2020. I am also delighted to be able to report significant progress within my Department on relevant reform measures contained both in the action plan and in my justice plan for 2022. I acknowledge the significant work of my colleagues, the Ministers of State, Deputies Fleming and Troy, the Tánaiste, the Minister for Finance and advocates who have been working in this area, not least the Alliance for Insurance Reform.

**Deputy Pearse Doherty:** I welcome the opportunity to speak to the issue of insurance reform, an important matter. This is a timely discussion, two and a half years after the Government launched its Action Plan on Insurance Reform in December 2020. Although insurance often seems like a boring or dry topic, it is crucial to the functioning of a modern economy because it allows business to transfer risk, without which many would be unable to access funding and credit. It also allows for risk to be priced, enabling firms to allocate resources to reduce risk to the benefit of consumers. When there is weak availability of insurance cover, businesses and the wider economy suffer.

The National Competitiveness and Productivity Council has repeatedly warned that business costs such as insurance pose a risk to the competitiveness of our economy and the ability of businesses to thrive and grow and that risk remains. Insurance is also crucial for citizens, however. It protects them from financial loss should unexpected circumstances come to pass such as illness, home damage or accidents on the road or elsewhere. Indeed, insurance cover is a legal requirement for anyone who wishes to drive in the State. That is why a properly functioning insurance market that provides affordable cover is so important.

Many of us will be aware that the insurance market follows underwriting cycles; periods when cover is readily available at good prices, or soft markets, and periods when coverage is limited and prices are high, or hard markets. There is no doubt that the Irish insurance market follows these cycles like every other insurance market. We know now there is much more to price dynamics in the Irish insurance market than just this, however. The national claims information database, NCID, published by the Central Bank of Ireland has offered valuable and granular data on price trends, claims costs, settlement channels and profitability within the insurance sector and the numbers are very clear. In the past decade, for example, the price of motor insurance rose by 25% while the average cost of claims for every policy fell by 29%. For several years, the insurance industry told a different story, which I will come to later. Motor insurance premiums remain too high, however, and we must see sustained reduction in prices over the coming years.

Liability insurance for small businesses, voluntary groups and community organisations remains in a state of crisis. The Central Bank of Ireland today published its second report on employer liability, public liability and commercial property insurance, which provides important insights for us all. Between 2013 and 2020, premiums for the employer liability component of policy packages increased by 44% while premiums for the public liability component rose by 25%. Not every sector is affected equally. Since 2009, premiums in the arts, entertainment and recreation sector have more than doubled; a level of increase that many simply cannot bear. In the same period, the number of claims fell by more than 25%. Premiums are doubling and

claims are coming down by 25% while the number of claims on the public liability side fell by 47%.

Importantly, today's report highlights claim settlement channels and their costs. It found once again, as it has in recent reports, that settlements through the courts take longer with much higher legal costs than those through the Personal Injuries Assessment Board, PIAB. Where a claim is settled through the PIAB, legal costs make up approximately 2% of the overall costs. Through the courts, legal costs take up one third of all costs. Settlements through the courts may not always lead to better outcomes for claimants but it is definitely a moneymaker for the legal industry and that much is clear. Work must be done to explore reforms that would reduce legal costs and, crucially, strengthen the role of the PIAB.

One of the biggest changes to take place in insurance in recent years has been the adoption of the personal injuries guidelines in April of last year. These guidelines significantly reduce the level of awards for different types of personal injury. They were adopted as a result of the Judicial Council Act 2019, which was supported by my party. We supported these provisions for one reason only, which was that reduced claims through these new guidelines would lead to reduced premiums for consumers. Since the guidelines came into effect, personal injury awards through the PIAB have fallen by 42% and recent High Court decisions will ensure these guidelines are applied in the courts. It is clear that these guidelines are reducing the costs of claims for insurers. It is also clear that this is not being passed on euro for euro to the customers, which is simply unacceptable. This Dáil did not pass the Judicial Council Act 2019 to provide a windfall for insurers. Therefore, how can we ensure that insurers do the right thing? How can we ensure that they pass all these savings euro for euro to their customers? We do that through supporting the Judicial Council (Amendment) Bill 2021 that I introduced last year. This legislation would require insurers to send audited reports on an annual basis to the Central Bank of Ireland. They would be required to outline how and if they have passed these savings on to their customers in the form of lower premiums. Similar legislation was applied in Britain, where many insurers in the Irish market also operate. For reasons I cannot understand even to this day, the Government is opposing this legislation, which is currently before the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. Neither the Dáil nor the Central Bank has a tool like this. The NCID does not provide the information that this legislation would provide for, which the Central Bank has confirmed. This legislation would exert pressure and increase transparency, ensuring that insurers pass on these savings to their customers. We cannot allow the insurance industry to pocket these savings during a cost-of-living crisis where every euro matters to motorists, small businesses, community groups and those struggling with high business costs.

The question of insurance pricing has been debated in this Chamber and outside for some time. For years, the industry peddled several myths to explain away high insurance prices. Many of those myths were regurgitated in this House by Government spokespersons. One claim made by the industry was that 20% of insurance claims were fraudulent yet information I received from the Department of Justice showed that the entire industry reported only 63 incidents of fraud in the motor insurance sector to the Garda in 2019, which is 0.5% of claims made that year. In 2020, only 48 instances of fraud were reported. We now know that one cause of high insurance prices is blatant price gouging by the industry. I wrote to the Central Bank of Ireland in 2019. I subsequently met with the Governor and requested that he, the Central Bank and the regulator investigate and ban the practice of dual pricing and price walking. This is where insurance companies target loyal customers and charge them artificially high prices in

the expectation that these customers will not shop around. This is price discrimination, which is known to harm vulnerable groups and the elderly. Customers have wondered year after year why the price does not budge when they get their renewal or even increases despite them having made no claims in the previous year. We now know the answer is price gouging by the insurance industry.

Following my request, the Central Bank of Ireland carried out a review of the practice and it will be banned from 1 July. This is a big win for consumers. However, we must monitor the new rules and ensure that they are effective. I have my own concerns regarding the ban kicking in for second renewals and not for the first renewal quote. I believe this could provide scope for insurers to dodge the ban by loading the price hike on to the first year renewals. I communicated these concerns to the Central Bank and we must keep it under review.

Of course, further reforms are required. As I mentioned earlier specifically with regard to business insurance, the issue of claims must be dealt with. In this space, there is a clear need to rebalance the duty of care. A Government commitment was made in the action plan for insurance reform to have proposals brought before Cabinet by June of 2021. The deadline was missed by several months, indicating a lack of urgency within this Government. I welcome the fact there are no proposed changes, however. The Government now must move quickly to bring legislation before the Oireachtas that is effective in rebalancing the duty of care.

Finally, I wish to mention two other issues, the first of which is the Consumer Insurance Contracts Act 2019 that I introduced in the Dáil in 2017, with all those provisions now effective since September of last year. This legislation brought a radical overhaul of insurance law to increase transparency and shift the balance in favour of consumers.

To conclude, I believe many of the myths and excuses peddled by the insurance industry for many years no longer hold sway. While much work has been done to drive forward reform, much work remains to be done and actions taken by the Government are too often progressing at a snail's pace, sometimes blocking reforms such as my legislation that are so urgently needed. Consumers cannot wait for reform and affordable insurance. They need it now, especially given the fact that we see interest rates increasing in terms of the international markets, including Government bonds. This will mean that insurance companies will make sizeable profits in the year ahead as their investment portfolios start to reap benefits for them. These matters and the other reforms we talk about scream loudly to the fact that they need to stop gouging their customers. They need to reduce premiums for motorists, businesses, communities and others in society urgently.

**Deputy Rose Conway-Walsh:** I welcome this opportunity to discuss insurance reform again. The cost of living has spiked as a result of high energy prices and supply chain issues, but many have been struggling under the high costs long before the recent wave of inflation. The Minister of State will be aware of all the times we discussed this in the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach going back years. Soaring insurance costs have been putting people, drivers, businesses and community groups under severe pressure for years. The Government has dragged its feet every step of the way. The Minister of State outlined measures, which I welcome, but it must be acknowledged that if it were not for Deputy Pearse Doherty, people would be paying even higher amounts than they are paying now for their insurance. However, that journey must continue. The reforms that have been made to date have been welcome but they have mainly been to the benefit of the insurance companies rather than of the consumers, those who matter most. The consumers are continuously fleeced

with insurance. We have to remember that many people who have had genuine accidents do not claim because they are afraid that their premiums will escalate. Businesses that have incidents for which they would be fully entitled to claim do not do so because, again, they are afraid that their insurance premiums will escalate. That has to stop. One has to ask in that case: what are they paying insurance for?

Despite promises in election manifestos and the programme for Government, we still only have a general scheme on reforming the duty of care. There must be more urgency. We know that small businesses, sporting organisations and community groups continue to close or to struggle due to the lack of affordable insurance. We need only look around our localities to see the trans-generational businesses that have been forced to close down due to extortionate insurance costs. These are businesses that have survived recessions and many challenges over the years, yet we have enabled insurance companies to close them down. Premiums are often multiplied without any basis whatsoever. When profitable, established businesses struggle with the cost of insurance, so do sporting organisations and community groups, but what chance do they have? It is a major threat to our communities, small towns and, indeed, our bigger towns as well as to jobs and the economy. Recent research by the Alliance for Insurance Reform showed that 42% of organisations state that the cost of insurance premiums is threatening their future and 90% state that the Government is not doing enough. When 90% state that the Government is not doing enough, we need to listen and see what more needs to be done.

Many Members will have visited Delphi Adventure Centre over the years. This is one business that is crippled by insurance costs, with a 300% increase since 2019 and an excess of up to €20,000, despite having an excellent safety record. When businesses see the percentages quoted in this House and the illusion that the prices are coming down, they cannot reconcile that with the bills they are faced with. If the Government wants the State to recover from all the current challenges for our SMEs and community and voluntary organisations, it has to get insurance reform resolved. That means it must get insurance companies to pass on the benefits to customers. The sticking point is clear to everybody. The companies are not passing it on in the way they need to. They are still price gouging and accumulating huge profits. Data from the Personal Injuries Assessment Board show the average value of awards falling by 42% in 2021 since the introduction of the new guidelines, yet liability premiums continued to increase by 16%.

I recently conducted a survey of apprentices across the country on the cost-of-living pressures they face. Despite rent soaring and fuel costs, car insurance continued to stand out as one of the biggest issues for young people attempting to get a trade. We desperately need these trades. In a rural constituency such as Mayo, where people have no alternative, car insurance is not an optional extra but an integral part of employment, self-employment and educational attainment. People are experiencing it all over the country. Even in Dublin, electricians from Dublin responded to the survey by saying that they cannot afford a car with the current insurance prices so they have to carry a 25 kg toolbag on public transport for several hours a day. Some do not even have that option. A pipe fitter from Offaly was one respondent. He is 19 years old and he said insurance costs are too much so he has to pay somebody to bring him to his job and bring him home. There are no bus routes, so driving is the only option.

We need to listen to them and we have to do more. We have to do more for the apprentices, young drivers and businesses across the board. Little reductions here and there are not having the impact that we require. Since 2009 the cost of insurance has gone up by 25% despite the average claims costs falling by 29%. For years the insurance industry has got away with stat-

ing it is because claims are too high, too many people are claiming and the like. It has been exposed continually. That is why the Government must stand up to the insurance companies once and for all and provide proper reform of the legislation. I will leave the Minister of State with one question. Why is the Government opposing the Judicial Council (Amendment) Bill 2021? That would do exactly what is necessary here. People need an explanation for that. We must do far more to stand up to the insurance companies. They are running rings around us. They have done that for years in terms of the lack of transparency of data across the board and basically closing the market. They have had it their way for too long. We have to stand up to them and show them who is boss.

**Deputy Pa Daly:** Here we go again with insurance reform.

**Deputy Sean Sherlock:** Your party will be boss soon enough.

**Deputy Pa Daly:** When I see the Government coming back with new proposals I am reminded of Jack's mother when he came back from the market with three magic beans after selling the family's cow. This is the thing that is going to solve all our problems with the insurance industry. I worked in the courts for a few years. There was a judge from Athlone who used to say, when he thought that somebody was spoofing or not telling the truth: "When you are in a hole, stop digging". However, what happens with the insurance companies is that the Government seems to tell them: "Keep talking, we want to hear it".

For 40 years, since insurance was made mandatory, the insurance industry has made promises. It stated that if senior counsel were removed from cases, premiums would go down; if juries were removed from courts, premiums would go down; if the PIAB was introduced, premiums would go down and if the guidelines were introduced, premiums would go down. It was interesting to hear the Minister of State say, with regard to claims, that the cost of premiums reduced by 10.9%. However, that was after lockdown. As some of my colleagues said, the cost of premiums has gone up over the last decade while the number of claims has reduced by 25%. I do not believe a word the insurance industry says. I would listen more to some of the people I have represented in court than to some of the representatives of the insurance industry.

It is worth going through some of the various initiatives the Government is taking which are supposed to reduce premiums. I do not believe they ever will. Action has long been required but there is little doubt that over the last almost 50 years, particularly since 1976, the Government has failed in its attempts to bring the industry to heel. With regard to personal injury awards, a long and detailed process was undertaken by the Government. An action plan for insurance reform was the result, with 66 actions. They included reform of PIAB and reducing recourse to litigation. When dealing with insurance companies, and I dealt with many of them over the years, they often speak about material damage. Without having consulted with their clients who had taken out the insurance policy, companies decided to settle claims anyway regardless of what one said. It is easier, more efficient and cheaper for them to settle the claim despite what the client says. They do not care about the consumer or about people in general.

The implementation report of the action plan published in March has confirmed that the measures have had their intended effect. It states:

Average awards for motor insurance dropped from €22,158 in 2020 to €12,592 – a drop of 43%. [A drop of nearly half, as the Minister, Deputy McEntee, said.] Public Liability awards fell from €26,000 in 2020 to €14,776 at the end of October – again a drop of 43%. A

similar reduction of 43% was experienced in the employer liability category – from €30,576 to €17,441.

However, did we see a similar drop in insurance premiums? No, and we never will. Some lawyers warned that the insurance industry would continue to set premiums as it wished despite the reduction in awards, and they were right. The insurance industry proceeded to do exactly that. It pockets the difference and drives up its profits. The amazing thing during lockdown was that the number of claims collapsed due to lockdown. What has happened since then? There is a paltry 10% reduction. When people pointed to the reduction in the amount of claims, the industry had another excuse. It stated it had to wait for the ones in the system to come through. That is rubbish. It is very telling that the Government proceeded down this path despite the industry and lobbyists offering no guarantee at all that the premiums would be reduced. They came back with other excuses. Saying they may do it over time is as much as the Government is going to get. They were not red-faced, unlike poor old Jack when he came back from the market.

*3 o'clock*

Civil law reforms are now coming in. I notice that the Government is taking the majority decision regarding litigation costs. The majority of the group that was set up said that it would be more fair and more consumer-friendly than the minority view, but because the insurance companies say it is the fault of the lawyers and everybody else - it is never their fault - that decision has been taken. It will not work.

The action plan will set out other reforms. Perjury is now a statutory offence. Perjury and false and exaggerated claims have all been highlighted over the years, not by consumers but by the insurance industry. The number of fraudulent claims is massively exaggerated. Everybody knows that. We have all heard the scare stories of the shenanigans but it is tiny minority of overall claimants. Insurance companies poured massive resources into catching fraudulent claimants, including the use of private investigators. However, they already use private investigators when there is a genuine claim. Where people were passengers in cars and were very seriously injured, they engage insurance investigators, people who traditionally have great access to information coming from various sources through their contacts, all in an attempt to denigrate the genuine claimants as well as the other ones. There is a specialised Garda unit, and it is my understanding that there is a significant difference between the insurance industry's estimates of the number of uninsured drivers and how many are out there in the Garda's direct experience. I am aware of that from speaking to members of the Garda myself. All that is to say that there is very much the means and will to catch fraudulent claims, but we do not see a decrease in premiums. The industry has to be dragged kicking and screaming time and again into reform.

Particular groups are facing a lack of options within the market and the office to promote competition in the insurance market needs to examine all the options to assist them, including subvention. The ultimate solution may perhaps even be direct State involvement in insurance.

**Deputy Ged Nash:** I wish to share time with Deputy Sherlock.

**Acting Chairman (Deputy Kathleen Funchion):** Is that agreed? Agreed.

**Deputy Ged Nash:** I bow to Deputy Daly's greater wisdom as a former officer of the courts, if that is the best way to describe him, as a practising solicitor dealing with some of these cases

over the years. We do not necessarily need to read court reports or even Government reports on the insurance sector, as price gouging is legendary at this stage. Deputy Daly quoted a fairy tale some moments ago, but price gouging in the insurance industry is no fairy tale. To use fairy-tale analogy, if I am not labouring the point, it could be said that the Government's approach here involves a lot of huffing and puffing but it does not seem that it is prepared to blow the insurance sector's house down. In spite of all the huffing and puffing, there is very little difference. There is an absolute lack of trust in the insurance sector in this country. That is because of people's hard, bruising experience in recent years. Long before the cost-of-living crisis, we had price gouging by a lot of operators in the market. We know that pensioners and very vulnerable consumers across the country were punished by the so-called loyalty penalty when it comes to motor insurance and, to a degree, home insurance as well. Remarkably, commuters saw increases in their car insurance premiums in recent years when some people's cars were effectively parked for six months or a year in their driveway. We know that accident and claim levels reduced. Scandalously, as the Minister of State knows only too well, local businesses across the country had to fight tooth and nail to receive the business interruption insurance cover for legitimate claims they made. They had to argue line by line with the insurance sector through the courts system to get payments for business interruption claims they were entitled to have in the first place. We still have rising prices. The sector, which has behaved scandalously over the years, is still broken, and I do not believe that it will be kept in check by the Government, given the reforms it has announced to date.

We accept that in some respects, elements of the insurance industry have reduced premiums for a variety of reasons, but they simply do not go far enough. Inevitably, we will see in the coming period the cost of living being used as a cover for insurance companies to increase premiums over and above where they ought to be in the market. The cost of living is the excuse for everything currently. The head of Insurance Ireland told the Oireachtas committee last month that it was "unquestionable" that rising costs would feed into higher insurance. It does not have to be the way. The Government and the regulator ought to question that and hold the sector to account on such statements. There should be no inevitability that insurance premiums will rise, given some of the interventions that were made and some of the reforms that have been introduced in good faith, in fairness to the Government and the previous Government, to try to ensure there is a more consumer-led approach to obtaining insurance cover and to addressing the excessive cost of premiums in this country.

It has been mentioned by previous speakers that we have seen sectors as diverse as hospitality, agricultural shows and festivals and leisure and childcare centres say they have seen very substantial increases in insurance premiums recently, even though we are being told time and again that premiums are coming down. I will use one example to illustrate the point. I use this example because the individual concerned has gone public about it, such was his horror at the recent quote he got from his insurance company. It is a guy called William Sullivan. He operates a business on the Louth-Meath border. He is located in the Meath East constituency, not in my constituency. I visit his business regularly. It is the Irish Military Museum and Park. It gets thousands of visitors every year. He is a collector of significant military memorabilia, and the museum is a very popular destination for people across the country and elsewhere. When he started his business eight years ago, his insurance premiums were €8,500 a year. This year, it is €28,000. It is quite extraordinary. We have a problem in this country with a two-tier economy. We have foreign direct investment striding ahead. The jobs provided are very good and they make a significant contribution to Exchequer revenues and supporting the State. Then we have the domestic locally traded sector, which is in real difficulty. Without significant reform of the

insurance sector, we will put those businesses and indigenous Irish jobs at real risk.

In the brief time available to me, I want to make a couple of short remarks about some missed opportunities that the Minister of State should consider. There is a market failure in the insurance sector. I do not believe that the extent of reforms introduced to date will address that. Fundamentally, we are just tinkering around the edges. I have said this time and again. The Labour Party has proposed a range of different interventions that are the norm in European Union countries to ensure that the market failure is addressed. For example, we have called on local authorities and education and training boards to use their ownership of the Irish Public Bodies Insurance, which is mutual insurance, to extend cover to community events and festivals. There is nothing stopping it from doing that.

I would like if the Minister of State could clarify the status of the personal injuries resolution board Bill. That will make a big contribution to the reduction of premiums and costs and provide an opportunity for business to manage better in this very difficult set of circumstances. I will now hand over to my colleague, Deputy Sherlock.

**Deputy Sean Sherlock:** I thank Deputy Nash for sharing his time. I wish to refer to flood alleviation works and the challenges people face when they seek to purchase insurance in areas where Office of Public Works, OPW, flood mitigation projects have already been completed. I specifically refer to the Munster Blackwater in towns like Fermoy and Mallow, as well as places in Cork city where we do not yet have full OPW schemes under way, where there is a massive difficulty on the part of businesses and residents to acquire insurance. When the Minister for Public Expenditure and Reform, Deputy Michael McGrath, was in opposition, he put forward the Flood Insurance Bill 2016. The purpose of the Bill was to ensure that people who work, reside or have businesses in areas where flood relief schemes were implemented would be able to get insurance cover. I understand that Bill died when the last mandate ended. I make no apologies in saying I will now bring that Bill forward, line for line, in my name. We will put it to the test and, it is to be hoped, if a member of Fianna Fáil does not put forward the same Bill in the intervening period, in which case I would be very happy to yield, I will put forward that Bill on behalf of the Labour Party to test the theory that Fianna Fáil will be serious about ensuring that people who live in areas where flood alleviation works have been carried out will be able to get that cover.

While I am speaking about flood alleviation works and the OPW, that scheme in Fermoy cost €30 million. It was a fine scheme. An incident took place there on 21 February last year, when a small number of premises were adversely affected and were flooded. The owners of those premises have yet to receive any kind of compensation or report in respect of what took place there. This is relevant to the insurance issue because when incidents like this occur, where relief works do not work completely and there is a breakdown somewhere, and where we do not have sight of the report in respect of Fermoy, it feeds into the narrative from the insurance companies that they do not have to cover these towns where works have been carried out. It strengthens their hand. I am hopeful, in putting forward the Flood Insurance Bill that, as I said, a member of Fianna Fáil or the Government will come forward and now promulgate this Bill, which was initiated by the Minister for Public Expenditure and Reform, Deputy Michael McGrath. If they do so, I will happily withdraw my Bill. We will test the Government on that to see if it is serious about providing flood insurance cover in those areas.

**Deputy Cathal Crowe:** I thank the Minister of State for being in the Chamber for this important debate. In the winter of 2009, I had not been long re-elected to Clare County Council.

As the Minister of State knows, the role of an elected member varies from day to day, but in the winter of 2009 I found myself falling into line with other residents, homeowners, farmers and business people in my community, sandbagging and piling up sandbags against homes in the community that were at risk of flooding. The River Shannon, as it has a propensity to do, burst its banks and the river waters, and all the creatures that live in the river, including ducks and fish, flowed down driveways and into fields where we had never seen flooding before. People told us that was a 100-year event and we probably would not see it again in our lifetimes. It happened again two years later, four years later and in 2019, which was the last time it occurred. Global warming has definitely made flooding a real issue.

However, if we go back to 2009 and the chaos and catastrophe that flooding is, only two houses in my locality flooded. Yet, at this very moment, in excess of 1,000 houses cannot get flood cover. There is something fundamentally wrong with that. People are being put to the pin of their collar in many walks of life at present but to also be denied flood cover devalues their properties and, in many instances, is causing the sale of houses to fall through. It might be asked why. The reason is when a house is up for sale, and the bank and solicitor have to scrutinise that property, they very quickly establish people in this locality cannot get flood cover and, therefore, they will not lend for this mortgage, an individual cannot buy and the sale falls through. This is happening repeatedly in places such as Westbury, Shannon Banks, Carraig Midhe, Cloonlara and Shannon town, which is the second largest town in County Clare. That is just in my own county. It is happening nationwide.

It all comes to the principle of risk equalisation, a principle that works so well in the realm of health for VHI Healthcare and other private health insurance providers. There is risk equalisation for the likes of VHI Healthcare so a smoker pays something similar to a non-smoker, a person who is overweight pays something similar to a person who is slim, and a person who is elderly pays something similar to a person who is young. It is risk equalisation to benefit all and to ensure that the widest possible catchment of people can have private health insurance. That works fine in the realm of health. That same principle of insurance does not work fine when it comes to houses.

If we think of Shannon Banks, where a tiny part of that community flooded in 2009, by any stretch of the imagination, if we look at the topography locally and the land levels, there is no way, even in the worst flood events, that the water would rise a further 30 ft and threaten homes in a neighbouring housing estate. Yet, the insurance industry has decided that is the case. It is a way of gouging out higher premiums for homeowners. It is causing major instability in the market when people try to sell and buy houses. It is a destabilising factor in itself before we ever get to the difficulties people encounter in trying to obtain mortgages and finding a house to buy. I ask that the principle of risk equalisation, good as it is in private health insurance, be dismantled and removed from the whole realm of property insurance. It has no relevance whatsoever to it and is very damaging.

Insurance for public events also needs to be looked at. So many are at risk of falling by the wayside. Tomorrow is 23 June. I am sure the Minister of State knows the song “Spencil Hill”. I hope to get home for some of the Spencilhill Fair that will again take place tomorrow. It is a fabulous institution in County Clare. People from all over Ireland will come there. It is one of the oldest horse fairs in Europe. It is said that horses bought at Spencilhill were brought to fight in Napoleon’s army. That is how far back that fair goes. However, it was not the Napoleonic wars that nearly ended that fair. It was lack of insurance and the insurance sector stating it could not insure the fair any more. It almost collapsed the fair after hundreds of years, a fair that

survived famine, civil war and everything in between. It was the insurance sector that nearly toppled this fair. Clare County Council stepped in but the Minister of State, and the Government overall, have got to look at a mechanism for ensuring that these age-old cultural events continue to receive insurance cover in order that they can be run without too much ado.

The book of quantum is still something that should be of significant concern to everyone in this House. Some people are deserving of the compensation they get because some accidents are very real and life-changing and, as such, people deserve to be compensated. Some other people, however, if they idiotically decide to take a tumble in the toilets of their local chipper at 2 a.m. or 3 a.m., will take that restaurant owner through the wringer and will even sink the business to get compensation. That exploitation of insurance also needs to be looked at.

I will finally raise the issue of trespassing. Just last month, the Cabinet agreed a tightening up of insurance and will look at the whole realm of people filing insurance claims for being on a premises they never had authorisation to be on in the first place. Trespassing is still very real in Ireland and farmers feel it an awful lot. I recently saw a letter from someone not too far from me who wrote to a landowner to say this privately owned parcel of land, which has been in private ownership for generations, is for the enjoyment of all and not the gratification of one family. Good Jesus, this is private property, which is there for a farmer or landowner to use. If people want to hike in places and walk across land, they can do so with consent from a landowner but trespassing without someone's consent is legally wrong and should also be wrong from an insurance perspective. They are interfacing with cattle, livestock and electric fences. There could be bog holes, watercourses and whatnot. If someone is to take any risk to be on someone's land without authorisation, they need to be prepared to face the consequences, if any.

I also read the new proposals the Government is devising will make it more restrictive for burglars to file insurance claims, when they are injured in the course of carrying out their profession of burgling someone. We do not want "restrictive"; we want an outright ban. If people are illegally on one's premises with the intent of breaking and entering, robbing and stealing, and stripping an individual of wealth and assets, they should have no recourse if they fall through a Perspex roof, if they cut their leg climbing through a window or if they sustain any accident or injury while on that property. If people break the law and break into someone's property, by God, they have no right whatsoever to come to the courts system months later and scam the insurance system all over.

I have nearly finished. Regarding the motor industry, we have considered penalty points and a raft of measures have been introduced in recent years to try to make road safety more of a priority. The cameras that some people have fitted to their cars are useful, as I saw when sitting in traffic one day. A guy walking across a pedestrian crossing tumbled onto a bonnet and claimed he had been injured. I would say he had so much drink consumed that he did not even know that he had left the high stool. Regardless, he believed he had been injured, and this type of situation is happening day in and day out. Cameras are a sure way of differentiating between the genuine case and the fraud. They are not expensive. I have one myself and it cost €100 or €120. Perhaps it should be a requirement that new vehicles be fitted with front- and rear-facing cameras before leaving the garage forecourt in order that a cache of evidence can be gathered that whittles out the fraudulent from the genuine.

**Deputy Louise O'Reilly:** I welcome the opportunity to contribute. Recently, the Alliance for Insurance Reform appeared before the Joint Committee on Enterprise, Trade, and Employment. The picture it painted of the insurance market for small businesses was bleak and stark.

The alliance represents small businesses, community groups and so on. The Minister of State will be familiar with the type of thing I am talking about from his own community. The alliance told us that, despite the new personal injuries guidelines entering into force in 2021, liability premiums had continued to increase by 16% in its members' experience. We were grateful for their evidence that day. The alliance carried out a survey of members, with 42% of respondents saying that insurance costs were threatening the future of their organisations. This figure is up from 26% in 2018. The time between surveys was not that long, but the increase was stark. To put a bit of shape on these statistics, when the alliance says that the costs are threatening the future of its members' organisations, it is a direct message that is heard by the workers employed by those organisations, who hear it as a threat to jobs. This is destabilising for workers, and planning becomes difficult if you believe you are on such uncertain terms.

While there has been movement on insurance reform since 2018, those who need to be supported and protected the most say that they are not feeling any benefit. Of the members who responded to the survey, the Alliance for Insurance Reform found that 90% believed that the Government was not doing enough to address insurance costs. These are the people who are on the business end of what the Government trumpets as reforms. Reform has to mean something to businesses and business owners. It has to mean decreasing insurance costs.

The new personal injury guidelines came into effect in April 2021, significantly reducing the level of damages for personal injuries. Data from PIAB show that the average value of awards fell by 42% in 2021 since the introduction of the new guidelines. That is welcome but as pointed out by my colleague, Deputy Doherty, this reduction in awards provides a significant saving for the insurance industry. The purpose of the guidelines, however, was to reduce insurance premiums, not to provide a windfall to the insurance industry. The Minister of State will be aware that the insurance industry has done relatively well recently. If it is not passing the reduction on, it will do even better, but that is not the reduction's purpose. It has to be passed on.

It is important that we see effective insurance reform, and the speed of reform should be at the forefront of the work carried out by the Government. That reform is happening is not enough on its own. It has to happen in a timely manner. It is also important that we see a multi-departmental approach to tackling issues relating to the insurance sector, and I hope that the Departments of Finance and Enterprise, Trade and Employment can work together efficiently and effectively to deliver the reforms that are necessary to secure the future of SMEs, community groups and voluntary organisations.

At a meeting of the Joint Committee on Enterprise, Trade and Employment some weeks ago, we discussed the general scheme of the personal injuries resolution board Bill. The Bill's policy objective is to amend the legislation to facilitate an increase in the number of personal injury claims that may be resolved through the board. Tackling issues within the insurance sector across the board and in tandem is what individuals and businesses want and what is needed. We need a sea change in the insurance market, not tinkering around the edges. The public and businesses are crying out for effective, efficient and expedient insurance reform from the Government, and it is up to the Ministers for Finance and Enterprise, Trade, and Employment to ensure that it is delivered.

**Deputy Catherine Murphy:** It is just under two months since the House last debated reform of the insurance sector. In that time, the situation has grown worse. The Insurance (Miscellaneous Provisions) Bill 2022, which was discussed at the time, is a step in the right direction, but it does not represent the radical reform needed to address the cost of insurance. The

fundamental issue is cost. We must not forget that affordable insurance is fundamental to the long-term interests of our country. High insurance premiums add significantly to the cost base of the economy. The higher they go, the higher they push up other prices. In the midst of a cost-of-living crisis, that is the last thing the country needs.

No one is any doubt on this topic. The debate on insurance reform is well rehearsed. Time and again, we stand up and agree that premiums are too high and the Minister of State says that reform is under way. However, anything that even sniffs of real reform is often delayed or derailed. In many ways, we are expected to applaud the minor measures that are taken. As a country, we tend not to do radical - I do not just mean in insurance terms - even when radical is something that we need. This is why the insurance market remains dysfunctional, with extremely high insurance costs by international standards. We are complete outliers. When Mr. Peter Boland from the Alliance for Insurance Reform appeared before the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, he stated that his members were “met with disbelief - and, in some cases, laughter” from European counterparts over the extent to which insurance remains such an issue in Ireland.

While an action plan for insurance reform has been published, the pace of change has been painfully slow and resistance to meaningful reform seems to be growing. The second implementation report on the action plan, published last March, provided no updated timelines. Without target dates, those actions are little more than aspirations. We all accept that Covid and inflation have impeded progress, but insurance reform has been on the political agenda for years. These unforeseen events have only accelerated the need for reform and they should not be used as barriers.

Policyholders are struggling more and more. A recent survey by the Alliance for Insurance Reform found that 42% of organisations believed that insurance premiums were threatening their future while 90% said that the Government was not doing enough to address the issue. Even the new guidelines used by the Judiciary to decide the quantum of awards for personal injuries have not had the desired effect. While they have had an impact on the cost of motor insurance, which has decreased by 12.1% in the year to the end of March, their impact has been minimal in other areas. CSO inflation data show that home insurance only dropped by 0.5% over the same period and was actually up 3.5% during the month of March, while public liability premiums increased by a whopping 16%.

If the Government wants to protect communities, charities, voluntary organisations and SMEs, then it must address the threat caused by insurance companies exiting an already uncompetitive public liability insurance market. Competition in this market is urgently needed and efforts to attract more market entrants need to be ramped up to drive down costs. Without competition, already struggling businesses will fail, local services will cease operating and communities and voluntary groups will be unable to hold events. In many cases, what makes our communities unique is how the events they hold reflect them. We have been discussing this issue for decades. Too often, events are not held because of the insurance implications.

Since the new guidelines were introduced in April 2021, damages across motor, employer and public liability fell by 47%. However, insurers did not pass on these savings to their public liability insurance policyholders. While I appreciate that the rise in the number of claimants going to court has undoubtedly hampered efforts, the Government should not be found wanting. An awful lot more needs to be done. I understand that some claimants genuinely feel it is better to go to court, but much of this spike is motivated by the profits legal professionals can

garner from dragging claims through the courts. This is why speedy passage of the Personal Injuries Resolution Board Bill 2022 is so needed. However, from reading the general scheme, even this welcome Bill needs to be much strengthened. In particular, meaningfully increasing the number of personal injury claims which can be settled through the Personal Injuries Assessment Board is needed. I hope that the Minister will listen to some of the concerns raised during pre-legislative scrutiny and strengthen its provisions to enable the Personal Injuries Assessment Board to adjudicate on such cases.

Another area in need of reform is duty of care. It has been over a year since the Department of Justice conducted a review of the current legislation and examined duty of care provisions in other countries. The Government's action plan committed to making proposals to Cabinet to rebalance the duty of care by June 2021, but this deadline was missed. These changes were only approved by Cabinet last month. The current absolutist approach to duty of care obligations places a heavy burden on organisations, regardless of how people act on their premises. For communities, charities, SMEs and event organisers this is an extremely pressing issue but this Government does not seem to share this sense of urgency. One would be forgiven for forgetting that Fine Gael prides itself on being the party of business, given that it has been in power for 11 years and is yet to address this long-running burden on many businesses.

Another long-running burden is the cost of childcare. We are led to believe that it will be a priority for budget 2023 and I hope it is. With the national average price for childcare now hitting €800 per month, and €1,276 per month in Dublin, I sincerely hope that the Government does not renege on that commitment. To cut the cost of childcare, interventions from every angle are needed, including insurance costs. If you reduce the cost of premiums experienced by crèches and Montessori schools, that benefit can be passed on to families. Now more than ever, this saving is desperately needed by struggling families.

The Social Democrats has long argued for the State to do more to promote the concept of co-operative or group insurance. Strong models already exist in areas such as the social housing sector and far more businesses and sport and community groups could enjoy stable and affordable insurance cover if this was promoted. These are the kind of creative solutions that the Government should be pursuing. Simply tinkering around the edges is unsustainable and indefensible. The customer must be at the centre of insurance policymaking, not the industry. Lest we forget, it is customers who have carried the burden of high premiums, while insurers profited. Insurance reform cannot be sidelined any longer because everyone except the vested interests loses under the current system.

I want to reiterate the point that was made by some others about flood insurance and the experience with it. I have also had people in my constituency contact me about not being able to sell their homes or about having gone sale agreed before the sale fell through when they realised there was an issue with flood insurance. Some of these were houses that never flooded but where there was a general issue around river catchments. This is a significant impediment. The other thing is that the OPW has done significant work, work which has held up under serious pressure, but we are slow to see a change from the insurance companies. I have had situations where there is no prospect of an area being flooded because it is up on an incline and yet people have struggled to get flood insurance in that kind of scenario. That needs to be tackled from the point of view of people being able to get flood insurance and because of the impacts it has on people if they want to sell as it can be the ultimate impediment.

**Deputy Pádraig O'Sullivan:** I am not sure if I will use all of my 13 minutes but I will give

it my best shot. I commend the Ministers of State, Deputies Fleming and Troy, for the work they have done. From listening to other Members I understand that the pace of change might be a bit arduous and slow at times but neither Minister of State can be accused of inaction on this. They are to be commended for the action plan on insurance that they undertook. Over 80% of the recommendations contained in that report are implemented at this stage, which is a good start, and I urge for that to be completed as quickly as possible. Many people get frustrated and in my private discussions with the Minister of State over the years I have expressed frustration at the price of motor and house insurance. However, even I have to concede that in the last year in particular premiums have reduced slightly. A survey was done which showed that on average motor insurance premiums are down by 10%, which is even reflected in what I have found in my insurance renewal premiums.

Second, on the actions of the new personal injuries guidelines, claims are down by about 40% according to the Personal Injuries Assessment Board. The awards and general damages for minor injuries are down by about 47% so there is clearly activity there. I concur with other Members that this needs to be passed on by the industry at a greater pace.

Third, I would like to bring up the area of competition. There is a distinct lack of competition in Ireland, not just in banking but also in the insurance sector. That is having a knock-on effect in overall pricing and premiums. I understand that the Minister of State is chairing a committee encouraging new insurance companies into Ireland and he has specifically tasked IDA Ireland with going abroad to try to source new competitors into the market. The Minister of State might be able to give us a couple of words in his summation on how that task is going.

I also mention the upcoming Personal Injuries Resolutions Board Bill 2022 and I know that work on this is ongoing. Deputy Cathal Crowe mentioned a while ago that there are a lot of spurious and dubious claims and we need to have a hard line approach to them and adopt a much more stringent legislative policy towards how we deal with this. I am encouraged to see movement on price walking, or the penalty for customers who have demonstrated their loyalty to insurance companies over the years. I understand that Ireland will be the first country in the European Union to do away with that practice, which is also to be welcomed and hopefully we will see that felt in consumers' pockets sooner rather than later.

Amendments to the Occupiers' Liability Act 1995 and the rebalancing of the duty of care were touched on earlier. This is something that has gone on for an eternity and it is great to see that the Government is active in this sphere. When we say we are rebalancing the duty of care I hope the onus will firmly fall on the trespasser or the person who is utilising somebody else's land rather than the landowners themselves.

I also mention the Insurance (Miscellaneous Provisions) Bill 2022, which we are hoping will enhance transparency around the practice of insurers deducting State supports from insurance claim settlements. This is something that stuck in my craw during the pandemic. At that time we saw that the practice of some insurers was to take advantage of the fact that the State had subsidised businesses during the pandemic, when they needed it most. It was abhorrent to see insurers deduct from the settlements. That kind of action shows more than anything what one is dealing with in the sector at times. In the middle of a pandemic, it stuck in my craw. I know it irked many other people as well. I welcome work on the Insurance (Miscellaneous Provisions) Bill.

I will mention home and flood insurance. In areas where the OPW has implemented suc-

cessful schemes, action needs to be taken in terms of the protections we can give to people, many of whom have been flooded on numerous occasions in their lifetimes. With one claim, they are often dismissed from getting a subsequent policy to insure their homes. Even if they are given the right to access house insurance, it is often at exorbitant prices. We need to look firmly at areas where OPW schemes have been delivered. Where it is demonstrable that the OPW scheme might work, we need to be there to help people by reducing home insurance premiums in flood-risk areas.

I thank the Minister of State because a number of weeks ago he met a group of people from the children's entertainment industry with me. For many businesspeople in the sector who operate bouncy castles, play zones for children or whatever the case may be, it is their single greatest expense. There has been difficulty in sourcing reasonable insurance premiums in recent years and many businesses are bundling together to try to get communal policies. That is helping somewhat but it needs to be on the Minister of State's radar in terms of what he tackles next.

On flooding and subsidence, there are issues with outdated maps and historical legacies. These matters need to be reviewed periodically. Flood insurance is often based on areas that might not have flooded in more than 100 years but because they are coloured a specific way on the map, despite having no recent history of flooding, it carries over. Being practical, we need to review that periodically to give people a fair chance of getting reasonable quotes for home insurance.

I commend the Minister of State on the work he has done. Progress is slow up here. We know that, but, in general, the Ministers of State, Deputies Fleming and Troy, have proved to be very active in this and I hope it will be passed on to consumers into the future.

**Deputy Matt Carthy:** I am sharing time with Deputy Martin Kenny. I presume he is on his way. I am pleased to participate in this debate because there has been quite an amount of discussion about the cost of living, doing business and operating voluntary community services in recent weeks and months, and rightly so. The pressures in this State are so great on many workers families, small businesses, etc., because the most recent increases, especially in respect of fuel and energy, are the latest in a long list of areas in which the Irish people are being ripped off on an ongoing basis. We often discuss here how rents are among the highest in Europe and mortgage interest rates are among the highest in the Eurozone, the costs of childcare and the fact we do not have anything close to free education, despite the rhetoric often used. The cost of insurance is astronomical for many families, motorists, businesses, community groups and anybody engaged in a practice for which insurance is needed. That is a crucial point that needs to be made: these people need insurance. It is an essential service in order to operate. Therefore, we cannot treat this in the way we might do other private services. The provision of insurance cover is as important to a family, motorist or business as access to fresh water, wastewater facilities or electric facilities.

We cannot allow, as successive Governments have, this to become a private enterprise matter. That approach which Governments have taken has allowed insurance costs to dominate and become so large and astronomical that it is a preventative starting point for people to enter business. We have heard discussions around facilities that have been forced to close and businesses forced to lay off staff as a result of the huge insurance premiums or the inability to secure insurance cover at all.

The work Deputy Doherty has done on this has been incredibly important because he has shone a light on practices of excessive insurance costs. I commend him for that and welcome the fact the Government is taking minimal steps, but they are only minimal. It must go further and implement all the proposals that Deputy Doherty has laid before the House.

**Deputy Martin Kenny:** The issue of insurance reform probably affects every citizen in the State, in particular those who are driving and working. Car insurance is one of the key issues that needs to be dealt with because, in spite of the claims by various insurance companies about what will happen once claims come down through PIAB and all the measures we have to bring them down, we still have very high insurance costs in this country for motoring. That needs to be dealt with. The issue is that it is a private cartel. They are looking after each other and comparing prices with each other, and the public is suffering at the end of it.

In recent days I spoke to a community group in a town near me that runs a festival every year. Because of Covid, the festival has not happened for the last number of years. Now they are back up and running and hoping to run it again. They cannot find a company that will cover their insurance for that type of on-the-street music festival. That is a serious issue for our tourism industry and for commerce in many towns in which a weekend like that is a little bonus, bringing a few extra people around, and they can hopefully try to manage with it. However, they cannot get insurance. If they cannot get insurance, they cannot run these events.

The Minister of State has engaged with the insurance industry, but the process is taking far too long. These problems are immediate. The organisers cannot say they will leave the festival for another year and hopefully get insurance next year or the year after. When a community does not go ahead with an event like that, it dies and never comes back again.

The Minister for Justice announced earlier that she is hoping to bring forward proposals which will mean that there will be more personal responsibility for people. That is welcome and good but it does not come fast enough to relieve the problems people face. There are community projects and events that cannot go ahead and businesses that cannot operate, particularly in leisure and other industries like that. For instance, people who run bouncy castle businesses cannot get insurance or are finding it very difficult to do so. I have been contacted by businesses that run adventure sports involving kayaking, stuff on rivers and all that sort of thing. It is extremely difficult for them to get insurance, and they are priced out of it all the time. There are probably only one or two companies in the country quoting for those kind of activities right now. The Government needs to get a grip on this and deliver, not in the long term but in the very near term. Before the end of this summer, we need to see real change in the insurance industry.

**Deputy Paul Murphy:** On Monday this week, Fettercairn community and youth centre in my constituency announced that it has had to cancel its summer projects for this year because of the extremely high, unaffordable insurance costs it faced. That story is replicated around the country, resulting in a crisis for community groups, young people and families everywhere. The events committee in Fettercairn said that it has exhausted all avenues but found that insurance costs were at an all-time high, leaving no option but to cancel this year's summer project. These summer projects are non-profit events and it is a non-profit organisation designed to give children and young people a chance to enjoy themselves for a few weeks of their summer holidays through visits to water parks, adventure centres, working farms and other activities. It was an important part of the summer for the community in Fettercairn for decades but it is gone this year because of the cost of insurance. Obviously, people hope it will be back again next year but, if we do not get a grip on this crisis, it will not be. It is a great loss to families and children

in Fettercairn and this situation is replicated right across the country.

It is entirely unacceptable that the profit motives of private insurance companies determine whether ordinary people and their children get to enjoy summer activities. To add insult to injury, the fact that the summer project in Fettercairn cannot go ahead comes hot on the heels of the closure of the Fettercairn Youth Horse Project in the same community for the same reason, insurance costs. This is another project that has been an invaluable part of the community for 22 years. It has been of enormous value for thousands of young people and adults, many of whom have complex and additional needs. It is closed completely at present because it cannot get the insurance it needs.

This entire debate and all of the examples we are hearing regarding the impact the insurance market is having on community groups in Fettercairn and across the country again demonstrate why we urgently need to break with the model of for-profit insurance and why we need a State insurance company to provide insurance as an essential public utility on a progressive, not-for-profit basis that takes account of people's and communities' ability to pay. Such a system of State insurance would provide the cover needed to ensure that these and many other community projects can serve their communities unhindered by the profit motives of insurance companies. The underlying assumption behind many of the so-called insurance reforms of recent years is that increasing transparency will increase competition and that this will inevitably lower costs. This flies in the face of our past experience, which shows that the real result of increased competition is an intensified cycle of boom and bust. Put simply, we cannot leave the insurance industry to profiteers. It is too important. The rights of the community in Fettercairn and communities right across the country are too important to leave to the capitalist market. Insurance should be run as a public utility in public ownership and as a service for people rather than as an extortion racket for insurance companies' investors and owners.

The whole issue highlights the lie that the model of free market capitalism is somehow efficient. For whom exactly is it meant to be efficient? It is not efficient for the workers who have to spend time every year shopping around for all of the varieties of insurance they need and looking at difference insurance products to try to find the best possible deal. It is not efficient for older people who may not use the Internet and who are therefore left vulnerable to being ripped off without any knowledge of the rip-off being perpetrated upon them. It is efficient only for the insurance companies, which utilise the mass of information available to them to target people and to maximise their profit. That mass of information should instead be available to our society as a whole and used to benefit ordinary people rather than to rip people off. Decades of history in respect of both the insurance market and the banking crash should be all the evidence we need of this.

Even the deputy governor of the Central Bank acknowledged during a meeting of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach we had a number of years ago that presuming that encouraging more competition will lower costs is an act of faith and relies on the prior existence of very high profits in order that "new entrants will come in and drive down premium rates". Rather than endlessly waiting for the invisible hand of the market to be freed to work its magic, the solution is for the State to nationalise the insurance industry to provide affordable insurance to car owners, homeowners, community organisations and small businesses as an essential public utility. A progressive, non-profit basis would mean taking account of people's ability to pay and ending the systematic discrimination against young people, those on low incomes and working-class communities. That is the single most radical reform of the insurance industry that is needed if we are to end the crisis facing the community in Fet-

tercairn and other communities across the country.

**Acting Chairman (Deputy Mattie McGrath):** I welcome the group from Cork Prison. Cork may not win its matches, but the group are here with their chaplain today and they are very welcome to the Gallery.

**Deputy Neale Richmond:** I wish our visitors from Cork the best of luck today. Unfortunately, I think the Dubs might have the measure of Cork this weekend, but I would say that, would I not? I really appreciate the opportunity to contribute to this debate. I am on the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach of which Deputy Paul Murphy was previously a member. This is an issue that has come before us and the Minister of State has given us a great deal of time, as have his ministerial colleagues, to debate it.

It is not a new issue. I remember when I first got involved in politics and joined a party just under 20 years ago, the first campaign I was involved in related to the motor insurance rip-off relating to young drivers and how students, like myself at the time, people of 17, 18, 19 and 20 who, unfortunately, had to drive cars in order to simply get to college or to our part-time jobs were prohibited from doing so. It was quite clear that buying a car was much cheaper than getting it insured for a year. That is why, as a Member of the Seanad, I was very supportive of the setting-up of the working group on insurance reform.

I am grateful to see that motor insurance costs have reduced by 40%. However, it is disappointing - and we can all share in this disappointment regardless of our ideological approach to this debate - that we have not seen that replicated to the same extent in health insurance and home insurance. There are a range of sectors, to which other Deputies have already alluded in this debate, we all have individual experience of in our constituencies. We all deal with constituency groups, businesses and individuals who either cannot get insurance or for whom it is so prohibitive that it is not an option for them to proceed with the event in question. They may have to alter the event or completely reassess their business model.

Many of us spent this afternoon meeting the Federation of Early Childhood Providers. Some of us went to the audiovisual room for its presentation. Insurance costs for businesses in the early years sector, whether Montessori schools, crèches or preschools, are a contributing factor to the lack of availability and opportunities for those looking for childcare for those of preschool age, which, in turn, has a great impact on the wider economy and wider society. There has been an element of relief but it is still one of the massive barriers for people seeking to set up their own childcare facilities. We can talk about obstacles such as finding the space, getting planning permission or being able to meet the costs in the context of the rising costs of utilities or to work within the fairly meagre allocation of funding from central government, particularly when it comes to those who are solely involved in the early childhood care and education scheme, but insurance is definitely a major factor. It is a consideration for people, including the five providers in my local area that are more than likely going to close this year even though they do not want to. They have full lists but it is a question of whether it is better to keep the facility open or to look elsewhere. That is a common issue around the country and not unique to my constituency or the greater Dublin area.

One of the other areas that has been referred to is that of festivals, event hire and so on. My own local GAA club has had to completely change its family fun day on Saturday because it cannot afford the insurance that goes with bouncy castles and other inflatables - the normal things kids find so much fun in. As someone who has children of that age, I can tell you that

there is definitely a black market for those trying to get a bouncy castle for a birthday party or a first holy communion because they are in such short supply. Again, it comes down to insurance costs being so prohibitive. Companies are simply not prepared to go into this area. These are the areas the Minister of State has undertaken to work on. They are the clear, obvious and practical areas about which people are coming into my office. They are the areas in which parents, children, families and community groups are being robbed of the opportunity to do very basic things.

This leads on to the more commercial scale and the ability to open children's play centres and various other activities in our communities. Many such facilities had to close down during the pandemic for understandable reasons but many have not reopened and will not reopen. There is now a dearth of such facilities. Despite all the other rising costs, insurance is still the greatest barrier. It is not simply a recreational matter. These are good businesses that employ a lot of local people, particularly on a part-time basis, including students and others. It is an issue across the country whether in Bray, Wicklow town or Dundrum and Stillorgan in my constituency. They are missed by a great many people. It is an area we need to continue to work on.

As I have mentioned, we have seen great progress with regard to motor insurance but a lot more can be done. I do not fault the industry.

*4 o'clock*

I do not fault customers or the businesses that need to get the insurance or indeed the lawyers and judges who are working in this sphere because it is something that needs a complete response and the Government alone cannot do it. I appreciate the legislative moves and the interventions that have been made but they are still a factor.

I am not going to do down the insurance industry. The insurance industry is a vital part of our economy which provides a really important service and employs tens of thousands of people either directly or as brokers or otherwise and we need that industry. With the post-Brexit economic diversification of our economy, we have seen large-scale insurance jobs move from the City of London to Dublin to continue to have access to the European Single Market. That is a boon. These are really good jobs ensuring people can live good lives and contribute back to the economy. We need to work with companies and the providers but it comes back to the core areas.

When he is wrapping up, I ask the Minister of State to provide a breakdown. Each of us has raised individual areas and given examples of clubs, festivals or businesses in our own community. I do not expect him to provide specific answers on the Fettercairn festival or Ballinteer St. John's GAA club but they are all very distinct sectors.

At one stage only one brokerage was providing insurance for early years education, bringing in options from the UK for early years providers, including crèches and Montessori schools. Insurance needs to be provided to early years providers, festivals, events, youth resources and the child entertainment sector. We also have traditional insurance that everyone thinks about such as home, health and car insurance. We need more than one approach to address the overall insurance area. We need to see the same success we have seen in the motor industry come into early years sector and festival insurance.

**Deputy Johnny Mythen:** Insurance is one of the largest bills people face on an annual basis. Many small businesses, community groups, motorists and homeowners cannot make a liv-

ing without insurance. Insurance companies are well aware of this stranglehold. Between 2009 and 2020, insurance companies increased liability premiums by 25%. They had an operating profit of 20% in 2020. Following the introduction of the new personal injury guidelines which came into force on 24 April 2021, data from the Personal Injuries Assessment Board show a 42% drop in awards. However, a recent survey by the Alliance for Insurance Reform shows that premiums have risen by 16%. I call on the Minister of State to ensure these significant savings are passed on in some form to already squeezed customers facing inflation rates not seen in this country for more than 20 years.

It is incumbent on the Government to use its power put pressure on these companies. One significant way it could do this is to support Deputy Doherty's Judicial Council (Amendment) Bill 2021. It simply provides for the monitoring of insurance companies by the Central Bank and the Oireachtas to provide an annual auditing report to assess if some of these savings can be passed on to their clients. I do not understand why the Government would oppose such legislation which would provide customers with a robust form of protection against overpricing.

Local clubs and associations even tidy towns committees in my county are coming under severe pressure to continue to provide insurance cover for their members. Some clubs are asking members to take out their own private insurance. This will act as deterrent to upcoming sportsmen and sportswomen, putting parents under even more pressure and will cause some smaller groups to disband altogether.

The Government must act accordingly. Too many sectors, such as self-employed, tradespeople, leisure, motorists, childcare, tourism, clubs and all sorts of associations are affected by an unregulated free market. We welcome the setting up of the office to promote competition in the insurance market, but this must go hand in hand with measured scrutiny and annual collected empirical data of the industry to ensure that people are not paying premiums way above the norm. I call on the Government to support the Judicial Council (Amendment) Bill 2021 to curtail the excessive profiteering of this industry and protect the citizens of this country from being overcharged.

**Deputy Martin Browne:** Even though the personal injuries guidelines came into effect last year, many groups and organisations have still not felt their benefits. The Alliance for Insurance Reform has found that liability premiums have actually increased by 16%. The same survey found that 42% of organisations which responded believe that insurance costs have put their future in jeopardy. While those increased costs are affecting the organisations, the premium rises are impacting the communities which these groups serve. For example, the estate where I live will have been open for 40 years this year. We had planned to hold a party, but we cannot have a bouncy castle for the children because of these insurance claims, which is crazy. Now more than ever after two years of pandemic, we need to be able to promote our country especially internationally, but this has been prevented by high insurance costs.

After discussing the insurance costs being incurred by community groups organising and hosting events and festivals, members the Tipperary Cahir Cashel Municipal District decided to write to the Minister of State. They made the point that while local authorities have increased funding for schemes and grants to facilitate local community groups, spiralling insurance costs have resulted in major restrictions being put on such groups. With all the restrictions it is not worth holding anything anymore. We need a rebalancing of the duty of care to ensure the community sector, voluntary groups and small businesses face a fair playing field in getting access to affordable insurance. The same is the case with childcare, leisure, tourism and self-employed

tradespeople who face a shortage of insurance options in the sector.

I have been contacted regularly about insurance for thatched buildings. In April the last domestic insurer for this group left the market, meaning that anyone seeking a new quote is unable to insure their home. Any person whose insurance lapsed or could not avail of it previously cannot get insurance for their thatched domestic home. The thatched property insurance action group have written to the Minister of State, Deputy Noonan, and made a submission in respect of action 29 of Heritage Ireland 2030. I urge the Minister of State, Deputy Fleming, to read this letter and take in its observations and suggestions. This issue has the potential to affect mortgage contracts and, of course, the retention of these valuable aspects in our heritage. The Minister of State, Deputy Noonan, has advised that under action 6 of A Living Tradition, work is under way to establish which companies are prepared to write insurance and the affordability of such premiums. I would appreciate any update the Minister of State, Deputy Fleming, can give me. I again urge him to read the letter from the thatched property insurance action group.

**Deputy Verona Murphy:** I always try to bring the concerns of constituents into my contributions, when possible, because the most fundamental purpose of us being here is to represent our constituents. The week before last I received an email from a lady in County Wexford, which is relevant to the topic of insurance reform. It stated:

I am writing to you in relation to the Alliance for Insurance Reform.

Ireland has an incredibly skilled circus industry featuring world renowned performers and coaches. Despite our industry being small in numbers we are highly committed to our safety standards and have been updating our knowledge and protocols continuously over the years. In recent months our insurer informed us that the underwriters are no longer able to cover 'Aerial Dance' and have removed aerial dance from their list of approved activities. I am now in a situation where I have put massive time and financial pressure on getting myself through the intensive training to qualify as a coach and performer to be faced with an insurance crisis placing significant threat on the future of myself as a performer and coach, the futures of my coaches and fellow instructors, and the future of the overall circus arts industry, here in Ireland.

Ultimately government can and must get liability insurance premiums down to affordable levels with reforms that keep them that way. Recent research by the Alliance for Insurance Reform shows that 42% of organisations say that insurance premiums are threatening their future. While recent reforms such as the judicial guidelines are welcomed and having an impact of motor premiums, they are clearly not having an impact on the liability premiums paid by businesses, voluntary and community groups, sports and cultural organisations and charities.

This is just one industry facing serious problems when it comes to insurance.

Many other people in other industries could tell similar tales of insurance rates becoming unaffordable and businesses subsequently in jeopardy. It has happened in the childcare sector. It is happening on an almost daily basis to community groups trying to run fundraisers which were run perfectly safely for years.

I wish also to draw attention to the views of the Alliance for Insurance Reform who are doing sterling work in pursuit of improvements. It highlights that the current personal injury system, via the Personal Injuries Assessment Board, PIAB, delivers damage well in excess of

European norms to plaintiffs in a manner that is quick and low-cost. When claims for minor injuries go to litigation, only lawyers benefit. Equally, insurers cannot continue to delay the delivery of reduced premiums or all the benefits of the reforms being processed currently and recent High Court decisions will flow directly into the back pockets of insurers as additional profits. We expect substantial reductions to the cost of liability cover and further proportionate reductions to motor insurance costs immediately.

All of this seems to link back to the decisions of the Judiciary. I know we in this House must be very careful around the separation of powers. However, if our legal system allows exorbitant pay-outs for minor injuries, or even if there is a threat of such pay-outs being awarded, the inevitable consequences are that premiums will increase and remain high. Any actions that can be taken by the Oireachtas which do not infringe on the separation of powers must be considered to help the many struggling industries to find insurance cover.

**Deputy Seán Canney:** I welcome the opportunity to speak about insurance reform. We could talk about many aspects of insurance but I want to home in on a few matters. In my area, voluntary groups have rural social schemes and community employment schemes which do work in the community. However, they are not able to do work on the roads or in public areas without having public liability insurance. Those groups are doing the work of the local authority and that work should be covered by the local authority as part of its overall insurance cover. The situation as it stands is creating a layer of insurance on top of a layer of insurance. People, including Tidy Towns volunteers, cannot do work in those areas. They cannot do grass trimming or whatever else. Local authorities do not have the people to do that work. We must be practical.

Between employer liability and public liability insurance, professional indemnity insurance and product liability insurance, we are creating and layers and layers of insurance. Take the example of any Government body involved in building a project, a housing scheme or whatever else. The relevant local authority must take out insurance on the site and the contractor must take out public liability and employer liability insurance on the site. The subcontractors must take out public liability and employer liability insurance. Main contractors and subcontractors must also take out professional indemnity insurance. We are creating more and more layers of insurance. If the contracting authority would take out an umbrella insurance on the site to cover all aspects of activity for the duration of the work, there would be savings on insurance premiums and the cost of delivering those projects. There would be savings for the taxpayer. It would bring a little sense to the overall issue of insurance for businesses. That is a matter we need to consider closely. We tried to do it a few times when I was involved in the construction industry. The benefit to the client who went to take out insurance was that there was no reduction coming to the contractors from their existing insurance because, as I said, they do not work like that.

I know of a number of cases relating to flood insurance, including in the town of Headford where a housing estate sits approximately 25 ft. above any flood line but because a map has been prepared showing a flood risk within the area and the circle of risk includes the estate, insurance companies are refusing to give cover for flood damage to those houses. That is discrimination affecting six or eight houses in an estate. I know of a case in the past where a flood map was produced by the Office of Public Works that suggests a 100-year risk of flood and an insurance company refused to offer flood insurance. There are housing estates close to me in Tuam and in other places around Galway that have never flooded but because there is a risk of flooding, the insurance company is refusing to take into account the fact that there is no his-

tory of flooding on the sites. There is an onus on us to ensure we highlight those issues so the Minister and the Government can prepare to bring in insurance that is workable for businesses.

I acknowledge the Alliance for Insurance Reform and all the work it has done in trying to highlight the issues. It is important that it is doing that work because business is suffering as a result of the premiums being charged. We need to be able to reduce those premiums. We need to look at this issue in a completely fresh light and ensure that people are covered, claims are reasonable and insurance premiums are affordable to business people.

**Deputy Matt Shanahan:** We all know how important a subject this is across our communities and especially for business owners. The Alliance for Insurance Reform was before the Joint Committee on Enterprise, Trade and Employment recently. We discussed many of the problems of which the Minister of State is well aware and has covered recently. When will the duty of care legislation be published? When will it be enacted? More importantly, when will it commence? Can we expect that to happen soon? I know the Minister of State has been approached by a number of lobby groups that have told him how important this is because of the amount of cases that are pending and, unfortunately, the number of cases is rising, not falling.

A number of personal injury cases in the Circuit Court were reported to have escaped the PIAB process, as the Minister of State knows. Judges in those cases made awards that were well outside the judicial guidelines. We had thought we had closed out that problem but obviously we have not. There are some reasons cases exit PIAB and go to the courts but as was highlighted in a newspaper yesterday, the increases are significant. It is not the case that the person bringing the case gets a whole lot more in compensation but rather that the legal fees become stratospheric. How does the Minister of State propose to properly close out this issue? How is he going to get judges to observe the judicial guidelines that were agreed for injury awards? How is he going to stop lawyers from trying to take cases to the Circuit Court rather than going through the PIAB process? Perhaps in his summation the Minister of State will discuss some of those issues.

A case that was mentioned in a newspaper yesterday involved an employee of an insurance company who made a fraudulent claim that they were in a vehicular accident and it turned out they were not. It was found in the courts that the person concerned was not in an accident. The case, if you like, collapsed, but the judge made no finding for costs. In other words, rather than awarding costs against that person, who was essentially committing perjury, the judge let the matter lie so that the insurance company would pick up the cost. This is a significant problem in the insurance industry all the time. If people are going to bring bogus claims, there must be some sanction and grounding within the Judiciary to award costs against such a claimant and not to have the costs put back onto those who carry insurance. The reason it is being done is because otherwise nobody gets paid. It is easy to put the burden back onto the insurance companies, which means the cost automatically goes back onto the insured. Perhaps the Minister of State will respond to that point.

I was recently approached by a restaurant owner who had a claim of discrimination made against him through the Workplace Relations Commission, WRC. The discrimination involved related to an individual who came into his premises and requested to use the toilet. This happened when mask-wearing was required and the restaurant had a mask mandate. All the customers and staff were masked. The person concerned was unmasked and when asked to wear a mask, they said they did not need to because they had a medical exemption. When asked for that medical exemption, the person said there was no need for them to provide it. Management

told the person it was the policy of the restaurant not to allow access to the toilets unless customers were wearing a mask. The person then left. The person videotaped the whole conversation on their phone and then went to the WRC which proceeded to bring a case on the grounds of discrimination. There are a number of these cases pending. They are collapsing, but what if this gentlemen had taken the advice given him, which was to engage a senior counsel and a barrister at a cost of probably €10,000 to €12,000 to answer that case, which was an absolutely spurious claim? I ask the Minister of State, through his office, to have a word with the WRC and ask it to implement some kind of filtering system around discrimination. Surely these cases should never get to court and should not be oppressing hard-pressed business owners who are finding it hard enough to make ends meet.

**Deputy Richard Bruton:** I welcome the opportunity to contribute to this debate. As others said, insurance costs are a vital concern of businesses, families and communities. Between them they must come up with €2.8 billion to fund motor insurance, employer's liability and public liability. These are often huge burdens on businesses and families that are already hard-pressed. For families, insurance typically runs to about 5% of household spending. That gives an idea of how important insurance is. It ranks ahead of clothing and footwear when measured by the amount of the household budget spent on the various types.

I am glad to say the Government's reforms are working, but that is not to show any signs of complacency. We must not let up either in the implementation of those reforms, nor in pressing for greater transparency from the insurance sector and competition within the sector. One of the things that has characterised this debate over many years, and I have followed it for a long time, is pointing the finger at different elements. For some, it is excessive and unchallenged fraud. For others, it is unnecessary legal costs, or it is the courts setting awards at unrealistic levels, or it is insurance companies' lack of interest in controlling their costs. The truth is all of these have a share of truth in them but they have long been a feature of debate without having any capacity to bring science to bear on which are the more important.

One of the really important successes for long-term reform in insurance is the legislation that has brought this sort of focus on the actual hard data on what is happening in the sector. That evidence is beginning to shed light and exposes many of the bad practices we need to address. For instance, the recent report by the Central Bank on the motor sector shows the insurance companies are seeing steadily rising profits. Last year they were 12%, the year before 11%, the year before that 9% and the year before that 6%. Thus, we are seeing motor insurance becoming increasingly profitable in operating profit terms. We are also seeing questionably high administration costs in the insurance sector. They are running at €450 million, or 33% of premiums being earned in the motor insurance sector. There must be greater scrutiny of controlling those costs and making sure we are getting best value. Also really striking is the ratio of claim costs to premium income, which is a vital element in determining how profitable it is to quote motor insurance. That has reduced from 92% in 2014 - in other words, costs were 92% of premiums - which is down to 50% this year. That is a significant improvement in the environment for motor insurance that has been brought about by many reforms that have been undertaken by communities and indeed by Government. A clear signal from all of these figures on the motor sector is not enough of the gains have been passed on so far in the sector. I fully acknowledge the CPI is showing a 38% in motor insurance since December 2016, which is really healthy, but the Minister of State must not let up on his expectation to see more progress in the motor sector.

That report also shows if a case goes to the PIAB it incurs one twentieth of the legal cost.

It is the difference between a few hundred euro and several thousand euro - perhaps €15,000. The difference in compensation is small. On the extra cost of having escalated a case from the PIAB to the court, 98% of it goes in legal costs and only a trivial amount goes to the increased settlement of the person who was the subject of the claim. There is a loud call there to ensure we do everything possible to prevent cases leaving the PIAB and going to litigation. It is worrying that even in motor, 36% of cases are still litigated, and that represents 66% of the settlements. In other words, these are the higher costs. We need to root that out. I really welcome the changes we now have before the House to bring mediation into the PIAB. Without mediation it has been easy for lawyers to persuade people to go to the next level and down the litigation route. Also valuable in that legislation is that it will remove the sort of one-way bet people have had whereby you could go to the court and have a reasonable expectation the settlement of the legal costs would fall on the insurance company and not on the claimant. That made it easy for a bit of ambulance-chasing, if you like, and less resistance to going down the legal route. Both those reforms when implemented will see a big improvement in reducing the proportion that still go to litigation.

When you turn to the evidence on employer's liability and public liability the Central Bank produces, it is even more worrying and we need to continue to press these reforms. The proportion of such cases that still go down the litigation route is 58%. By value, more than 80% of the cases are going down the litigation route. Again, this represents extra legal costs of €35,000 for each and every one of those cases. That is a massive amount. What is a bit disconcerting is it seems in the case of employer's liability and public liability, litigation is generating more settlements, so half the extra cost is going to the lawyer and half to the individual. That suggests to me there is a lot of inconsistency in the application by the courts of the quanta we are introducing. As other said, we need to have greater scrutiny of what is happening in these litigation settlements. Many of them do not go to the courts, as we know, and are settled on the steps of courts but there needs to be more consistency by insurers to stand up to these claims for higher settlements and to stand by the quanta of damage and not see this drift that seems to be a particular feature of employer's liability and public liability. As the Minister of State knows, the cost of claims to employers and other community groups taking on those types of insurance have increased by 37% in two years for employer's liability and 24% for public liability. We need to push on with reforms in this sphere. To be fair to the insurers, operating profits have been very poor in this sector. They were sustaining losses of nearly 50% of their premium income in 2015 and they have had to turn that around. It is healthy to see it has now moved to a break-even position and we must expect the insurance industry will co-operate very strongly with ensuring the PIAB that cuts out unnecessary legal costs becomes more and more the route by which these cases are resolved and that we do not have settlements on the steps of the courts where parties settle at much higher levels than the PIAB. We need to see more scrutiny of those settlement cases because we are only seeing aggregate data. It will be important for the PIAB to track what happens to cases where it has made a preliminary ruling and that subsequently go to court to see what exactly is happening.

I heard the Minister for Justice say earlier the duty of care reforms are pushing ahead with speed and I welcome that. It is important we have a fair balance of responsibilities when someone enters a premises as between the liability of the owner and the risk borne by the user of the facility. That balance has not been fair and the alliance of small businesses is right to be looking for reform there. I welcome the changes that are coming and like others think they cannot come quickly enough. It is important the Minister of State keeps pushing ahead with the transparency work he is undertaking. The Central Bank has pointed in its reports to further measures it will

take to ensure scrutiny. We need to see all segments of the industry and the legal profession co-operating in this regard. There is no doubt but that at a time of increasing pressure on the cost of living, which every family is experiencing, we cannot afford to have unnecessary losses, be they through fraud, through poor administration, through the unwillingness to challenge, or through settling at levels that are not in accordance with the community-accepted quantum of damages.

It is worrying to see that in its most recent report, the PIAB outlines that those accepting their awards have dropped from 51% to 37%. It suggests there are people stepping back and waiting to see if they will or will not have a punt on going down the litigation route. We need to keep a very close eye on that. It would be devastating if that occurred.

I welcome the Minister of State's resolve. He has put a lot of personal effort into this. It is a tough battle and it must be fought inch by inch. The consumer price index is showing that we are winning the battle. The 38% fall in motor insurance since 2016, the increases in health insurance falling below the general consumer price index, and the same for domestic dwelling insurance, suggest that we are beginning to win this battle. I urge the Minister of State to continue in relentlessly pursuing the agenda he has set for himself.

**Deputy Thomas Gould:** I recognise and thank my party colleague, Deputy Doherty, for the Trojan work he has done to help reduce insurance premiums and to deliver real insurance reform. Deputy Doherty has led this campaign and this call and I hope the Government will take on board the proposals and solutions of Deputy Doherty and Sinn Féin to help speed up and deliver insurance reform.

The Government is delaying and is dithering. We need delivery now. We need to reduce and see realistic insurance premiums. The Alliance for Insurance Reform has found that 42% of small businesses believe the high cost of insurance is a threat to their business. Voluntary groups, community groups, small businesses and public outdoor events are struggling to operate because of the sky-high premiums. The Government needs to do something here and it needs to step in. A number of soft play children's centres in Cork have closed over the past number of years. It is not just Cork; it is right across the State and is because of the high price of insurance premiums. The costs are too astronomical for these businesses to continue.

I put it to the Minister of State that people are struggling today. They are struggling with the high costs of living and the crisis we are in. They are angry and frustrated when they see the high price of insurance premiums. Motor insurance claims are down by more than 10% but claims awards are down by about 40%. Insurance companies are not passing on the savings. It is on the Minister of State and the Government to ensure that happens.

Community projects and voluntary groups cannot operate and run events this summer because of the cost of insurance. Things are tough this year with the high cost of living and the crisis we are in but now parents and community groups cannot run events because insurance companies are putting profit before people, children and families. This is wrong. I believe they need support. The insurance industry should not be allowed to get away with this.

In the past decade, motor insurance rose by 25% but the average cost has reduced by 29%. The figures add up for themselves. We need reform quickly and we need to let insurance companies know that they cannot put profit before ordinary people and businesses.

**Deputy Denise Mitchell:** Sinn Féin has been vocal for many years in advocating for in-

insurance reform. Some progress has been made but we all know that the latest reforms are not enough. Since they were introduced, we have seen the average personal injury award drop by 42%. Even with these reductions, consumers do not feel that the savings being made by insurance companies are being passed onto them. The idea behind the reforms was to reduce premiums but many of my constituents are still coming to me about the high costs of quotes from insurance companies. We have seen minimal reductions in motor insurance but businesses are saying that public liability insurance premiums have increased over that period.

The results of the latest survey by the Alliance for Insurance Reform make for grim reading. They found that of the 954 respondents, liability insurance premiums have increased by 16%. Of those surveyed, 42% said that insurance costs were a threat to their businesses. The situation is also being seen by childcare providers and many other types of businesses are closing their doors in my constituency. This has a huge impact on the communities that use their services.

The Government needs to ensure that citizens will be protected from inflation in the insurance sector also. For a start, the Government could progress Deputy Doherty's Judicial Council (Amendment) Bill 2021. It would allow us to get a real-time picture of the savings being passed on to the consumer. We must also progress legislation that rebalances the duty of care, making insurance affordable for small businesses, the community, and the voluntary sector. People need to be protected and particularly when these companies are posting massive profits.

**Deputy Danny Healy-Rae:** I am glad to get the opportunity to talk about this very important matter. The claim culture, awards by judges and no competition in the market certainly are combining to make insurance more costly than it should be. Our culture is being threatened and many festivals and events are being cancelled because they cannot afford the cost of insurance. Some horse hunts did not operate last winter because they could not get any quote. There was only one company doing it and it would not quote at all. Places like Castleisland had problems with insurance for the races last week. Hopefully they will get going in a couple of weeks' time. Many festivals are threatened and this is threatening our culture.

Why is the cost of VHI cover and voluntary health insurance so expensive? If a person goes into any hospital perhaps the cost for a day stay is €75 or €80. If, however, they ask if the person has VHI or that kind of health cover, then the cost is more than €800. Obviously, this is having an adverse effect on the poor people who are trying to provide health cover for themselves. This is what is coming out of it.

We miss Seán Quinn being out of the market. We just do not have enough competition. Hotels are being asked to pay premiums from €62,000 to €120,000. Consider also the young people trying to get car insurance who are being quoted in excess of €3,000. I am a firm believer that youth should get a chance. Until they blot their copybook they should get a fair chance to go on the road. These quotes are on top of all the other costs they must pay to attain their driver's licence, including driver instructor fees and the price of the licence and all of that. With regard to community and voluntary organisations, 40% of them have said that their future is threatened and 90% of the survey respondents said that the Government is not doing enough.

**Deputy Michael Collins:** I am delighted to get the chance today to talk about insurance reform. To be honest, we have been talking about insurance reform since I was elected to Dáil Éireann in 2016. While there have been some reductions in motor insurance, it looks to me as though the insurance companies are sucking up all of the reductions and are coming through with massive profits. The people suffering the most are those in the community and voluntary

sector. We would not be here today if it were not for them. I attend meetings when I go back to my constituency in south west Cork. Every time we talk about putting on an event, like a festival or whatever, someone asks about insurance, saying this or that will not be covered. Events are being blocked all over the place, even very simple things. Recently I was at a meeting and people were setting up a bouncy castle. The first thing somebody asked was whether we were covered. We were not. We went ahead with it that day but it could not go ahead afterwards because we did not have the cover and it would be a liability on the directors or the voluntary organisation.

The Minister of State may say insurance has come a long way but it needs to come a hell of a lot longer. While motor insurance has decreased, youths are being fleeced in every which way. Every ordinary mother and father is being fleeced too. Fuel prices are astronomical at the minute and the Government is standing over them. Its tax take is cruel to the ordinary human being but for a young person trying to get car insurance and get off the ground, it is almost impossible between buying the car, running it and paying unrealistic money for insurance.

The Judiciary gives out massive awards. We are not allowed talk about them but I do not understand why, because the State is paying for these massive awards. Hotels and nightclubs are facing difficulties in obtaining insurance. All of that is fed back to the ordinary mother, father, man or woman who attends the event. There is very little understanding or sympathy for them. The community and voluntary sector has said that people on CE schemes and rural social schemes are not able to carry out jobs because of insurance on roadsides, which is a huge issue in rural Ireland.

**Deputy Richard O'Donoghue:** Since the action plan for insurance reform was published in December 2020, I would like to think it has brought transparency to the insurance industry. I understand that price walking or loyalty penalties will be illegal by July of this year. The Central Bank has banned this practice from 1 July. Did the Minister of State know that if one half of a married couple gets penalty points, and if they are insured on a second vehicle in the family home, the insurance company will shove up the premium on the second car, even though it is not that person's primary vehicle? Is that not illegal? If one person gets penalty points, the insurer will raise the spouse's insurance as well because their partner is named on the insurance policy. They are shoving up premiums based on that. Is that legal? It should not be happening.

For SMEs, insurers are basing the premiums on their turnover. Their product is costing more so their turnover is higher but their profit is less and the insurers are charging more for insurance cover. That is not right either. What are we going to do to counteract that? Insurance companies are putting up car premiums because of the lack of vehicles in the country. They say the vehicle is now worth more so they are charging more for the same vehicle, which is a year older, because of inflation. That is not right. Hotels are being charged an excessive amount of money for insurance. They are creating employment and creating a place we can go to socialise or holiday. The person booking the hotel ends up paying for it because they have to add on the costs. It is all a knock-on cost, which the insurance companies are using. They are also using the hotels' turnover to raise their premiums. Everything in this country is being driven by inflation and insurers are jumping on the bandwagon. They are just shoving up insurance prices because they are allowed to by the Government.

**Deputy Michael Healy-Rae:** While in opposition in 2017, Fianna Fáil said the Government could not continue to be allowed dodge the issue of the high cost of insurance. Five years later and after two years in government, this is exactly what Fianna Fáil is doing. It has done

nothing to help the people, whether young people, businesspeople, voluntary groups or the local communities that are trying to organise events. Everybody is being crippled by the ever-increasing cost of insurance. It has to be said that compensation culture plays a part in this. I want to make a clear distinction here. If a person has an injury or damage is done to his or her property, of course he or she should be adequately compensated. If somebody's body is hurt or damaged due to an accident, of course that person should be compensated adequately. However, every one of us is aware of bogus claims that are going on. You do not have to be a public representative to know about or have experience of bogus claims. Everybody in all walks of life knows a person who has feigned or exaggerated injury. Somebody has to pay for that. Who is paying for that? It is every one of us, every person who has the responsibility of paying an insurance premium. Something will have to be done. It is like an industry at the moment and that is wrong. It is not free money.

The Alliance for Insurance Reform recently told the Joint Committee on Enterprise, Trade and Employment that the ongoing high cost of insurance is threatening the future of more than 40% of commercial and voluntary organisations in the State. That is totally ridiculous. There are groups of people trying to do work and organise events and all of a sudden they are having to shut them down because they quite simply cannot afford the cost of insurance. It is wrong beyond belief. The Minister of State has failed, this Government has failed and previous Governments have failed.

The Irish Hotels Federation held its most recent conference in March. Hotels in County Kerry raised a motion calling for urgent action to address spiralling hotel insurance costs, which they say have risen by an average of 20% year on year. The former president of the IHF, Elaina Fitzgerald Kane, has said that insurance costs are one of the most serious challenges facing the sector, with a third of properties, 35%, experiencing difficulties in securing insurance cover. People cannot have discos and nightclubs are finding it impossible. There is no such thing as personal responsibility anymore. If a person falls now in Ireland, somebody will have to pay them to get up. That is bloody well ridiculous. If people do something stupid of their own accord, it does not automatically mean somebody has to pay them a lump of money to get up off their backsides. I will stop but the Acting Chair will be interested in this himself----

**Acting Chairman (Deputy Marc Ó Cathasaigh):** The Deputy is well over time.

**Deputy Michael Healy-Rae:** People who have injuries and want to exaggerate them, because they are lazy and do not want to work and because they want to get money for nothing, should get nothing but a good kick up the backside out the door and back to work again. God be good to the genuine people who are hurt. I think the Acting Chair for his indulgence.

**Acting Chairman (Deputy Marc Ó Cathasaigh):** It might work as a chairing technique as well. By agreement with the Independent Group, the next slot is being shared with the Rural Independent Group. I call Deputy Nolan.

**Deputy Carol Nolan:** I thank the Independent Group for giving us its time to speak on this very important issue. As many of us know, there are genuine insurance claims but there are also too many bogus claims and we need to crack down on that. It seems to be easy money for some people who want to chance their arm and cost an employer or close a business. It is just not good enough. Unfortunately, we see too much of it and we need a total crackdown. Stronger measures are badly needed. Last month, I welcomed a series of reforms that were announced with respect to the duty of care aspect of insurance law. This was after the Minister for Justice

confirmed that a range of significant changes would be made, including a proposal to amend a number of sections of the Occupiers' Liability Act, 1995.

I have been lobbying for changes in the insurance sector for the past number of years, particularly around the need to enable the leisure industry and the adventure tourism sector to provide an appropriate balance between customer responsibility and occupier liability. That is why I broadly welcomed the measures announced last month as a belated but important milestone on the road to bringing back some kind of sanity to the insurance sector, particularly for the adventure and tourism sector, which was in difficulty. At one point there was only one insurer in the market that was covering the sector. I welcomed the changes, which will hopefully benefit these businesses. I also acknowledge the Minister of State's hard work in this regard. It goes without saying that this would not have happened if it were not for his efforts. For too long there has been an excessive and disproportionate focus on penalising businesses and demanding extortionate premiums for risk management, but we have to bring back balance and cop-on to the sector and must support and protect the businesses, because they provide much-needed employment in areas where there virtually no such opportunities, such as some rural communities.

As I understand, the reforms also propose to include a voluntary assumption of risk. This should go some way towards removing the major obstacles that cause high insurance costs and the entirely negative impact they have on our community and voluntary sector, as well as the commercial sector. I raised this matter directly with the Minister for Finance last April, when I notified him only one insurer was available in the leisure and tourism sector.

There is an issue also with car insurance. People on low incomes, elderly people with older cars and young people going out to work are being charged very high premiums and that needs to be looked at because it amounts to discrimination. That Ireland pays some of the highest insurance costs in Europe for young drivers who need cars to go to college or work also needs to be considered. CSO figures show motor insurance costs have fallen by 8.6% but in many respects that has not gone far enough to benefit or help our younger drivers or to tackle the wider issue of high insurance premiums for older cars that have passed the NCT. That needs to be examined because it amounts to outright discrimination, an issue I have raised previously.

I was directly informed by a nursing home provider in Laois-Offaly that one of the major insurance companies had effectively pulled out of the market, leaving nursing homes with under 40 beds entirely at the mercy of just one provider, which is unacceptable. This could have a devastating effect on providers in the form of increased premiums and on families and residents, who will be impacted by the inability of their provider to pay the insurance quotes that will be demanded by the sole insurer left in the market. This is the last thing they need, especially at a time when we recognise the importance of shielding our loved ones in nursing homes and when our communities and families are already under severe stress.

The Government must do all it can to make the insurance market fair, transparent and competitive. In the absence of such a market, many nursing homes may be left with no options but to pay or close and that is not good enough. We need action on that.

**Deputy Mattie McGrath:** I thank the Independent Group for sharing time with our group to speak to this issue and, in particular, Deputy McNamara for accommodating it. In the spirit of co-operation, it is great.

I have always had great respect for the Minister of State but I do not like to see the Govern-

ment telling us about the 66 actions it is going to take. If it wants to reform insurance, it should look at no more than ten actions it could take. Whenever I see reports with 60, 70 or sometimes 100 recommendations, I know nothing will be done. We have more regulators in this country than we have fine days, and it is a shame to see the price gouging that is going on and the way people are being destroyed.

Take the example of thatched houses. I beg the Acting Chairman's indulgence to allow me to give a bit of a lecture on green policies often raised by the Minister, Deputy Eamon Ryan, in the context of his eco-friendly buildings. They will be very familiar to older people, such as my sean-mháthair and the Minister of State's sean-mháthair. If he goes to the Nire Valley, where there are still a few of them left, he will see them. Those people had eco-friendly houses well before the Minister was so much as a bad thought in his father's mind. They had small windows and a thatched roof kept them warm in the winter and cool in the summer, and now we have to knock down everything. Thatched house associations are pleading with us. Thatched houses have all been listed, and rightly so for many of them but many other owners of them did not want their houses to be listed, and now they cannot get insurance. What kind of a farce is that? There was a lovely thatched pub in the middle of the road in Béal Átha Lúbaigh, known as Keating's. The proprietor passed away and the sister was on her own, so she closed the door. It was a pity the pub was imithe. Because the pub is thatched, the daughter cannot insurance on it as a house.

This affects mortgages, all aspects of people's lives and everything else. We need to do something about thatched houses because the Government is compelling people to keep their homes thatched and in good repair, a scheme I would support if the Government gave them support but it does not. It gives them only a pittance with the heritage grants, and then it will not allow them to get insurance. What kind of a Government have we? I recently flew out from Cork Airport and got through security in four minutes. I asked the Minister for Public Expenditure and Reform why the Government cannot direct some of the planes from Dublin to Cork and was told the airlines dictate where the planes go. It seems everybody is dictating things except for the Government. Why does it not close up shop here in Leinster House, get its knapsacks and go walking on the hills and mountains and let the cowboys who are reigning here run the show? It is shocking.

The insurance industry is taking on plant-hire contractors. I am one myself, I should declare. To be taking on these community groups is shocking. We are going to kill our culture and heritage. We should have a pattern day in Newcastle. It has been part of our heritage for generations. Examples have been given from all over the country and it was mentioned during the debate in the context of Dublin city and everywhere else. They are all being stopped because they cannot afford insurance. A drastic change is being cast over Ireland in a deep, dark plume of fog, whereby we cannot do anything but take more medicine, much of it green, AdBlue or whatever you want to put into it, and we cannot live our lives in peace and harmony with our neighbours and help one another in the spirit of meitheal.

This is what is going on in every business. A person cannot get a bouncy castle for a child's communion or whatever. I heard Deputy Richmond say this is tough and that he would not say anything to insurance companies, but I would because they have been milking the system and the cow for far too long. The Government is stopping farmers milking cows but it will not stop these people milking citizens. It is farcical and the Government has it all upside down. It is an upside-down world and the Government is serving masters who are not the electorate of Ireland. It serves global masters. The Acting Chairman is a new Teachta Dála and I am not saying

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it to him but instead am talking about Cabinet Ministers. I refer not so much to his party leader but, my goodness, to the Taoiseach, the Tánaiste and the Ministers for Finance and Foreign Affairs. It is from Bilderberg to the World Health Organization, WHO, and whatever else. It is about anything of interest rather than our country here.

What about the British warship that spent a week in the Port of Cork last week? Did we invite that into our waters? What about the French and what they are doing at the moment upsetting the ocean floor and so on, given all we hear about ecology and everything else? It seems to be a reign of terror by anybody on the people. The Government can stop us all doing anything, whether driving the car or plugging in anything. If we had shorter showers and salad baskets on the windows - you name it - we would be fine. It is all “slow down” and everything else. It is about curtailing, containing, beating down and browbeating our people.

I have a message. The Tipperary people rose up in the troubled times and fought for freedom. Breen and Treacy rescued Seán Hogan and we are not going to take much more of this. Liam Lynch was shot in the Knockmealdown Mountains. The people cannot take it. They cannot live and or even eke out a living, given the price of petrol, insurance, NCT tests and everything else the Government puts on top of them. Everything is a racket. I have no problem with the NCT to test the safety of chassis, tyres and everything else but when we see the reasons cars fail, it is a money racket. The Government should contain that cash cow and let farmers who want to milk cows to feed the people work away.

**Deputy Michael McNamara:** I have listened to this debate with great interest. It concerns an issue I have raised previously in this House in the specific context of the difficulties of obtaining insurance for the fair on Spancil Hill. Thankfully, through the efforts of Clare County Council’s elected members and management, that has now been obtained, but I thank the Minister of State for his offer and the work he did as well. As it happens, it was not needed this year, although it may well be needed next year and I thank him for his willingness to try to ensure an event such as that on Spancil Hill would be able to obtain insurance.

Of course, that event is not unique in regard to the difficulties in obtaining insurance. We have heard a lot about the need for reform and for the legal sector to look at how it does its business. I agree with all that and much of it is being done, but there is another issue we need to look at in the context of the rising cost of insurance, namely, the fact Aviva Ireland doubled its profits this year, to €57 million in Ireland, while FBD increased its profits, notwithstanding the business interruption claims through Covid, to €100 million. In the case of Zurich Ireland, I could not find a separate figure for its profits but the Zurich Group was up by 35% internationally, recording profits of \$5.7 billion. While there are difficulties in Ireland, there is also a degree of profit-taking by these companies and that needs to be examined because we need to ensure they will not start price-gouging now they have got what they sought.

*5 o’clock*

The judicial guidelines were introduced. There has been a sharp reduction in the amounts being paid out by the courts, and perhaps rightly so, in the vast majority of cases, especially small cases. We need to make sure that now that the insurance companies have got what they want, they are not just creaming off profits.

**Minister of State at the Department of Finance (Deputy Sean Fleming):** I thank the 30 Deputies who contributed to this debate on insurance reform. One of Deputies stated that it is

a dry topic. Anybody who contributed to the debate understands that insurance is a real issue that affects every household and business in Ireland.

I will summarise one or two points I made at the beginning in case some Deputies were not present. The biggest sector in the insurance market is motor insurance, with 2.2 million policies. Some 1.6 million homes are insured in the house insurance market, which is the second biggest sector. The business sector is the third biggest sector. The one surprising thing in that figure is that it means a number of houses have no insurance whatsoever. That is interesting. We do not have exact details on where those houses are located. When we look at the number of house insurance policies in place, however, it is less than the number of houses. I do not know whether it is the cost, that people do not know they should have insurance or whether they think someone else is insuring their home. The number of houses without insurance is something to bear in mind.

The first thing I wish to do is respond to some of the specific issues in this debate, which has gone on for more than three hours. I was asked by two or three Deputies across the Chamber why the Government is not supporting the Private Members' Judicial Council (Amendment) Bill 2021. I acknowledge and accept the work put into the insurance area over a period by Deputy Doherty and the Sinn Féin Party. A number of its proposals have been incorporated into Government legislation, such as price walking. We decided not to go ahead with that legislation, however, because the timescale proposed in it with regard to reporting information is longer than what we will achieve by means of the Insurance (Miscellaneous Provisions) Bill 2022, which was passed by the Seanad yesterday and which will hopefully be signed by the President next week. We included a shorter timeframe in that Bill in respect of the receipt of information, rather than having people wait a few years.

The main reason we did as I have outlined was to solely focus on the cost of the reductions resulting from PIAB awards. That is not the only reduction that will occur in respect of the cost of insurance because that excludes legal costs, efficiency costs and the savings for policyholders as a result of increased competition. What was proposed in Deputy Doherty's Bill was worthy, but it was too narrow and not reflective of the entire savings that occur in the area. I accept the goodwill and good intention behind the Bill, however. We took a more comprehensive approach through the information the Central Bank is issuing by means of its national claims information database, which is vastly superior to what is available in any other EU country. It is very important to say that.

It was mentioned that PIAB awards are down almost 50% and that people have not seen this coming through in their premiums. That is true, and there is good reason for it. Some of the reductions are being tested in the courts because they are so significant. There have been test cases. We had two good judgments recently, backing them up in their entirety. People have been slow to accept the new reduced awards. There is a backlog of awards. Once the courts firmly stand over the judicial guidelines, as they have been doing to date, all those reduced awards will come through the system. It will result in reduced premiums when the costs actually flow through. A measure of how these new guidelines are much tougher than those which preceded them is reflected in the fact that people are not happy with them. I would have been more concerned if everybody was accepting of the new guidelines because it might say to me that they were not reduced sufficiently. The fact is that they are coming through, but it takes time.

I was specifically asked about the reform of the PIAB legislation. That is at pre-legislative

scrutiny stage at the moment. I was separately asked about the duty of care legislation. The Minister for Justice spoke at length earlier and outlined the exact position in that regard. That legislation has been approved by Government. We expect all those items of legislation to go through in this calendar year.

The issue of flood insurance was raised by a number of Deputies from different parts of the country. One point I will make is that where flood relief work is carried out by the OPW, two types of defences are put in place. Fixed permanent defences are put in place as part of a flood scheme and demountable defences are only brought out when there is a severe weather warning and when there will be major flooding involving a particular river. The local authorities or their contractors know they have a couple of hours to get the temporary demountable defences up and in place for one, two or three days or for as long as the flood continues. Some 94% of houses in the areas covered by fixed flood defences have flood insurance. The figure is 74% for those in areas where there are demountable defences because the risk is still a bit high if the demountable defences are not put out quick enough. There is a lesson to be learned there. We should be going for the fixed defence mechanisms, where possible, but there are often local objections in terms of having them in place on a permanent basis. These factors should be looked at before any schemes are put in place in future.

On the issue of mapping, people have different maps. Some insurance companies operate their own maps based on their own customer knowledge. The OPW has its own maps but, because it is a State body, it cannot make those maps commercially available to the insurance companies. Therefore, there are OPW maps, local authority development maps and insurance company maps. I would like to see some rationalisation in that area in order that everybody will know what map they are working from. As a result of the fact that insurance is a competitive industry, each insurance company does not automatically share the information it has gathered through its own resources. As a result, that is something I would support.

The Alliance for Insurance Reform and the survey of its members regarding the pinch points was mentioned by several speakers. I understand and appreciate all of that. I acknowledge the work of the Alliance for Insurance Reform, Mr. Peter Boland and the people who work with him on that. I have met Mr. Boland on a number of occasions. I will be meeting him again very shortly to discuss the measures that have been raised in this debate and his ongoing contact with the office.

With regard to what IDA Ireland is doing with the Office to Promote Competition in the Insurance Market, which I chair, IDA Ireland has informed me that because of the changes that have been made in the insurance market here, it now has a package it can take to international insurance companies to attract them to this country. IDA Ireland me two years ago that it could not have done it because of the level of uncertainty and lack of the legislation regarding duty of care and the cost of claims. However, it is now saying that because of the changes in the past two years, it has its package and is commencing to attract some foreign companies into the country.

One speaker suggested that insurance is just a profit-making business for a handful of wealthy people and that the State should insure everything and pay the cost of every claim in the country. I will let people make their own judgments if they think that. We got the full gamut of approaches to that, however.

The issue of thatched roofs was mentioned. There has been contact with the heritage section

of the Department of Housing, Local Government and Heritage. I will make a point to make direct contact with that Department through my office in order that we are pooling our resources and efforts in that regard. A number of houses and pubs have thatched roofs. As a result of Brexit, some of the companies have pulled out of that business. We basically have only one company providing that cover; it is difficult now.

The issue of circuses and aerial dancing was raised. I am not familiar with that matter but I will immediately follow it up through my office. The matter was raised of the information issued by the Central Bank earlier today through its national claims information database. That represents full information from the insurance industry, the millions of policies involved and costs of various claims that have been made, whereas I understand the Alliance for Insurance Reform information will be based on a survey of its members. The volume of information the Central Bank covers in its report is vastly more extensive than what would be available on a survey based on Alliance for Insurance Reform members. That is not to take from the good work the Alliance for Insurance Reform does. I am working closely with it in dealing with the various pinch points. Today's report shows that insurance costs for the vast majority of businesses - 60% of them - are less than €1,000. Therefore, the cost for sole traders and a person with one or two employees is under €1,000. Some 92% of all businesses in Ireland have premium costs of less than €50,000.

With regard to specific areas that have been dealt with successfully in recent times and in respect which there were questions today, the early childhood sector in Ireland is now covered by Allianz Ireland working with the brokers of Arachas Insurance. PALI is covered by Berkshire Hathaway, which is a great new support in the industry for play and activity centres. Horse Sport Ireland and horse and equestrian sports are being dealt with by Allianz Ireland. That was not the case last winter when there was no cover for various equine activities. It is now in place for people who wish to do them. Ireland's Association of Adventure Tourism is being dealt with through Fáilte Ireland and the insurance brokers Arachas Insurance. The Spancel Hill horse fair was referred to in the House some time ago by the Deputy from Clare. As it is being conducted in a public area, the local authority has come in to help on that.

I was told coming up to last Christmas that ice rinks could not get insurance. Two rinks were successful in doing so. We are making progress even on the pinch points. However, the position with regard to things such as bouncy castles continues to be a problem.

I will conclude with that. I thank the 30 Deputies who contributed to the debate. We accept that significant progress has been made. Much now depends on the courts implementing the policy decisions relating to insurance made by the Oireachtas, supported by all sides. I look forward to further progress in the period ahead.

*Cuireadh an Dáil ar fionraí ag 5.11 p.m. agus cuireadh tús leis arís ag 5.35 p.m.*

*Sitting suspended at 5.11 p.m. and resumed at 5.35 p.m.*

### **Teachtaireacht ón Seanad - Message from Seanad**

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Competition (Amendment) Bill 2022 without amendment.

22 June 2022

## Message from Select Committee

**An Leas-Cheann Comhairle:** The Select Committee on Transport and Communications has completed its consideration of the Road Traffic and Roads Bill 2021 and has made amendments thereto.

### Birth Information and Tracing Bill 2022: From the Seanad

The Dáil went into Committee to consider amendments from the Seanad.

Seanad amendment No. 1:

Section 2: In page 10, to delete lines 36 and 37, and in page 11, to delete lines 1 and 2 and substitute the following:

“(i) information on whether any person visited or inquired in relation to him or her, which information includes the name of the other person and, where applicable, the degree of relationship of the other person to him or her,”.

**Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman):** In January this year I published the Birth Information and Tracing Bill 2022 and prioritised its progression through both Houses of the Oireachtas. Members of the Dáil will recall the intensive deliberations on Second, Committee and Report Stages in this House and the amendments I brought forward arising from those debates. In the Seanad I also had a thorough and constructive debate with Senators and on Report Stage there I successfully brought through four amendments to the Bill to respond to issues raised during those valuable debates. On this basis, I wish to introduce the four amendments to this House.

Seanad amendment No. 1 amends the definition of “early life information” in section 2 of the Bill. It seeks to ensure that where a relevant person had visitors or inquiries made about him or her, this information will be released, including the name of the person and, where available, the relationship to the relevant person. I am satisfied that this amendment underpins the primary aim of this Bill, which is to provide for the release of as much information as possible to relevant persons.

**Deputy Holly Cairns:** I welcome the Seanad amendments and any changes that will help to improve this highly problematic legislation. I acknowledge the adopted people and their advocates who have been fighting for the most basic changes, and the Senators who argued for the improvements as well.

We all wanted to get behind this Bill but, regrettably, the major defects and injustices remain. The mandatory information session, labelled a barrier by numerous human rights experts, is still in place and the Bill still does not feature the words “illegal adoption”, which ignores the lived experience and wishes of many adopted people. Also, it does not provide for the widest definition of “personal information” to ensure relevant people will have access to all records. These are some of the main issues, and many others remain. There is no hope for those necessary changes now.

Regarding the amendments, amendment No. 1 is very welcome. It ensures that affected people can access information about who made inquiries about them or visited, which could

be an important link in identifying family members or other people who were concerned about their welfare.

Amendment No. 3 is especially welcome. It ensures that any public information campaign would have international aspects. This correctly addresses a flaw in the Bill which failed to recognise the reality that many mothers, relatives and adopted people will have emigrated, especially after the deplorable way they were treated by the State and the prevailing social stigmatisation. The importance of the campaign having an international reach was called for in the pre-legislative scrutiny. Adopted people and advocates sought additional guarantees regarding the campaign that were disregarded, particularly the need for a stakeholder advisory group to have input into the design of the campaign.

It is paramount that this campaign is designed with empathy and sensitivity for dealing with these complex and potentially very triggering matters. Having stakeholders involved from the beginning would help in developing a more considered and effective campaign. Unfortunately, without a provision in the Bill to secure the involvement of adopted people and advocates, I have no confidence that they will have input to a Government campaign about them. I remind the Minister about the children's committee recommendation that the information campaign should be accessible and in plain English in a range of media sources, and that simple non-digital routes to access the Bill's provisions must be advertised and made available. Given the Department's poor track record in this area, it is something we must prioritise.

Amendment No. 4 adds greater detail on the review mechanism. This is obviously welcome but, again, it dismissed the committee's recommendation for an explicit reference to the review including meaningful participation of relevant persons, groups representing survivors and families, persons with human rights and data protection expertise and other relevant persons or groups.

Since this is the first time the Bill is being discussed in the Dáil since it went through the Seanad, I add my voice to the voices of those who were disappointed with the way the apology for adopted people was approached. While I have no doubt that the Minister's apology was sincere, it was extremely poorly handled and insufficient for the scale of the rights violations concerned. The horrors of forced family separation, State-imposed trauma, denial of identity and ongoing institutional hostility need to be fully acknowledged and apologised for by the Taoiseach in a special sitting of this House, and adopted people, relatives and campaign groups should be given sufficient notice to attend in person. Anything else is another disgraceful treatment of a group of people who have suffered enough abuse from the State since their birth.

This is the first Bill on which I have been directly engaged through the entire legislative process, from pre-legislative scrutiny to the final step. From my perspective, it is deeply concerning the extent to which the will of the people directly affected, who came before the committee, has been dismissed and ignored. These few last-minute amendments are welcome but they only represent a tiny portion of the changes that were sought by the people affected, advocacy groups and the Joint Committee on Children, Equality, Disability, Integration and Youth. The Minister says the amendments were based on listening, but if he only accepts a tiny minority of the amendments and proposed improvements, it does not seem like it is listening. Unfortunately, it is adopted people and their relatives who will suffer.

I am not the only Deputy who is confused about the nature of this part of it, that is, of dealing with amendments from the Seanad. I agree to the amendments, but I do not agree with the

Bill in its entirety. It seems that we do not have the opportunity to vote on the Bill in its entirety. It would be helpful if we could get clarity on that.

**Deputy Kathleen Funchion:** I welcome the amendments from the Seanad. I suppose there were some good steps from the first process of pre-legislative scrutiny through the various Stages - Committee Stage, Report Stage and the Bill's progress through the Seanad. I still have a major issue with the mandatory information session. I do not think the Minister will be shocked or surprised to hear that. It is my motivation for voting against the Bill. However, I welcome the progress that has been made, in particular on the international element. A significant number of survivors of mother and baby institutions live abroad, in particular in America and England. It is important that they are very much included.

The first amendment relates to people being able to access who is looking for information on them. I hope that all legislation can be amended at some point and if there is a review period there might be an opportunity for us to remove the mandatory information session. It is very problematic and in one way it flies in the face of what the Bill sets out to achieve. That said, I welcome the progress that has been made, but it is somewhat bittersweet that we could not get the final step so that we could fully support the Bill.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 19: In page 27, between lines 27 and 28, to insert the following:

“(6)A relevant body, when complying with section 9(9), 10(7), 11(3),12(3), 15(5) or 16(8) shall, in addition, inform the applicant concerned, as relevant and appropriate, of his or her right or, in the case of an applicant who has not attained the age of 18 years, the right of a person to make an application under *Part 5* and under *section 38(3)*.”.

**Deputy Roderic O’Gorman:** It is important to put on the record the changes that are being made. Seanad amendment No. 2 seeks to expand section 19 to ensure that in a scenario where a person has applied to a relevant body for birth, early-life care or medical information, and no record exists, as well as informing the applicant of this fact, the relevant body will also advise the applicant of the right to make an application to the contact preference register and to the tracing service. I am confident that in a scenario where records do not exist, strong supports will be made available to the person.

Section 63(1)(b) already provides that the agency and the authority will support a person by helping them to identify a relevant body that may hold records relating to them. Thus, Seanad amendment No. 2 builds on that spectrum of support and ensures that where records are not found, an applicant will be signposted to the other avenues to information provided for under the Bill.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 60: In page 60, to delete line 36 and substitute the following:

“particular, parents and relevant persons (including parents and relevant persons residing outside the State), of the following:”.

**Deputy Roderic O’Gorman:** Seanad amendment No. 3 inserts an explicit reference to the international component of the public information campaign into section 60. I believe it is appropriate that the primary legislation references the international element of the campaign. Therefore, this amendment inserts the words: “parents and relevant persons residing outside the State” in section 60. I thank Senators for the constructive debate we had on this on Committee Stage. The public information campaign will be wide-ranging, utilising a comprehensive range of media and communications channels in response to the broad age demographic and persons affected by this legislation. The initial campaign will be run from July to October of this year, with the possibility of extending it if required. It will include a door drop of an information booklet to every single household in this country. The information campaign will also utilise television, radio and print media channels. The Department of Foreign Affairs will assist with disseminating the information campaign internationally, helping us to reach out through Ireland’s embassies, overseas stakeholder networks and media channels.

I reassure Deputy Cairns that the stakeholder advisory group is currently involved in the drafting of this campaign, which will begin in July. It has been involved in the drafting of the leaflet and it is giving feedback on that and the wider media campaign. We have been engaging with the National Adult Literacy Association, NALA, to ensure that the text of the information booklet is in plain English and is easily understood.

**Deputy Ivana Bacik:** I welcome the amendment and thank the Minister for setting out in such detail the extent of the public information campaign. It is some years since this was first mooted and discussed as part of the process of achieving an effective legislative framework on birth information. I am pleased it is at such an advanced stage. I am also pleased that the stakeholder advisory group and NALA are involved, as well as the weighting of the international component, which is clearly very important.

I echo the comments of Deputies Cairns and Funchion about their regret on the mandatory information session. We rehearsed those points in this House and in the committee and it was also debated in the Seanad. There is a significant amount to be positive about in the Bill in terms of the framework it is establishing to enable adopted persons to access their information. The public information campaign will be a hugely important part of making that effective. I thank the Minister for that.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 70: In page 65, to delete lines 9 and 10 and substitute the following:

“**70.**(1) The Minister shall, not later than 2 years after the coming into operation of this section, commence a review of the operation of this Act, other than Parts 8 and 9.

(2) In conducting a review under subsection (1), the Minister shall consult with such persons, including relevant persons, as he or she considers appropriate.

(3) The Minister shall cause a report in writing of the findings of the review under subsection (1) to be prepared and, as soon as may be after it is prepared, shall cause copies of the report to be laid before each House of the Oireachtas.”.

**Deputy Roderic O’Gorman:** This amendment is to section 70, the section that provides

for a review of the operation of the Act. Seanad amendment No. 4 seeks to expand section 70 to provide further clarity on the composition of the review in terms of confirming that it will include consultation with relevant persons and other persons affected by this legislation, as appropriate.

This amendment also guarantees that the review will be laid before the Houses of the Oireachtas. On Report Stage in the Dáil, I introduced an amendment to reduce the timeframe for review to two years, and this amendment further supports the aim to ensure that the implementation of this legislation into the future is robustly monitored with a view to improvement where necessary. I hope that speaks to some of the points Deputy Funchion made.

Members of both Houses of the Oireachtas have spoken at length on the realities of people seeking and receiving information regarding their birth and early life. I would like to put on the record my sincere gratitude for this level of debate, which has highlighted both the challenges and the realities people face in this regard. We all know that for far too long people who were adopted or boarded out and who had their birth illegally registered could not access the most basic identity information that the rest of us in the population take for granted.

Upon taking office, I made it clear that this legislation and the rights that it extends were a priority for me. While establishing these rights in Irish law is fundamental to a fair and equal society, it is nevertheless challenging. These challenges are well documented, and they have been discussed in the series of attempts to legislate for this issue over a number of decades. This Bill has benefitted from six sessions in the Dáil, eight sessions in the Seanad and more than 30 hours of debate this year alone. Such debate is right and proper for legislation that is of this degree of significance. However, throughout these years, and the many attempts to legislate for this issue, the questions of identity and origin persisted for so many citizens and members of the wider Irish diaspora. That was often at great personal cost to individuals.

I have spoken to many people who have been impacted by this legislation, as I know Members across the House have done. They told me about the impact the lack of information and the lack of access to that fundamental information about their own identity has had on them. We can never truly know the deeply personal impact that has had on individuals, but I hope this legislation can ease the impact. I hope they will see that today belongs to them. We know that, unfortunately for some people, the information that exists may be limited, incomplete or inaccurate. This reminds us all of how important the support and counselling services in place for people will be. We are determined to support people to answer questions that remain unanswered to date. This is why at every juncture throughout this legislative process I have sought to find a way to provide what has been asked for to the greatest extent possible. In October, when all affected persons will be able to avail of these new provisions that will allow unfettered access to their birth information, we will be able to see the positive, real-world impact of this legislation, which stands as one strand and one form of the State's redress.

Work remains to be done. We know that generational wrongs from our recent past are still living memories for many of our citizens. The State must continue to listen to, learn from and act restoratively towards those it left out in the cold for far too long. This evening, however, I am optimistic this legislation will provide some comfort and hope for many of our citizens.

**Deputy Kathleen Funchion:** I will briefly address the matter of the review because it was an issue that originally came up on Committee Stage and that we certainly felt very strongly about. It has been acknowledged on Report Stage, which is very important. To be honest,

reviews should be built into all legislation, following a realistic period to allow legislation to bed in. Legislation should not be allowed to be in place for four or five years without being reviewed. I welcome that part of it.

**Deputy Ivana Bacik:** I, too, welcome the review. As I said, it is very important and positive to see a statutory framework finally being put in place, after many previous attempts, whereby adopted persons can access birth and identity information. A review will be very helpful in seeing just how effective the legislation is, whether the mandatory information session ultimately operates as a restriction on the access rights of individual adopted persons, and if in time it can be removed.

**Deputy Holly Cairns:** For clarity, is it the case that we cannot vote on the Bill in its entirety now? Is it just the amendments?

**An Leas-Cheann Comhairle:** This 30-minute debate is simply on the four amendments.

**Deputy Holly Cairns:** Is the legislation then passed with no-----

**An Leas-Cheann Comhairle:** Yes. A message will be sent to the Seanad.

**Deputy Holly Cairns:** In that case, I will put on record my opposition to the Bill in its current form without the changes we spoke about.

**Deputy Kathleen Funchion:** Can we not call a vote on the overall Bill?

**An Leas-Cheann Comhairle:** No.

**Deputy Holly Cairns:** Is that normally the case?

**An Leas-Cheann Comhairle:** As matters stand, we are dealing with the amendments that have come back from the Seanad. The only thing before me are those four amendments.

**Deputy Holly Cairns:** Does the Bill come back to the House again for a final vote?

**An Leas-Cheann Comhairle:** No, it does not.

**Deputy Holly Cairns:** It just passes automatically.

**An Leas-Cheann Comhairle:** There has already been a vote, if memory serves me correctly.

**Deputy Kathleen Funchion:** There was.

**An Leas-Cheann Comhairle:** All that process has been gone through. The Bill is back in the House simply in respect of the four amendments.

Seanad amendment agreed to.

Seanad amendments reported.

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

22 June 2022

## Higher Education Authority Bill 2022: Report and Final Stages

**An Leas-Cheann Comhairle:** Amendment No. 1 is out of order as it is outside the scope of the Bill.

Amendment No. 1 not moved.

**An Leas-Cheann Comhairle:** Amendments Nos. 2, 5, 6, 13, 16, 22, 28, 29, 35, 37, 39, 40, 58, 59, 62 and 130 are related and may be discussed together.

**Deputy Rose Conway-Walsh:** My colleague will take the amendment as Gaeilge.

**Deputy Aengus Ó Snodaigh:** I move amendment No. 2:

In page 11, line 28, to delete “the Higher Education Authority Act” and substitute “Údarás um Ard-Oideachas Act”.

Tá na leasuithe seo faoin nGaeilge. Rinneamar leasuithe ar an ábhar seo a phlé ar Chéim an Choiste agus chuir mé iad arís toisc nach raibh leasuithe ón Aire feicthe agam. We made a number of proposals on Committee Stage. I resubmitted most of those amendments because I had not seen the Minister’s amendments, some of which are in this large grouping. The primary aim underlying amendment No. 2 is to ensure that the provision of Irish-medium higher education is explicitly referenced in the objective functions and strategies the údarás would have in the future. We propose that “Údarás um Ard-Oideachas” be included in future Acts and that the institution or body currently known as the Higher Education Authority be known as the Údarás um Ard-Oideachas in future. In addition, it would have as part its functions those that have been set out in the amendments we are discussing.

As I said, the amendments in this group specifically deal with the Irish language. Since it is a big group and it appeared so late, I do not know whether these amendments also cover the conditions for appointments to boards and so on. We expect that might be dealt with in a later group. The conditions relate to the ability of cathaoirleach an údaráis to be able to converse as Gaeilge and proper representation on the various boards that will be set up by an t-údarás.

I will listen to what the Minister has to say because, as I said, he has a number of amendments in this group that attempt to address the concerns raised by me and others. Conradh na Gaeilge in particular has been in contact with the Minister and other Deputies. It seemed on Committee Stage that the Minister was quite willing to go a lot of the way we were hoping for with these amendments. I do not know whether others want to contribute, but I will be happy to hear what the Minister has to say and whether his formulation of words for these amendments would deal with my concerns.

**Minister for Further and Higher Education, Research, Innovation and Science (Deputy Simon Harris):** I am speaking specifically to amendments Nos. 5, 6, 16, 37, 39, 58, 59 and 62. The reason I list them at the start is to indicate that I am now bringing forward a further eight amendments on Report Stage in order to strengthen the provision relating to the Irish language in the Bill.

*6 o'clock*

I am sincere when I say that I enjoyed our Committee Stage discussion, particularly with Deputy Ó Snodaigh. We have made cross-party efforts to strengthen the provision, support and

promotion of the Irish language in the Bill. It has been a good example of committee work. If I remember correctly, we may have agreed ten Government amendments and one of Deputy Ó Snodaigh's on this matter on Committee Stage. I am proposing a further eight now. Of all the various changes that have been made to the Bill through the various stages in the Dáil, the most substantial number by a long way have related to the Irish language.

I am tabling eight amendments in this group to strengthen further the Irish language provision in the Bill. These were all requested by Conradh na Gaeilge or agreed with the director of Irish in the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. To correct myself immediately, I actually made 12 amendments to strengthen the Irish language on Committee Stage, bringing to 20 the number of amendments that we have proposed on Committee and Report Stages.

The amendments in this group are to include up-to-date definitions and references relating to the Gaeltacht Act 2012, among other matters. I will address some of their details, starting with amendments Nos. 5, 6 and 16. Amendments Nos. 5 and 6 are proposed to be included in section 2, which is the interpretation part of the Bill. These are definitions to clarify the meaning of phrases and to provide that, where the phrases are used in the other amendments, the reference to Part 2 of the Gaeltacht Act 2012 does not have to be included. Amendment No. 16 to section 9, which relates to the functions of the Higher Education Authority, HEA, is at the suggestion of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and provides a more up-to-date reference to the 2012 Act.

My amendments Nos. 37 and 39 are to include new provisions to strengthen requirements relating to the promotion of the Irish language in the planning for provision of higher education. If I remember correctly, we discussed on Committee Stage whether we could be more explicit about or beef up the role of promoting the Irish language when planning for the provision of higher education.

Amendments Nos. 58, 59 and 62 amend two sections, namely, section 43 on the engagement with students and section 44, which is the national student engagement piece. These amendments specifically reference as a priority group representatives of students who are competent to speak the Irish language, which was sought on Committee Stage.

I do not do it to be negative towards the other amendments, but it would be useful for me to go through them and explain my rationale for proposing my eight amendments and not proposing to accept more. Amendments Nos. 2 and 29 relate to our debate on whether we should use the Irish or English phrase when referring to the law. I am satisfied and of the view that "An tÚdarás" is defined clearly in the Bill and that the Higher Education Authority is generally known as the HEA. I understand the Deputy's point, but I am satisfied with the naming of the Bill.

The reason I am not proposing to accept amendment No. 13 is not out of a policy difference, but because we made similar amendments on Committee Stage that achieved the same aim. Section 8(1)(b) already reads: "to support designated institutions of higher education in contributing to social, economic, cultural and environmental development and sustainability ... such support shall include the promotion and use by those institutions of the Irish language". We may have achieved what Deputies Ó Snodaigh and Conway-Walsh are seeking through amendment No. 13. I am satisfied that we addressed this matter together on Committee Stage.

Amendment No. 22 proposes the inclusion of a specific provision on gathering statistical information on the funding for, and numbers engaged in, study and research through the medium of Irish. I looked into this matter because I see what the Deputy is trying to do. Section 9(1)(u) provides an ability to do this because it relates to a general function to “collect statistical information and maintain an evidence base in order to provide high-quality evidence-based policy advice”. Therefore, there is no requirement for the amendment.

Amendment No. 28 proposes a review after four years to examine the representation of the Irish-speaking community among the ministerial appointments on the board. This review would be published. We had an interesting debate on this matter on Committee Stage, but I am concerned about the setting of particular quotas of members of the HEA board who must be proficient in the Irish language. I outlined my rationale. The HEA is a competency-based board and there are a range of competencies on it. I have moved to ensure that those competencies include the promotion and use of the Irish language. This is something that has come through our discussions. When the Minister of the day is selecting members of the HEA board, the competency regarding the promotion and use of the Irish language is a qualifying and sought after competency.

I am not accepting amendment No. 35 because I have addressed its point in amendments Nos. 37 and 39.

Amendment No. 40 is too specific. I am of a similar view as regards amendment No. 130 on the strategic development plan of the National College of Art and Design, in that it may be overly specific and unnecessary.

My proposed amendments in this grouping address much of what Deputy Ó Snodaigh has raised. When read with the changes that we made on Committee Stage, we have done a good job together on strengthening the Irish language provision and promotion in the Bill.

**Deputy Aengus Ó Snodaigh:** Gabhaim buíochas leis an Aire as na leasuithe a mhol sé. We have come a long way and I acknowledge the large amount of work that has been done in moving towards a Bill that is much more acceptable in terms of promotion of the Irish language. However, there are areas where I still disagree with the Minister. Even at this stage, he could go a little further in line with the provisions of the Official Languages Act, as amended. In amendment No. 29, for example, I am asking that the title of a new institution - the national apprenticeship office - also have its Irish-language title. That this should happen when a new body is being set up is a provision under the Official Languages (Amendment) Act 2021, so I am not asking for something that should not be done. The Act is new and has not been fully triggered, but it has been passed and enacted and it has been signed by the President. It will be started fully this week, though. Last night, the Minister of State with responsibility for Gaeltacht affairs announced that An Coiste Comhairleach would be set up this week. It is a little late, but we will accept a day or two. The Minister of State, Deputy Noonan, has also accepted this provision. He has moved to recognise “An Coimisiún Toghcháin” for the electoral commission in line with the Act. However, the Minister for Justice, Deputy McEntee, has not accepted it, stating that the Act has not been commenced. Her legislation, which is before us on the same Stage, has to do with a commission for judicial appointments, in respect of which I have set out the terms. These are just a few examples.

Regarding amendment No. 22, the Minister is correct that statistical information can be gathered. We are just trying to ensure that it was not forgotten about. I was specific with this

amendment because we recently tried to gather information on Irish language courses and the number of pupils engaged in them, but it is not available. We want to ensure that when statistical information is gathered in future, it is also gathered on the Irish language.

I am happy with the Minister's amendments.

**An Leas-Cheann Comhairle:** These amendments are being discussed together. If Deputies do not discuss them now, they will not get a chance to do so later.

**Deputy Aengus Ó Snodaigh:** I ran out of time.

**An Leas-Cheann Comhairle:** No, the Deputy had a few seconds left. In case there is a misunderstanding, all of these amendments are grouped and have to be discussed now. If the Deputies do not wish to discuss them, that is fine, but when we come to them later, we will simply be deciding on them.

**Deputy Simon Harris:** I thank Deputy Ó Snodaigh for the work he has done on this matter. I assure the House that we as a Department have liaised closely with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, including the director of the Irish language in the Department, on bringing forward our amendments to ensure we are in line with the policy of the Government and our collective policy on the promotion of the Irish language. I am satisfied that the eight further amendments, on top of the 12 amendments we made on Committee Stage, have come a long way and I want to record my gratitude to Deputy Ó Snodaigh and Conradh na Gaeilge for their work on this. My decision on the amendments remains as outlined.

**Deputy Aengus Ó Snodaigh:** I will not delay the proceedings. I just want to ask that the Minister look again at amendment No. 29 on oifig na bprintíseachtaí before the Stages in the Seanad to make sure that fully complies. The understanding I had was that the names of any new State institutions being set up would first have the Irish-language version. It was not that they were exclusively so but it was first. It is a minor change but as we know, once the title of an institution, or even the abbreviations, get into people's parlance it is hard to change it. People remember Córas Iompair Éireann, CIÉ. It was easy and it made no major difference to people who said it, especially when there was an abbreviation, but the HEA is the HEA and people will not use the Irish version. There is a reasoning behind some of this and I ask the Minister to bear that in mind.

Amendment, by leave, withdrawn.

**An Leas-Cheann Comhairle:** Amendments Nos. 3, 112 and 117 and will be discussed together.

**Deputy Simon Harris:** I move amendment No. 3:

In page 11, line 29, after "Act" to insert " , other than sections 85, 86, 87, 95, 97, 98, 99, 100,101, 102, 103\* and 105\*\*".

This point will not come as any surprise to the Dáil because it arises from our discussions on Committee Stage. Amendment No. 3 is on the provisions relating to the incorporation of educational institutions into technological universities, TUs. A consent for research companies established under TUs will be commenced upon the enactment of the Bill rather than by ministerial order. Section 1 of the Bill provides that the Act:

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shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

It is planned that the majority of the Bill will be commenced by ministerial order. However, due to their importance it is proposed that the provisions relating to the incorporation of educational institutions into TUs, and the consent for research companies established under TUs, will be commenced upon the enactment of the Bill. We discussed St. Angela's College at great length on Committee Stage and nobody in this House wishes to see any delay in that process. It would be too simplistic for me to call these the St. Angela's provisions but that is how I think of them.

Amendment No. 112 is a technical amendment to the incorporation provisions to include linked providers under the Quality and Qualifications Ireland, QQI, legislation. This technical amendment was identified by QQI and is similar to an amendment made on Committee Stage to section 55(1)(f).

Amendment No. 117 provides for the insertion of a new section amending section 62 of the Technological Universities Act 2018, dealing with the suspension or dismissal of a member of staff of a dissolved body following incorporation into a technological university. Again, this is a technical amendment.

There are two technical amendments in this section: Nos. 112 and 117. Amendment No. 3 is a substantive amendment to make sure we can commence those provisions upon enactment of the Bill, rather than by ministerial order.

**Deputy Rose Conway-Walsh:** I support these amendments and they provide for flexibility for an institute of technology or a college to join an established TU. It is important that all colleges and institutes of technology have a pathway to be included in the TUs. I am mindful of St. Angela's College as well as it is in my geographical area.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 4 and 132 to 136, inclusive, are related and will be discussed together.

**Deputy Simon Harris:** I move amendment No. 4:

In page 12, between lines 10 and 11, to insert the following:

“ “Act of 2011” means the Student Support Act 2011;”.

All of the amendments in this grouping are in my name. Amendment No. 4 is a technical amendment to the interpretation of the Student Support Act 2011 into the Bill.

Amendment No. 132 provides the Minister with the power to assist with the administration of bursaries and scholarships for the purpose of assisting students to pursue approved courses at approved institutions.

Amendments Nos. 133 to 136 amend the Student Support Act 2011 to provide that an awarding authority, Student Universal Support Ireland, SUSI, may assist in the administration of scholarships and bursaries to facilitate persons from educationally disadvantaged backgrounds

to pursue approved courses at approved institutions. These amendments include amendments to the Student Support Act 2011 to provide the awarding authority with the powers to process data for the awarding of scholarships and bursaries. In basic English, with the establishment of my Department it was important that we used this legislation to provide an opportunity to ensure we can continue to support scholarships and bursaries and to empower SUSI to assist in the administration of such. That is effectively what these amendments are doing.

Amendment agreed to.

**Deputy Simon Harris:** I move amendment No. 5:

In page 12, between lines 32 and 33, to insert the following:

“ “Gaeltacht Language Planning Area” has the meaning it has in Part 2 of the Gaeltacht Act 2012;

“Gaeltacht Service Town” has the meaning it has in Part 2 of the Gaeltacht Act 2012;”.

Amendment agreed to.

**Deputy Simon Harris:** I move amendment No. 6:

In page 13, between lines 5 and 6, to insert the following:

“ “Irish Language Network” has the meaning it has in Part 2 of the Gaeltacht Act 2012;”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 7, 12, 36, 38 and 65, are related and will be discussed together.

**Deputy Simon Harris:** I move amendment No. 7:

In page 13, between lines 33 and 34, to insert the following:

“(3) In this Act, references to environmental development and sustainability shall be construed as references to development and actions that meet the needs of the present without compromising the ability of future generations to meet their own needs and, without prejudice to the generality of the foregoing, including actions in respect of social, economic, cultural and environmental development, climate and biodiversity.”.

This is the section of the Bill on environment and sustainable development. I want to acknowledge that Deputies Ó Cathasaigh, Ó Ríordáin and Conway-Walsh had amendments in this regard. We had a good discussion on Committee Stage on this matter. In this amendment, I am endeavouring to respond to the Deputies’ requests. A number of amendments had been submitted to the Higher Education Authority Bill 2022, which relate to sustainable development and climate change.

Amendment No. 7 includes a new subsection 3 to section 2 of the Bill, which provides a definition of environmental development and sustainability as: “including actions in respect of social, economic, cultural and environmental development, climate and biodiversity.” This is

quite important and I clearly heard from the Deputies the importance of defining what we meant on environmental development and sustainability. We have done that through this amendment and this will ensure that all references to environmental development and sustainability throughout the Bill are understood within the same context as they are in national policy so that there is no ambiguity on our understanding of this concept.

Amendments Nos. 36, 38 and 65 amend sections on planning for provision for higher education and lifelong and flexible learning to include the term: “environmental development and sustainability”. This will ensure that these provisions are captured within the new proposed definition in amendment No. 7. It is noted that section 8, on the objects of an t-údarás, already includes the term “environmental development and sustainability”. It is also noted that section 33, which is the strategy for tertiary education, already includes the term “environmental development and sustainability”.

Amendment No. 12 is also in this section. I do not propose to accept amendment No. 12 on the basis that I believe we have covered it in amendment No. 7, which I am bringing forward and which provides the new definition.

**Deputy Rose Conway-Walsh:** It is vitally important that the HEA and the higher education sector have a clear role in taking climate change and biodiversity action. I recognise the progress that has been made in amendment No. 7, as well as in the other amendment, and as such I will not be pressing our amendment.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 8, 142, and 149 to 154, inclusive, are related and will be discussed together.

**Deputy Simon Harris:** I move amendment No. 8:

In page 14, to delete lines 13 and 14 and substitute the following:

“5. (1) The enactments specified in Part 1 of Schedule 1 are repealed to the extent specified in column (3) of that Part of that Schedule and the enactments specified in Part 2 of that Schedule are revoked to the extent specified in column (3) of that Part of that Schedule.”.

Amendment No. 8 seeks to enable the inclusion of Part 2 of Schedule 1, which revokes certain enactments.

Amendment No. 142 is a technical amendment to revoke statutory instruments made under the Higher Education Authority Act 1971.

Amendments Nos. 149, 150 and 154 seek to amend the definition of an institution of higher education within the meaning of the 1971 Act to an inappropriate reference to a designated institution of higher education within the meaning of this Bill in the Social Welfare Consolidation Act 2005, the Charities Act 2009, the Child and Family Agency Act 2013, the Protected Disclosures Act 2014 and the European Communities (Reception Conditions) Regulations 2018.

Amendments Nos. 151, 152 and 153 seek to amend the consequential amendments to the Technological Universities Act 2018 to ensure the cross-referencing of provisions is correct. These are consequential amendments to Schedules of the Bill.

Amendment put and agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 9 arises out of committee proceedings. Amendments Nos. 9, 14, 15, 17, 18, 50 and 94 are related and may be discussed together.

**Deputy Rose Conway-Walsh:** I move amendment No. 9:

In page 14, between lines 28 and 29, to insert the following:

**“Autonomy of institutions of higher education**

7. For the avoidance of doubt, nothing in this Act shall be construed as impinging upon—

(a) the autonomy of a designated institution of higher education,

(b) the continued operation of the comply or explain principle which shall operate in respect of the compliance by each designated institution of higher education with any guideline, code or policy issued under *section 139* as a precursor to the exercise of powers provided for under *Part 8*.”.

The amendment is to do with institutional autonomy. These amendments speak to the need for autonomy of higher education institutions and what needs to be done to achieve that. The Minister has the amendments. They have been submitted by the HEA. We need to take cognisance of them. Is that the right word?

**Deputy Aodhán Ó Ríordáin:** My amendments are Nos. 14, 15, 17, 18 and 50. Amendment No. 14 states, under the broad heading of “Academic freedom”, that “Nothing in this Act shall be construed as modifying or restricting the principle of academic freedom as provided for in section 14 of the Universities Act 1997.” Amendment No. 15 inserts on page 16 between lines 3 and 4 “support and recognise the application of the principle of academic freedom”, and we feel strongly that the principle of academic freedom needs to be implicit throughout the Bill. Amendment No. 17 attempts on page 17, line 4 after “frameworks” to insert “support the autonomy [as has been said previously] and decision-making capacity of designated institutions of higher education”. Amendment No. 18 is to insert the line “to freely express its views on matters concerning the higher education sector”. The principle of autonomy and academic freedom is central to what we are trying to achieve in the language we want to insert in the Bill. We spoke a lot about this on Committee Stage, where, as the Minister said, we had a progressive and constructive interchange. Amendment No. 50 inserts:

(6) Nothing in this section shall be construed as permitting an interference with the autonomous capacity of each designated institution of higher education to determine—

(a) which courses and programmes it develops and maintains, or

(b) the number of students that will be accommodated on any course or programme or within each designated institution of higher education.”.

Again, the autonomy of individual institutions and academic freedom are the main points in all those amendments.

**Deputy Simon Harris:** I thank Deputies Conway-Walsh and Ó Ríordáin for their engagement on this topic. I am not in a position to accept the amendments but I will clarify why and

let the Deputies know of the work we have done. This Bill does not affect the autonomy or academic freedom of universities or any other higher education institution. I would defend to the death the importance of academic freedom in any democracy. It is a cornerstone of higher education and at all times during the development and drafting of the legislation the autonomy and academic freedom of institutions has been and remains a key principle. This has been considered, checked and double-checked on each Stage.

Academic freedom is provided for under section 14 of the Universities Act, section 10 of the Technological Universities Act and section 5A of the Institutes of Technology Acts, 1992 to 2006. The Bill does not amend those provisions in relation to academic freedom.

The objects of the Bill include a specific provision on academic freedom, stating: “An tÚdarás shall have regard to the following objects in performing its functions” and then subsection (f) states: “to respect the academic freedom of higher education providers and academic staff in those providers”. Given that the provision exists clearly in legislation and in this Bill relating to academic freedom, I do not believe, having had discussions with drafters as we put together the Bill, there is a requirement for any other provision on that subject. Academic freedom will not be in any way adversely impacted by any element of this Bill.

There is also a provision in the objects of the Bill, it is important to say, regarding autonomy of designated institutions of higher education. The Bill states: “to acknowledge the responsibility of designated institutions of higher education for the performance and governance of those institutions”.

Amendment No. 18 proposes to include a new function of the HEA “to freely express its views on matters concerning the higher education sector”. It is important that the HEA can freely express its view and there is nothing in the Bill to preclude the authority freely expressing its views on matters concerning the higher education sector. Section 14 provides that the HEA may provide advice to the Minister on any matter related to the performance of its function. This section also provides that the HEA shall provide advice as requested by the Minister. The functions of the Bill, in section 9(o), provide that the HEA shall advise the Minister on national policy on higher education, in accordance with section 14.

I have given strong consideration to this because these are issues we have a shared commitment to. I do not think anyone would question anybody’s *bona fides* on this. We have given a lot of consideration to this in drafting this legislation and in advance of Report Stage and are satisfied that academic freedom and autonomy, as envisaged by the Deputies, are protected explicitly in the Bill and in all relevant sectoral legislation.

**Deputy Aodhán Ó Ríordáin:** I appreciate the point the Minister makes on amendment No. 18. There is nothing in the Bill that precludes an institution expressing its view but we are trying to say here that having it explicitly referenced in the Bill gives more cover to somebody who was minded to express their views.

Amendment put and declared lost.

**Deputy Rose Conway-Walsh:** I move amendment No. 10:

In page 15, between lines 25 and 26, to insert the following:

“(b) to protect and enhance the public nature of the higher education system;”.

This is about protecting the public nature of higher education, which we have often spoken about. The principle behind this amendment is the most important point that we would like reflected in the Bill. The Bill makes no reference to the public nature of our higher education system. The value of having a public education cannot be overstated. The public nature should not be taken for granted. We have seen the wholesale commercialisation of higher education over the past ten years and, in some cases, piecemeal privatisation. Most people would be shocked to know that more than one third of primary school teachers now trained come from a single for-profit college and the same college is moving into nursing this year.

This represents an opportunity to draw a line in the sand. However, the limited reference to the public sector in the general scheme was taken out. We want the public nature of our higher education system referenced and protected by the Bill. To remove that ambiguity and place strong emphasis on the importance of maintaining a public higher education system, I firmly believe that protecting the public nature of our higher education should be included in primary legislation. Of course, it should be up to the Government of the day to set out the strategy for tertiary education in partnership with the sector. However, this should not, as the Minister implied on Committee Stage, extend to privatising higher education without even having to bring legislation before the Dáil. That is my rationale for the amendment.

**Deputy Aodhán Ó Riordáin:** I support the amendment. The point about teacher training is well made. Most teachers are now trained by a private online training college, which is owned by a book company. The Minister was in my part of the world not long ago at the Marino Institute of Education. When we are trying to change the nature of teaching and teachers, ensure the teaching profession is reflective of the children being taught and encourage those from different backgrounds, including disadvantaged, Traveller, migrant and disability backgrounds, to provide that public service remit, having most of our teachers coming from a college outside of the public sphere is not something we should welcome. The amendment tabled by Deputy Conway-Walsh is deserving of support.

**Deputy Simon Harris:** I said on Committee Stage that, implicitly or explicitly, I have no interest whatsoever in the privatisation of the higher education system. We have recently taken decisions in respect of funding higher education recognising that it is a public good. The absolutely clear policy agenda is to support and enhance publicly funded higher education institutions. As the Deputy, in fairness, acknowledged, there is nothing in this Bill that would alter that reality in any way, shape or form. My concern about this amendment, which I tried to state on Committee Stage and which has arisen after further reflection, advice and discussion, is that there are times at which we utilise not-for-profits and smaller private colleges, perhaps in regional Ireland, to meet various educational needs in a region with regard to a specific skill set. We all know about this and we have probably all made representations about these providers at various stages. Our concern is that the amendment does not recognise that reality. I know this is not the Deputy's intention and I am not suggesting that it is. As she will know, the Bill will provide for the ability to decide on the strategy for tertiary education, the ten-year policy and vision for higher education. It is not my intention to include a provision in the Bill that would inhibit the development of any innovative or local solution that may be required. Even when trying to define smaller colleges, one of which the Deputy referred to, one will see that there is quite a wide array of constructs with regard to the ownership of different institutions. This is not about privatisation, far from it. Higher education is absolutely a public good. We want to support and publicly fund the public higher education institutions but, from time to time, there will be collaborations at local level involving the not-for-profit sector in particular. That is the

only nuance, rather than area of disagreement, that I will point out.

**Deputy Rose Conway-Walsh:** We would not want to inhibit local solutions with regard to education provision. My concern is that higher and further education is very valuable and that lots of money can be made from it. We often find that organisations and companies follow the money. With amendment No. 20, as with No. 10, we sought to explicitly recognise the public nature of the higher education system, which should play a role in determining how we fund this sector. The Minister knows that we need more places on courses that are in high demand but we need them within the colleges and institutes of further education. I appreciate that Deputy Harris may not always be the Minister for Further and Higher Education, Research, Innovation and Science and may go on to higher things. I will not call it the easy way out but we should not go down a path of providing courses privately rather than providing proper core funding for our third level sector.

**Deputy Simon Harris:** I will respond on a point of agreement. We need to be much better at workforce planning in the public sector. Very shortly, the Minister for Health and I will jointly bring forward proposals with regard to workforce planning for the number of medical graduates we need. I take the point Deputy Conway-Walsh initiated with regard to teacher training and recognise Deputy Ó Ríordáin's expertise in this area. I wrote to all Departments quite some time ago, and will do so again, about the importance of line Departments and their agencies outlining their needs in respect of training places, whether for teachers, doctors, nurses, speech and language therapists or occupational therapists, to my Department and our sector. I will be critical of myself here and acknowledge that there is work that needs to be done which my Department can usefully do. However, it does require the line Departments to identify the number of teachers, speech and language therapists or occupational therapists that need to be trained. We will not be found wanting. I do not believe the publicly funded higher education sector will be found wanting in terms of meeting that demand either. I do not believe there is any need for a move towards the private sector to meet those demands if we can get the workforce planning right.

Amendment put and declared lost.

**An Ceann Comhairle:** Amendments Nos. 11, 19, 20, 33, and 42 are related and may be discussed together by agreement.

**Deputy Rose Conway-Walsh:** I move amendment No. 11:

In page 15, between lines 34 and 35, to insert the following:

“(e) to ensure decent pay and good working conditions for academic (including PhD researchers) and non-academic staff in designated institutions of higher education;

This amendment is on working conditions within the third level sector. Alongside protecting and enhancing the public nature of our higher education system, the other key role of the Higher Education Authority, HEA, should be to promote good working conditions in the sector, including for PhD researchers. Precarious employment has been allowed to spread throughout higher education and this needs to be specifically addressed by the HEA. Governance of the sector needs to relate to the working conditions of all workers in this sector. According to the OECD, Ireland's student-staff ratio is 23.4:1, which is far out of line with the OECD average of 15:1. This can only be addressed by a sustainable new model. We need to look at the working conditions within the sector. These amendments seek to do that.

**Deputy Aodhán Ó Ríordáin:** I will address amendment No. 19. We suggest that, between lines 9 and 10 of page 17, it be included that one of the functions of an tÚdarás shall be to “advise the Minister in relation to the adequacy of the level of public funding that is made available for higher education and to advise on future funding requirements”. All of these amendments are on a similar theme. Amendment No. 33 speaks to the same thing and proposes to insert “the funding status of individual designated institutions of higher education”. Amendment No. 42, which is also in this grouping, is similar and refers to “the funding status of individual designated institutions of higher education”. They are all on funding, which has been the subject of the overarching debate we have had over many years since the Cassells report and before it. The public funding of higher education is absolutely key and the Bill has to reflect that. That is why we have proposed these three amendments. If passed, an tÚdarás would have a function in this area. The other amendments speak to that issue as well.

**Deputy Simon Harris:** I am not in a position to accept these amendments. I will take the opportunity to outline why. With regard to No. 11, in the name of Deputy Conway-Walsh, I will be really clear that I too want to see a dramatic improvement with regard to precarious employment in the sector, as do the Government and everybody else in this country. We have to acknowledge that it is a real issue and I do. Similarly, we want to see improvements in the way we support our PhD researchers. It is a question of the mechanism under law through which you set about doing that. Working conditions for staff in designated institutions are covered by employment legislation. We do not believe it appropriate to cover employment matters and the various mechanisms available with regard to employment law and the industrial relations mechanisms of the State in this Bill on higher education. However, the Deputy will know of the funding proposals we have brought forward in *Funding the Future*, which we will no doubt be debating in the weeks and months ahead. These set out to properly and sustainably fund higher education and will see a very significant improvement in the student-staff ratios that the Deputy was right to highlight as a real issue because they are a real issue. They will also see a fall in precarious employment. I am very satisfied that we will make good progress on that issue through this funding model. If the Deputy holds the policy view that further improvements need to be made, employment legislation is the place to do so rather than in this Bill because any issues arising should always be dealt with through the normal industrial relations procedures in designated institutions. It is very clearly noted that universities, technological universities and institutes of technology are required to have industrial disputes mechanisms in place in accordance with the relevant sectoral legislation.

Amendment No. 19 proposes to include a provision in the functions section that an tÚdarás would “advise the Minister in relation to the adequacy of the level of public funding that is made available”. This provision is already covered in section 9(1)(o), which reads:

(o) advise the Minister in relation to national policy on higher education in accordance with section 14, including in relation to the funding required for higher education,

I do not disagree with the Deputy on this matter but I believe it is addressed in the section I have referenced.

Amendment No. 20 proposes to include a reference to “a well-resourced public higher education system” in section 9(1)(o). This is already covered by the wording in this section, which we amended on Committee Stage. I suggest with great respect that the Deputy and I dealt with this issue on Committee Stage when we amended the provision to add the clause “including in relation to the funding required for higher education”. We made an improvement there on

Committee Stage.

Amendments Nos. 33 and 42 propose to include provisions relating to the funding status of individual designated institutions of higher education in section 33, which is on strategy, and section 35, which is on the performance framework. Amendments were included on Committee Stage referencing the further and higher education system and the diversity of functions, objects and priorities of different higher education providers. This was considered a more appropriate place to amend Bill.

Reference was made to the Cassells report. The Deputy was right to make reference to the report. Peter Cassells did a wonderful job and did the State service in the job he did. As the Government, we recently made decisions on how to fund higher education. The Cassells report rightly set out the options. Sometimes the Cassells report is portrayed as saying, "Do this and do not do that". It actually did not do that. It stressed that higher education needed to be funded and outlined the different ways it can be done. One of those ways was through student loans. That would be an appalling way to do it. The Deputy and I agree that would be a disgraceful way to do it. It does not work in any jurisdiction and we will not do that.

Another way would be to hike the levy on employers. We will not do that either.

**Deputy Aodhán Ó Ríordáin:** The Minister was doing so well.

**Deputy Simon Harris:** The Deputy might do that, but that is for a different debate.

I think we agree on this. I know we both believe education is a public good which means it should be funded through the public purse. We already have a levy on employers who pay into the national training fund. We have a contribution fee which I want to see reduced. My thoughts on that are well known and I am working through that process now. We have made decisions. While I am not referring to the Deputy, some had this romantic notion that the Cassells report was sitting there and why could someone not just do something about it. The Cassells report set out options. We picked our option, which is a publicly funded higher education system with lower student charges.

**An Ceann Comhairle:** Is the Deputy pressing her amendment?

**Deputy Rose Conway-Walsh:** I will not press this on the basis that the Minister is willing to commit to working with his Government colleagues to deliver the reforms in employment legislation or employment framework for the sector. I will take that at face value and not press it. I think the Minister fully recognises the enormous problems we have and which need to be fixed.

Amendment, by leave, withdrawn.

**Deputy Rose Conway-Walsh:** I move amendment No. 12:

In page 15, between lines 34 and 35, to insert the following:

(e) to support designated institutions of higher education in contributing to sustainable development, climate and biodiversity action, through research, innovation, leadership and governance;"

Amendment, by leave, withdrawn.

**Deputy Rose Conway-Walsh:** I move amendment No. 13:

In page 15, after line 39, to insert the following:

“(h) to promote the attainment of the national aims of restoring the Irish language and preserving and developing the national culture, including by promoting teaching, learning and research across the wide diversity of disciplines at higher level through the medium of Irish.”.

Amendment, by leave, withdrawn.

**Deputy Aodhán Ó Ríordáin:** I move amendment No. 14:

In page 16, between lines 3 and 4, to insert the following:

**“Academic freedom**

9. Nothing in this Act shall be construed as modifying or restricting the principle of academic freedom as provided for in section 14 of the Universities Act 1997.”.

Amendment put and declared lost.

**Deputy Aodhán Ó Ríordáin:** I move amendment No. 15:

In page 16, between lines 9 and 10, to insert the following:

“(c) support and recognise the application of the principle of academic freedom,”.

Amendment put and declared lost.

**Deputy Simon Harris:** I move amendment No. 16:

In page 16, to delete lines 21 and 22 and substitute the following:

“Language Planning Areas, Gaeltacht Service Towns and Irish Language Networks, and outside of such Areas, Towns and Networks, with regard to the promotion and use of the Irish language.”.

Amendment agreed to.

**Deputy Aodhán Ó Ríordáin:** I move amendment No. 17:

In page 17, line 4, after “frameworks” to insert the following:

“and to support the autonomy and decision-making capacity of designated institutions of higher education”.

Amendment put and declared lost.

**Deputy Aodhán Ó Ríordáin:** I move amendment No. 18:

In page 17, between lines 6 and 7, to insert the following:

“(n) to freely express its views on matters concerning the higher education sector,”.

Amendment put and declared lost.

**Deputy Aodhán Ó Ríordáin:** I move amendment No. 19:

In page 17, between lines 9 and 10, to insert the following:

“(o) advise the Minister in relation to the adequacy of the level of public funding that is made available for higher education and to advise on future funding requirements,”.

Amendment put and declared lost.

**Deputy Rose Conway-Walsh:** I move amendment No. 20:

In page 17, line 10, to delete “higher education” and substitute “a well-resourced public higher education system”.

Amendment, by leave, withdrawn.

**Deputy Rose Conway-Walsh:** I move amendment No. 21:

In page 17, line 17, after “the” where it secondly occurs to insert “promotion of cross border”.

This amendment relates to the cross-border student enrolment. We need a very clear role for the HEA in promoting cross-border enrolment. We have spoken about this several times. I acknowledge the work of the Minister and his departmental officials in trying to get agreement that student enrolment across the island and opening up student opportunities across the island are vital. That is why we want to see it explicitly in the Bill.

**Deputy Simon Harris:** I sincerely thank the Deputy for the good work we have all been doing together on the promotion of cross-border education and viewing the island of Ireland in relation to student mobility and opportunities. The establishment of the technological university in the north west, the Atlantic Technological University, ATU, presents a great opportunity in relation to Magee Campus of the University of Ulster and the commitments of the Irish and British Governments under New Decade, New Approach. We are certainly working on that. Tomorrow I will be in Queens University in Northern Ireland, continuing to promote the message that we believe it simply makes sense to work on some issues together. Education provides a great opportunity to embed peace, advance progress and provide opportunities to the next generation to work together on some big solutions to big issues that do not care about day-to-day politics. I think we all share that view.

I cannot accept the amendment. I worked with the Deputy on Committee Stage and we expanded section 9(1)(o) relating to co-operation and collaboration with the higher education sector to include the provision of student places and the enrolment of students. The Deputy made a compelling case that when talking about cross-border we should not just talk about it at a high level but we should also look at it specifically in relation to success, having a metric around provision of student places and enrolment of students. We expanded section 9(1)(o) to include that reference on Committee Stage and therefore I do not deem the new amendment necessary.

Amendment, by leave, withdrawn.

**Deputy Aengus Ó Snodaigh:** I move amendment No. 22:

In page 17, line 32, after “information” to insert the following:

“, including specific information on the funding for, and numbers engaged in, study and research through the medium of Irish,”.

Amendment, by leave, withdrawn.

**An Ceann Comhairle:** Amendments Nos. 23, 24 and 138 are related and will be discussed together.

**Deputy Simon Harris:** I move amendment No. 23:

In page 18, between lines 32 and 33, to insert the following:

“(4) The Minister may publish guidelines issued by him or her under *subsection (1)* in such manner as he or she considers appropriate.”.

On Committee Stage, I stated that I would table an amendment on Report Stage on the publication of guidelines under section 12. Some Deputies, particularly Deputy Ó Ríordáin, made a compelling case. He tabled his own amendment to try to advance the issue this evening. I looked at it in light of his comments and therefore I have introduced my own amendment to section 12. The amendment provides that, “The Minister may publish guidelines issued by him or her under *subsection (1)* in such manner as he or she considers appropriate”. The provision is that the Minister may publish guidelines rather than shall publish guidelines. I often have these debates about “may” and “shall”. As our President says, words matter, and they do. I am aware of the difference between “may” and “shall”. We sought legal advice on this.

We believe that making this amendment will enable the publication of guidelines issued by the Minister to the HEA as appropriate while providing that not all guidelines need to be published. My Department issues a large number of emails and letters to the HEA. They could be considered to be guidelines and some may not be appropriate to publish. We can all think of scenarios where something is not appropriate to publish. The policy intent is to publish all important guidelines. The addition to the legislation is to reflect that. Therefore, I understandably favour my amendment over the Deputy’s amendment. I hope we have moved some way on this.

Amendment agreed to.

**Deputy Aodhán Ó Ríordáin:** I move amendment No. 24:

In page 18, between lines 32 and 33, to insert the following:

**“Direction and guidelines to be published**

**13.** The Minister shall cause to be laid before each House of the Oireachtas and to be published on the Minister’s website—

- (a) any direction issued under *section 11*, and
- (b) any guidelines issued under *section 12*.”.

Amendment, by leave, withdrawn.

**An Ceann Comhairle:** Amendments Nos. 25 to 27, inclusive, are related and may be discussed together.

**Deputy Rose Conway-Walsh:** I move amendment No. 25:

In page 20, between lines 21 and 22, to insert the following:

“(c) Not less than one of the persons appointed under *paragraph (a)* shall be a trade union representative of non-academic staff in the sector, nominated by the relevant trade union(s).”.

I will speak to amendments Nos. 25 and 27, both of which relate to the trade union representation on the board of the HEA, academic and non-academic, respectively. The absence of specific reference to trade unions in the Bill has been addressed by several amendments on Committee Stage, which is very welcome.

Trade unions will now be represented on this body. It is, however, important that they are represented on the board of the HEA as well as the governing bodies of the individual institutions. The inclusion of trade unions on the HEA governing authority is welcome but this Bill sets up the HEA with new legislation. It seems the HEA should also have the same trade union representation.

**Deputy Aengus Ó Snodaigh:** I will speak to amendment No. 26. I mentioned earlier that the intention of this amendment is to ensure that “not less than one of the persons appointed ... shall be representative for the interests of the Gaeltacht [or the] Irish language speaking community”. It is important that we give due recognition to that in any group of appointments, given what we are trying to achieve with this legislation, namely, the interests of the Irish language and the interests of education in the country in the future. It is particularly important given the passage of the Official Languages (Amendment) Act 2021 because there is now an onus on the State to ensure 20% of those who are recruited into the State sector by 2030 are able to speak Irish to a level whereby they can deal with the public. One might say that can be done through the secondary schools but for areas of specific expertise, we need graduates and students of every discipline who have the ability to speak Irish. Every sector of the public sector will have to attract people who have an ability to speak Irish that will allow them to deal with the public. We need those staff to be able to carry out their business in the public sector. That is why I believe it is important for any body or institution in the State to ensure a specific importance for the Irish language to ensure it is not set aside or sidelined as it has been over the years in some of the bodies which oversee the State sector. That has been the case to such a degree that we are now in the position where only 0.4% of those recruited into the public sector have a level of Irish that would allow them to deal with the public. Inniúlacht sa Ghaeilge atá i gceist. We require an ability and level at which they can communicate and interact with the public. That could be required of a doctor or teacher. We know there is a crisis in the numbers of teachers who can speak in front of a class to a satisfactory level in the Irish language. There are teachers who do not have the ability to speak to their students as Gaeilge, not only in Gaelscoileanna and Gaelcholáistí but also in English-speaking schools.

We all know there is a crisis in hospitals, whether in Gaeltacht areas or elsewhere, in public health centres and in Garda stations in respect of the number of Irish speakers available to address a need that has been identified under the Official Languages (Amendment) Act. That is why the bar was set quite low, in my view, but it is realistic because it must be achievable. There is an onus on the State to achieve that 20% level by 2030. The work has to start now and where better to start than in bodies and boards belong to Údarás na Gaeltachta?

**Deputy Simon Harris:** I thank the Deputies and, in particular, Deputy Conway-Walsh, for the acknowledgement that we moved on representation for the governing authorities. That was an issue that the Teachers Union of Ireland, TUI, and others, pursued. I engaged with the TUI at its national congress in Wexford a few weeks previously on that point.

I am not minded to accept these three amendments. To be blunt, the HEA board must be competence-based. That is in no way to suggest that trade union representatives or people with a trade union background cannot contribute to a competence-based board because of course they can. I believe in a publicly advertised process whereby people apply to sit on the HEA board. If we start ring-fencing seats, there are many other sectors of society for which we could make similar cases. Why not require representation for people with a disability or people from groups that are under-represented in higher education? Perhaps people who are able to talk about progressions and pathways between further education and higher education should be represented.

It is absolutely open to members of the Irish Congress of Trade Unions or other academic or non-academic staff members in higher education institutions to apply for board membership. It is similarly open to Irish-speaking community representatives to apply for membership of the HEA board once they, like any other citizen in the country, meet the competency required for membership. A better way to approach establishing a competence-based board is to publicly advertise the role. The Minister of the day can consider the balance of skills required on that board to achieve the necessary good governance and oversight that is required of the board membership.

The Deputy made a point about the Irish language. I made the following point earlier but it is worth making again. We considered and engaged on this issue, and made some progress, during earlier Stages of this legislation. The promotion and use of the Irish language is now included in the competencies that a Minister of the day considers when appointing someone to the board of the HEA. It is outlined that the Minister should appoint to the board persons who in the opinion of him or her are of sufficient experience or expertise relating to matters connected to education, teaching and learning, research, the promotion and use of the Irish language, organisation of financial governance, management of public administration or risk management. In the list of competencies a Minister is expected to consider when deciding whether he or she wishes to appoint someone to a board, the promotion and use of the Irish language is now included not implicitly but explicitly.

**Deputy Aengus Ó Snodaigh:** I acknowledge section 16(2)(a)(ii) where the Irish language is specifically mentioned and which requires the Minister to take cognisance of the section when appointing people to the 12-person board. I was initially of the view that a certain percentage of the board should comprise people who have competence in the Irish language but in the amendment we have tabled, we are asking that one of the 12 would be a representative for those interests, as we outlined, for the very reasons I have outlined. There is a considerable job of work coming down the track. I am not saying that somebody must have competence in the Irish language to have an interest and to understand what is required but over the years, we have found that people who have those specific interests and competencies are those who push to ensure, at least, that Irish is not sidelined.

I take the Minister's reassurance and commitment on board. It is reflected in the amendments he has tabled to date. It is not that I disagree with his argument. I do not disagree with what is in the legislation. The amendment is an attempt to ensure the legislation is strength-

ened. It does not try to undo what he has taken on board and inserted in the legislation.

Amendment put and declared lost.

**Deputy Rose Conway-Walsh:** I move amendment No. 26:

In page 20, between lines 21 and 22, to insert the following:

“(c) Not less than one of the persons appointed under *paragraph(a)* shall be representative for the interests of the Gaeltacht, Irish speaking community, and Irish medium education sector, nominated by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media on the agreed advice of Foras na Gaeilge, Údarás na Gaeltachta, and An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta.”.

Amendment put and declared lost.

*7 o'clock*

**Deputy Rose Conway-Walsh:** I move amendment No. 27:

In page 20, between lines 21 and 22, to insert the following:

“(c) Not less than one of the persons appointed under paragraph (a) shall be a trade union representative of academic staff in the sector, nominated by the relevant trade union(s).”.

Amendment put and declared lost.

**Deputy Aengus Ó Snodaigh:** I move amendment No. 28:

In page 21, between lines 8 and 9, to insert the following:

“(11) The Joint Oireachtas Committee responsible for matters relating to the Irish language shall, no earlier than four years and no later than five years following the establishment of An tÚdarás, examine the representation of the Irish speaking community among Ministerial appointments to the positions on the Board of, and in other roles on, the Higher Education Authority, and prepare and publish a report on the benefits and feasibility of introducing quotas to ensure equitable representation for Irish speakers to such positions based on their findings.”

Amendment, by leave, withdrawn.

**Deputy Rose Conway-Walsh:** I move amendment No. 29:

In page 22, line 21, to delete “National Apprenticeship Office” and substitute “Oifig na bPrintiseachtaí”.

Amendment put and declared lost.

**An Ceann Comhairle:** Amendments Nos. 30, 70, 79, 101, 113 to 116, inclusive, 125 to 129, inclusive, and 143 to 148, inclusive, are related and may be discussed together.

**Deputy Simon Harris:** I move amendment No. 30:

In page 25, line 8, after “report” to insert “under *section 23*”.

I think there are 19 amendments in the group. I do not expect they will detain us for very long because they are very much technical or typographical. The group includes cross-referencing, grammatical and formatting amendments.

Amendment No. 30 amends section 21(9) regarding a reference to the annual report of an t-údarás as it is deemed correct to insert the reference to the section in this Act that sets out the report. Amendment No. 70 inserts a comma after the word “concerned”. Amendment No. 101 inserts an “s” at the end of the word “subsection” and so on. They are typographical and technical amendments.

Amendment agreed to.

**Deputy Rose Conway-Walsh:** I move amendment No. 31:

In page 28, to delete lines 35 to 38.

This amendment deletes the part of the Bill providing that the CEO of the Higher Education Authority is specifically prohibited from commenting on policy. The Bill states he or she “shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or the merits of the objectives of such a policy”. This phrase relates specifically to Oireachtas committees, not including the Committee of Public Accounts. Placing this restriction on the CEO is unnecessary and will negatively impact on democratic debate. I seek an explanation of the reason this provision is considered necessary. I do not like the idea of somebody not being able to comment on policy.

**Deputy Simon Harris:** We had a good discussion on this on Committee Stage and I further checked and cross-checked it. The reality is that I am accountable to this House on policy matters. What we are proposing here is a standard provision. Amendment No. 31 proposes to remove section 28, which is the accountability of the CEO to other Oireachtas committees. Section 28(9) states: “In the performance of his or her duties under this section, the Chief Executive Officer shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or the merits of the objectives of such a policy”. Attending Oireachtas committees as a Member of this House, I have probably heard this phrase being read out thousands of times at the start of meetings. It is noted that the CEO is prohibited from commenting on policy only in respect of appearances before the Committee of Public Accounts or other Oireachtas committees. The CEO appears before those committees to give evidence on the use of HEA resources and the general administration of the HEA. If members of a committee wish to discuss policy or hold anyone to account for policy, it is me they must invite to the committee. This very much relates to a clear understanding of what the CEO and the Minister of the day are accountable for. I am satisfied with this provision, which I have checked. The Deputy is right to ask the question and seek to interrogate it more but these provisions are standard for State agencies. Nothing here deviates from that or is in any way a new development. It is simply a standard provision for State agencies.

**Deputy Rose Conway-Walsh:** In that case, I will withdraw the amendment.

Amendment, by leave, withdrawn.

**An Ceann Comhairle:** Amendments Nos. 32, 97 to 99, inclusive, 109 to 111, inclusive, and

122 to 124, inclusive, are related and may be discussed together.

**Deputy Simon Harris:** I move amendment No. 32:

In page 29, to delete lines 33 to 38, and in page 30, to delete lines 1 to 26 and substitute the following:

“**30.** Notwithstanding the repeal of the Higher Education Authority Act 1971 by section 5(1), a person who was an officer or servant of An tÚdarás appointed under *section 14(1)* of that Act, immediately before the commencement of *section 7* shall be deemed to be a member of the staff of An tÚdarás—

(a) as if, on that commencement, An tÚdarás had appointed under *section 29(1)* the person to be a member of the staff of An tÚdarás for the remaining period (if any) that was left to run for the person to hold office as such officer or servant, as the case may be, immediately before that commencement, and

(b) on the same conditions (including those relating to termination of appointment) as the person held office as such officer or servant, as the case may be, immediately before that commencement, and the other provisions of this Act shall be construed accordingly.”.

These amendments are to provide that if the term of office of all or the majority of members of the governing body or the authority of a university, technological university or institute of technology expires during the transition period provided in the Bill of 12 months to form the new governing body or authority, then the term of office can be extended by the Minister. The extension would be at the request of the governing authority or body with the agreement of the relevant member and will be for no longer than the end of the 12-month transition period for the forming of the new governing body or authority. These amendments are to ensure each governing body or authority has the full one-year transition period in which to reconstitute. There is an additional amendment in relation to the Technological Universities Act to allow governing body members appointed to the first governing body of the technological university to complete their two-year term of office if they wish, even if they are not reappointed to the new governing body under section 12 or 12A. This amendment is necessary to ensure there is no conflict between the Technological Universities Act and the HEA Bill.

I consider this to be very much common sense. If somebody’s term is due to expire in advance of a 12-month period that we in the Oireachtas give them to reconstitute, it seems sensible that at that stage their term could be extended to finish that period and therefore comply with the 12-month transition period.

Amendment agreed to.

**Deputy Aodhán Ó Riordáin:** I move amendment No. 33:

In page 32, between lines 21 and 22, to insert the following:

“(c) the funding status of individual designated institutions of higher education,”.

Amendment put and declared lost.

**An Ceann Comhairle:** Amendments Nos. 34, 41, 49, 60, 61, 63, 64 and 137 are related and

may be discussed together.

**Deputy Aodhán Ó Ríordáin:** I move amendment No. 34:

In page 32, to delete lines 24 to 36, and in page 33, to delete lines 1 to 6 and substitute the following:

- “(5) The Minister shall, for the purpose of preparing a strategy, consult with—
- (a) representatives of students attending designated institutions of higher education,
  - (b) designated institutions of higher education or their representative bodies, and
  - (c) such other bodies or persons as the Minister considers appropriate.”.

On Committee Stage, many of the amendments we and other tabled focused heavily on the student voice being implicit and present throughout the Bill and, likewise, that of trade union representatives.

Amendment No. 41 in the same grouping reads as follows:

In page 34, to delete lines 33 to 35, and in page 35, to delete lines 1 and 2 and substitute the following:

“**35.**(1) An tÚdarás shall prepare a performance framework for the higher education and research system (in this section referred to as a “performance framework”) at intervals of not less than once every 5 years and may publish the performance framework in such manner as it considers appropriate.

(2) An tÚdarás shall, for the purpose of preparing a performance framework, consult with—

- (a) representatives of students attending designated institutions of higher education,
- (b) designated institutions of higher education or their representative bodies, and
- (c) such other bodies or persons as the Minister considers appropriate.”.

Amendment No. 49 proposes that “In developing a funding framework under *paragraph (a)*, An tÚdarás consult with the designated institutions of higher education or their representative bodies”.

**Deputy Simon Harris:** Amendment No. 63 is my amendment in this group. It is grouped because this amendment is one I indicated I would make following on from Deputy Ó Ríordáin’s representation and advocacy on Committee Stage. My amendment addresses amendment No. 64, if I may put it like that, because it amends section 46 to include provision for the HEA to consult “members of the staff of designated institutions of higher education or the trades unions or staff associations of those members of staff” on the preparation by the HEA of a draft plan for equity of access, participation and promotion of success. On Committee Stage, I gave the Deputy an undertaking we would do this. He has brought forward an amendment to ensure we do so and I have brought forward my own amendment. I believe they achieve the same outcome.

On the rest of the amendments that relate to the student voice, in a different section, which I will not speak to now, there is a substantial change coming which will enhance the student voice in respect of the membership of the governing authorities. I believe the Deputy is right on that. I had a very impactful meeting with the Union of Students in Ireland and other student representative bodies, which led me to bring forward an amendment to strengthen their voice on the governing authorities. We will get to that in the last grouping, or thereabouts. I see the student voice being strengthened through Report Stage, in that context.

I looked at the Deputy's amendment No. 34, which seeks to ensure students and others are consulted. Having cross-checked the Bill, I believe that a more comprehensive list is included in it. I would worry that if I accepted this amendment, I would actually end up not naming other key stakeholders that are stated later in the Bill. Similarly, amendment No. 41 seeks to provide for consultation with students, designated institutions of higher education and other bodies. I am satisfied that we have covered this in section 35(2) of the Bill. There are a few amendments where I believe we have achieved the same objective in different parts of the Bill.

On the student training piece, amendment No. 60 suggests changing the word "may" to "shall". I looked at this again because I can see what Deputy Conway-Walsh is trying to do. I believe, however, that the flexibility of "may" rather than "shall" actually stands to the students' advantage. I believe that we want to achieve the same thing here. We have said that the institutions must report annually to the HEA on the training processes they have provided in order that it will be very clear to you, to me and to everybody if any institution is not providing the training to students. The word "shall" puts a compellability on the student in relation to training and I do not believe we want to do this. That is my sense of it.

We are satisfied that there is no need for amendment No. 61. Section 43 includes these provisions under the reporting process, under subsections (3)(a), (3)(b) and (3)(c). Amendment No. 121 seeks to include provision for consultation by the HEA with trade unions on the preparation by the HEA of guidelines, codes and policies. There is absolutely no issue with the HEA consulting the trade unions on the preparation of guidelines. It is probably appropriate. Depending on the guidelines, however, there may be some guidelines that are not relevant. It is appropriate that the HEA can consult on what is relevant and, therefore, I cannot accept the amendments.

In summary, I will make the point that we are strengthening the reference in relation to trade unions and staff associations in our amendment No. 63. We are bringing forward amendments later around strengthening the student voice, which I hope will go some way to addressing both Deputies' concerns.

Amendment, by leave, withdrawn.

Amendment No. 35 not moved.

**Deputy Simon Harris:** I move amendment No. 36:

In page 34, line 6, after "environmental" to insert "development and".

Amendment agreed to.

**Deputy Simon Harris:** I move amendment No. 37:

In page 34, to delete lines 9 and 10 and substitute the following:

“(ix) social, economic and cultural requirements, including the requirements in higher education for the promotion and use of the Irish language of students who are enrolled in primary schools and post-primary schools which provide education through the medium of the Irish language, with particular regard to such schools in or serving Gaeltacht Language Planning Areas, Gaeltacht Service Towns and Irish Language Networks, and” .

Amendment agreed to.

**Deputy Simon Harris:** I move amendment No. 38:

In page 34, line 26, after “environmental” to insert “development and” .

Amendment agreed to.

**Deputy Simon Harris:** I move amendment No. 39:

In page 34, to delete lines 29 and 30 and substitute the following:

“(m) social, economic and cultural requirements, including the requirements in higher education for the promotion and use of the Irish language of students who are enrolled in primary schools and post-primary schools which provide education through the medium of the Irish language, with particular regard to such schools in or serving Gaeltacht Language Planning Areas, Gaeltacht Service Towns and Irish Language Networks, and” .

Amendment agreed to.

Amendments Nos. 40 and 41 not moved.

**Deputy Aodhán Ó Ríordáin:** I move amendment No. 42:

In page 35, between lines 21 and 22, to insert the following:

“(b) the funding status of individual designated institutions of higher education;”

Amendment put and declared lost.

**An Ceann Comhairle:** Amendment No. 43 arises out of committee proceedings. Amendments Nos. 44 and 45 are physical alternatives to amendment No. 43. Amendments Nos. 47 and 48 are physical alternatives to amendment No. 46. Amendments Nos. 43 to 48, inclusive, are related and may be discussed together. Is that agreed? Agreed.

**Deputy Simon Harris:** I move amendment No. 43:

In page 35, line 37, to delete “in consultation” and substitute “following engagement” .

I will first speak to my amendments in this group, amendments Nos. 43 and 46, which I have tabled in an attempt to respond to amendments from Opposition colleagues; namely, amendments Nos. 44, 45, 47 and 48. This is the debate around consultation, partnership and engagement. It is about how strong a wording we can put in. Amendments Nos. 43 and 46, in my name, delete the term “in consultation” and replace it with a phrase that we believe to be

stronger, which is “following engagement”. I believe that this better reflects the policy intent of co-operation between the HEA and designated institutions of higher education in the development of performance agreements. This is my suggestion as to how we would strengthen “in consultation”. I propose, therefore, the deletion of “in consultation” and its replacement with “following engagement”. I believe, therefore, that I have addressed the issues in amendments Nos. 44 and 45. They have been addressed by my amendment No. 43.

I note the debate around the word “partnership”. I believe there is a preference from some colleagues for the use of the word “partnership or “collaboration”, but we need to get the balance right with regard to the HEA’s obligations. It is very clear that these things need to be done following engagement, and that people need to be consulted, but we also need to respect the role the HEA must play. I believe that the most appropriate phrase, following a significant amount of consideration and debate, is “following engagement”. This is a stronger phrase than the phrase we had earlier, and it better reflects the policy and intent of the Bill.

Amendment agreed to.

Amendments Nos. 44 and 45 not moved.

**Deputy Simon Harris:** I move amendment No. 46:

In page 36, line 1, to delete “in consultation” and substitute “following engagement”

Amendment agreed to.

Amendments Nos. 47 to 50, inclusive, not moved.

**An Ceann Comhairle:** Amendment No. 52 is a physical alternative to amendment No. 51. Amendment No. 68 is a physical alternative to amendment No. 67. Amendment No. 103 is a physical alternative to amendment No. 102. Amendments Nos. 51, 52, 67, 68, 96, 102, 103, and 139 to 141, inclusive, are related and may be discussed together. Is that agreed? Agreed.

**Deputy Aodhán Ó Riordáin:** I move amendment No. 51:

In page 38, line 19, after “section 139” to insert “or to adequately explain non-compliance in accordance with section 139 (7)\*,”.

Amendment No. 51 seeks to have “non-compliance” explained adequately. Any reference to “non-compliance” as dictated in the Bill needs to be explained comprehensively. This a reasonable suggestion. Amendment No. 67 would seek to insert “or the adequacy of any explanation for non-compliance provided pursuant to section 139(7)\*”. Amendment No. 96 is in a similar vein and seeks to insert “in order to enable the provision of an adequate explanation for any non-compliance”. Again, non-compliance cannot be something passive. It must be accounted for. Amendment No. 102 seeks to insert “in order to enable the provision of an adequate explanation for any non-compliance”. Amendments Nos. 139 to 141, inclusive, seek to insert “Where a designated institution of higher education departs from guidelines, codes or policies prepared under subsection (1), the designated institution of higher education shall be afforded an opportunity to provide an explanation” with regard to the parts of the guidelines, codes or policies it departs from. Again, “shall” is that important word. Amendment No. 141 speaks to the same.

**Deputy Simon Harris:** I would like to explain why I do not propose to accept the amendments in this grouping. I am not proposing to make amendments to the Bill around the inclusion of a specific reference to the comply-or-explain principle or references to the provision of an adequate explanation for non-compliance. It is considered that the Higher Education Authority Bill 2022 at present reflects the comply-or-explain principle and is consistent with the autonomy of higher education institutions. The departmental policy intent is that of the principle of comply-or-explain. This issue received a good airing on Committee Stage. Legal advice has been sought on the issue and it has been concluded, following consideration of this advice, that it is not appropriate to make the changes as requested. The legal advice received from the Office of the Attorney General considers that the policy intent of comply-or-explain is adequately reflected in the Bill as currently drafted.

It is important to note that the Bill requires the HEA to consult designated institutions of higher education or the representative bodies in preparing guidelines codes or policies under section 139 of the Bill. The designated institutions or their representative bodies, including the Irish Universities Association, can provide their observations on the proposed guidelines, codes or policies when they are being prepared and they can, at this stage, provide any observations on potential issues with compliance. That is worth noting.

Section 139(6) is a reporting provision and provides for the designated institutions to report to the HEA annually on the implementation of their guidelines, codes and policies. This reporting provision provides the HEI with an opportunity to explain any non-compliance to the HEA and for the HEA to have regard to that explanation. It is a matter for the HEA as an independent statutory body to assess the practicality of a proposed guideline, code or policy, having consulted with the institutions as necessary, and to assess whether a specific institution has a valid reason for not being in compliance and whether further action is required. The HEA will be bound by constitutional fair procedures in adopting such policies and in its engagement with such institutions.

We made two amendments on Committee Stage to address concerns relating to autonomy and compliance with guidelines, codes or policies. We added to section 64(1) of the Bill, which is the section on the review of a matter and reporting to an t-údarás. We deleted the words “concerned about” and added the words “of opinion that there are significant concerns regarding”. That was a strengthening or increasing of the threshold. We also amended section 76(a)(1A) (b)(iii) of the Bill by deleting the phrase “enable compliance with the policies” and replacing it with “implement, and report on compliance with, the policies”.

The key points of the legal advice received are clear. This Bill already requires an t-údarás to consult with designated institutions or their representative bodies. There is a reporting provision in section 139(6). It is an independent statutory body and the institutions have access to other legal remedies if they object. The clear legal advice available to me after reflecting on this matter between Committee Stage and Report Stage is not to make these specific amendments relating to compliance or explaining.

Amendment put and declared lost.

**Deputy Rose Conway-Walsh:** I move amendment No. 52:

In page 38, line 19, after “section 139” to insert “or to adequately explain non-compliance”.

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I will withdraw the amendment on the basis of the legal advice.

Amendment, by leave, withdrawn.

**An Ceann Comhairle:** Amendments Nos. 53 to 57, inclusive, 69 and 78 are related and may be discussed together. Amendments Nos. 56 and 57 are alternatives to amendment No. 55. I note that we have only two minutes remaining for this debate. Does Deputy Ó Ríordáin wish to make reference to his amendments?

**Deputy Aodhán Ó Ríordáin:** I move amendment No. 53:

In page 38, line 21, after “requirements,” to insert “and”.

The final part of this section, relating to conditions of funding, states, “to comply with such other conditions as may be determined by the Chief Executive Officer.”. We want that removed. We do not see the need for the CEO to have such influence in this matter. That is why we want the word “and” inserted at the end of section 38(2)(f) and the word “and” removed from the end of (g).

**Deputy Simon Harris:** I have an amendment in this grouping, amendment No. 56. It provides that the approval of the board is needed by the CEO of the HEA to determine such other conditions of funding a funded body must comply with. I am not proposing to accept amendments Nos. 53, 54, 55, 57, 69 or 78. There has always been a balance between the role of the chief executive officer and that of the board. Through the work we did on Committee Stage and my amendment this evening, I believe we are achieving that balance.

Amendment put and declared lost.

**Deputy Aodhán Ó Ríordáin:** I move amendment No. 54:

In page 38, line 22, to delete “thereunder, and” and substitute “thereunder.”.

Amendment put and declared lost.

Amendment No. 55 not moved.

**Deputy Simon Harris:** I move amendment No. 56:

In page 38, line 23, after “determined” to insert “, with the approval of the Board,”.

Amendment agreed to.

Amendment No. 57 not moved.

**Deputy Simon Harris:** I move amendment No. 58:

In page 41, line 41, after “groups” to insert “and students who are competent to speak the Irish language”.

Amendment agreed to.

**Deputy Simon Harris:** I move amendment No. 59:

In page 42, line 3, after “groups” to insert “and students who are competent to speak the

Irish language”.

Amendment agreed to.

**Deputy Rose Conway-Walsh:** I move amendment No. 60:

In page 42, line 6, to delete “may” and substitute “shall”.

Amendment put and declared lost.

**Deputy Rose Conway-Walsh:** I move amendment No. 61:

In page 42, between lines 19 and 20, to insert the following:

“(d) a summary of engagement with the students’ union and any proposals put forward by students and representatives of students to address issues of concerns referred to in *paragraph (a)*.”.

Amendment put and declared lost.

**An Ceann Comhairle:** The time permitted for this debate having expired, I am required to put the following question in accordance with the order of the Dáil of 21 June 2022: “That the amendments set down by the Minister for Further and Higher Education, Research, Innovation and Science and not disposed of, with the exception of amendment No. 93, are hereby made to the Bill, that Fourth Stage is hereby completed and that the Bill is hereby passed.”

Question put and agreed to.

**An Ceann Comhairle:** The Bill will now be sent to the Seanad. I thank everyone for their co-operation on the matter.

### **Teachtairacht ón Seanad - Message from Seanad**

**An Ceann Comhairle:** Seanad Éireann has passed the Consumer Credit (Amendment) Bill 2022 without amendment.

### **European Arrest Warrant (Amendment) Bill 2022: Committee and Remaining Stages**

Sections 1 to 27, inclusive, agreed to.

Title agreed to.

Bill reported without amendment, received for final consideration and passed.

### **Our Lady’s Hospital Navan Emergency Services: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Guirke on Tuesday, 21 June 2022:

That Dáil Éireann:

22 June 2022

notes:

— the announcement on 13th June by senior members of the Health Service Executive (HSE) that the final stages of downgrading the 24-hour Emergency Department (ED) at Our Lady’s Hospital, Navan (OLHN) would commence on 30th June, 2022;

— that HSE officials have acknowledged that Our Lady of Lourdes Hospital in Drogheda will see an increase in emergency patients and a projected increase of 2,100 ambulance transfers per year from Navan;

— that, in May 2022, the average wait time for EDs across the State was 11.2 hours, significantly above the Sláintecare target of four hours;

— that figures from May 2022 show that the average waiting time for admission to EDs at Connolly Hospital, Blanchardstown and Our Lady of Lourdes Hospital, Drogheda are 11.9 and 8.9 hours respectively, with 48 per cent of patients at Connolly Hospital and 31 per cent at Our Lady of Lourdes Hospital waiting over 12 hours;

— that the last census shows that Meath is one of the fastest growing counties in Ireland with a population of over 195,000;

— the consistently high waiting times and ongoing overcrowding in EDs across the State and, only in the past two weeks, that the Mater University Hospital ED in Dublin was forced to advise members of the public to stay away;

— that EDs closed under the small hospitals framework, such as Ennis and Nenagh, were closed without the corresponding increase in capacity at University Hospital Limerick, which is one of the most chronically overcrowded hospitals in the State, and that senior management have publicly called for an elective hospital to be built in the area; and

— a press statement released by the Irish Nurses and Midwives Organisation (INMO) on the same day as the announcement by the HSE in respect of OLHN, stating that the body was left with no option but to consult with members in EDs across the State on potential industrial action due to the consistent overcrowding and lack of action by the Government, as there were 457 patients on hospital trollies that day;

further notes:

— the contradictory statement from the Minister for Health on the 14th June that “No decision regarding the HSE’s proposal for the transition of the Emergency Department at Our Lady’s Hospital Navan has been agreed by this Government”, despite the fact that the briefing event on 13th June to local Oireachtas members and media was arranged at the request of the Minister for Health, which is symbolic of the chaos and confusion at the heart of the current Government; and

— the Minister for Health’s complete failure to address the chronic under capacity in primary, community and acute care services in the region, which puts people’s health in danger; and

calls on the Minister for Health to:

— immediately clarify his position, and that of the Government, in relation to the future of the ED in OLHN;

— put forward proposals to protect and enhance emergency and critical services at OLHN and the wider Eastern Health region;

— immediately put forward plans to address overcrowding in EDs across the State, including investment in community and primary care, out of hours general practitioner care and realignment of care to reduce pressure on existing hospital EDs, including the emergency services at OLHN; and

— immediately engage with members of the INMO, convene the Emergency Department Taskforce as requested three times by the INMO, and commit to the implementation of the Emergency Department Agreement which was agreed between the HSE and the INMO.

The following amendment No. 1 was moved by the Minister for Health:

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

“notes that:

— the Health Service Executive (HSE) and clinicians in Our Lady’s Hospital, Navan have clinical concerns about the safety of the Emergency Department (ED) in the hospital;

— the North East Doctor on Call service has expressed concern regarding reports that the acute Medical Assessment Unit will only be accessible by means of a general practitioner (GP) referral, as they believe this will create further pressures on already overloaded daytime and out of hours GPs;

— there are also clear concerns of clinicians at other hospitals that would be impacted by the suggested changes at a time when all health services are under such pressure; and

— no Government decision has been taken regarding the HSE’s proposal for the transition of the ED of Our Lady’s Hospital, Navan; and

agrees that several important issues, including additional capacity in other hospitals impacted, EDs, as well as the continued ability of people in the Navan area to access emergency and urgent care, would need to be fully addressed before any proposed transition by the HSE could be considered.”

Debate resumed on amendment No. 1 to amendment No. 1:

To delete all words from “notes that” down to and including “could be considered” and substitute the following:

“calls for:

— the Government to end plans to close the ED in Our Lady’s Hospital, Navan;

— the Government to remove the policy within *Securing the Future of Smaller Hospitals: A Framework for Development* to downgrade Our Lady’s Hospital, Navan from a level

3 hospital to a level 2 hospital; and

— the necessary investment to be made by the HSE to restore acute surgical services in Our Lady’s Hospital, Navan in order to provide a safe service to the 200,000 people living in Co. Meath”

-(Deputy Peadar Tóibín)

**An Leas-Cheann Comhairle:** I must now deal with a postponed division relating to the motion regarding emergency services at Our Lady’s Hospital, Navan. On Tuesday, 21 June 2022, on the question, “That the amendment to the amendment be made”, a division was claimed and in accordance with Standing Order 80(2), that division must be taken now.

Amendment to amendment put:

<i>The Dáil divided: Tá, 52; Níl, 68; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Brophy, Colm.</i>	
<i>Bacik, Ivana.</i>	<i>Browne, James.</i>	
<i>Brady, John.</i>	<i>Burke, Colm.</i>	
<i>Browne, Martin.</i>	<i>Burke, Peter.</i>	
<i>Buckley, Pat.</i>	<i>Butler, Mary.</i>	
<i>Cairns, Holly.</i>	<i>Cahill, Jackie.</i>	
<i>Canney, Seán.</i>	<i>Cannon, Ciarán.</i>	
<i>Carthy, Matt.</i>	<i>Carey, Joe.</i>	
<i>Clarke, Sorca.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Collins, Joan.</i>	<i>Chambers, Jack.</i>	
<i>Collins, Michael.</i>	<i>Collins, Niall.</i>	
<i>Conway-Walsh, Rose.</i>	<i>Costello, Patrick.</i>	
<i>Cronin, Réada.</i>	<i>Coveney, Simon.</i>	
<i>Crowe, Seán.</i>	<i>Creed, Michael.</i>	
<i>Cullinane, David.</i>	<i>Crowe, Cathal.</i>	
<i>Daly, Pa.</i>	<i>Devlin, Cormac.</i>	
<i>Doherty, Pearse.</i>	<i>Dillon, Alan.</i>	
<i>Donnelly, Paul.</i>	<i>Donnelly, Stephen.</i>	
<i>Farrell, Mairéad.</i>	<i>Duffy, Francis Noel.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Durkan, Bernard J.</i>	
<i>Funchion, Kathleen.</i>	<i>English, Damien.</i>	
<i>Gould, Thomas.</i>	<i>Farrell, Alan.</i>	
<i>Guirke, Johnny.</i>	<i>Flaherty, Joe.</i>	
<i>Healy-Rae, Michael.</i>	<i>Flanagan, Charles.</i>	
<i>Kenny, Gino.</i>	<i>Fleming, Sean.</i>	
<i>Kenny, Martin.</i>	<i>Foley, Norma.</i>	
<i>Kerrane, Claire.</i>	<i>Griffin, Brendan.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Harris, Simon.</i>	
<i>McGrath, Mattie.</i>	<i>Heydon, Martin.</i>	

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<i>Mitchell, Denise.</i>	<i>Higgins, Emer.</i>	
<i>Munster, Imelda.</i>	<i>Kehoe, Paul.</i>	
<i>Murphy, Paul.</i>	<i>Lahart, John.</i>	
<i>Murphy, Verona.</i>	<i>Lawless, James.</i>	
<i>Mythen, Johnny.</i>	<i>Leddin, Brian.</i>	
<i>Nash, Ged.</i>	<i>Madigan, Josepha.</i>	
<i>Nolan, Carol.</i>	<i>Martin, Catherine.</i>	
<i>O'Callaghan, Cian.</i>	<i>Matthews, Steven.</i>	
<i>O'Donoghue, Richard.</i>	<i>McAuliffe, Paul.</i>	
<i>O'Reilly, Louise.</i>	<i>McConalogue, Charlie.</i>	
<i>O'Rourke, Darren.</i>	<i>McEntee, Helen.</i>	
<i>Ó Broin, Eoin.</i>	<i>McGrath, Michael.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Moynihan, Aindrias.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Moynihan, Michael.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Murnane O'Connor, Jennifer.</i>	
<i>Ryan, Patricia.</i>	<i>Naughton, Hildegarde.</i>	
<i>Shanahan, Matt.</i>	<i>Noonan, Malcolm.</i>	
<i>Sherlock, Sean.</i>	<i>O'Brien, Darragh.</i>	
<i>Smith, Bríd.</i>	<i>O'Brien, Joe.</i>	
<i>Stanley, Brian.</i>	<i>O'Callaghan, Jim.</i>	
<i>Tóibín, Peadar.</i>	<i>O'Connor, James.</i>	
<i>Tully, Pauline.</i>	<i>O'Dea, Willie.</i>	
<i>Whitmore, Jennifer.</i>	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ring, Michael.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Ossian.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Peadar Tóibín and Seán Canney; Níl, Deputies Jack Chambers and

Brendan Griffin.

Amendment to amendment declared lost.

Amendment put:

<i>The Dáil divided: Tá, 68; Níl, 53; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Burke, Colm.</i>	<i>Berry, Cathal.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Butler, Mary.</i>	<i>Browne, Martin.</i>	
<i>Cahill, Jackie.</i>	<i>Buckley, Pat.</i>	
<i>Cannon, Ciarán.</i>	<i>Cairns, Holly.</i>	
<i>Carey, Joe.</i>	<i>Canney, Seán.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Carthy, Matt.</i>	
<i>Chambers, Jack.</i>	<i>Clarke, Sorca.</i>	
<i>Collins, Niall.</i>	<i>Collins, Joan.</i>	
<i>Costello, Patrick.</i>	<i>Collins, Michael.</i>	
<i>Coveney, Simon.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Creed, Michael.</i>	<i>Cronin, Réada.</i>	
<i>Crowe, Cathal.</i>	<i>Crowe, Seán.</i>	
<i>Devlin, Cormac.</i>	<i>Cullinane, David.</i>	
<i>Dillon, Alan.</i>	<i>Daly, Pa.</i>	
<i>Donnelly, Stephen.</i>	<i>Doherty, Pearse.</i>	
<i>Duffy, Francis Noel.</i>	<i>Donnelly, Paul.</i>	
<i>Durkan, Bernard J.</i>	<i>Farrell, Mairéad.</i>	
<i>English, Damien.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Farrell, Alan.</i>	<i>Funchion, Kathleen.</i>	
<i>Flaherty, Joe.</i>	<i>Gould, Thomas.</i>	
<i>Flanagan, Charles.</i>	<i>Guirke, Johnny.</i>	
<i>Fleming, Sean.</i>	<i>Healy-Rae, Michael.</i>	
<i>Foley, Norma.</i>	<i>Kenny, Gino.</i>	
<i>Griffin, Brendan.</i>	<i>Kenny, Martin.</i>	
<i>Harris, Simon.</i>	<i>Kerrane, Claire.</i>	
<i>Heydon, Martin.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Higgins, Emer.</i>	<i>McGrath, Mattie.</i>	
<i>Kehoe, Paul.</i>	<i>Mitchell, Denise.</i>	
<i>Lahart, John.</i>	<i>Munster, Imelda.</i>	
<i>Lawless, James.</i>	<i>Murphy, Paul.</i>	
<i>Leddin, Brian.</i>	<i>Murphy, Verona.</i>	
<i>Madigan, Josepha.</i>	<i>Mythen, Johnny.</i>	
<i>Martin, Catherine.</i>	<i>Nash, Ged.</i>	

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<i>Matthews, Steven.</i>	<i>Nolan, Carol.</i>	
<i>McAuliffe, Paul.</i>	<i>O'Callaghan, Cian.</i>	
<i>McConalogue, Charlie.</i>	<i>O'Donoghue, Richard.</i>	
<i>McEntee, Helen.</i>	<i>O'Reilly, Louise.</i>	
<i>McGrath, Michael.</i>	<i>O'Rourke, Darren.</i>	
<i>Moynihan, Aindrias.</i>	<i>Ó Broin, Eoin.</i>	
<i>Moynihan, Michael.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Ó Riordáin, Aodhán.</i>	
<i>Naughton, Hildegarde.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Noonan, Malcolm.</i>	<i>Ryan, Patricia.</i>	
<i>O'Brien, Darragh.</i>	<i>Shanahan, Matt.</i>	
<i>O'Brien, Joe.</i>	<i>Sherlock, Sean.</i>	
<i>O'Callaghan, Jim.</i>	<i>Smith, Bríd.</i>	
<i>O'Connor, James.</i>	<i>Stanley, Brian.</i>	
<i>O'Dea, Willie.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Donnell, Kieran.</i>	<i>Tully, Pauline.</i>	
<i>O'Donovan, Patrick.</i>	<i>Whitmore, Jennifer.</i>	
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Jack Chambers and Brendan Griffin; Níl, Deputies Johnny Guirke and Darren O'Rourke.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

Question put:

<i>The Dáil divided: Tá, 69; Níl, 53; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staan</i>

<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Burke, Colm.</i>	<i>Berry, Cathal.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Butler, Mary.</i>	<i>Browne, Martin.</i>	
<i>Cahill, Jackie.</i>	<i>Buckley, Pat.</i>	
<i>Cannon, Ciarán.</i>	<i>Cairns, Holly.</i>	
<i>Carey, Joe.</i>	<i>Canney, Seán.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Carthy, Matt.</i>	
<i>Chambers, Jack.</i>	<i>Clarke, Sorca.</i>	
<i>Collins, Niall.</i>	<i>Collins, Joan.</i>	
<i>Costello, Patrick.</i>	<i>Collins, Michael.</i>	
<i>Coveney, Simon.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Creed, Michael.</i>	<i>Cronin, Réada.</i>	
<i>Crowe, Cathal.</i>	<i>Crowe, Seán.</i>	
<i>Devlin, Cormac.</i>	<i>Cullinane, David.</i>	
<i>Dillon, Alan.</i>	<i>Daly, Pa.</i>	
<i>Donnelly, Stephen.</i>	<i>Doherty, Pearse.</i>	
<i>Duffy, Francis Noel.</i>	<i>Donnelly, Paul.</i>	
<i>Durkan, Bernard J.</i>	<i>Farrell, Mairéad.</i>	
<i>English, Damien.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Farrell, Alan.</i>	<i>Funchion, Kathleen.</i>	
<i>Feighan, Frankie.</i>	<i>Gould, Thomas.</i>	
<i>Flaherty, Joe.</i>	<i>Guirke, Johnny.</i>	
<i>Flanagan, Charles.</i>	<i>Healy-Rae, Michael.</i>	
<i>Fleming, Sean.</i>	<i>Kenny, Gino.</i>	
<i>Foley, Norma.</i>	<i>Kenny, Martin.</i>	
<i>Griffin, Brendan.</i>	<i>Kerrane, Claire.</i>	
<i>Harris, Simon.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Heydon, Martin.</i>	<i>McGrath, Mattie.</i>	
<i>Higgins, Emer.</i>	<i>Mitchell, Denise.</i>	
<i>Kehoe, Paul.</i>	<i>Munster, Imelda.</i>	
<i>Lahart, John.</i>	<i>Murphy, Paul.</i>	
<i>Lawless, James.</i>	<i>Murphy, Verona.</i>	
<i>Leddin, Brian.</i>	<i>Mythen, Johnny.</i>	
<i>Madigan, Josepha.</i>	<i>Nash, Ged.</i>	
<i>Martin, Catherine.</i>	<i>Nolan, Carol.</i>	
<i>Matthews, Steven.</i>	<i>O'Callaghan, Cian.</i>	
<i>McAuliffe, Paul.</i>	<i>O'Donoghue, Richard.</i>	
<i>McConalogue, Charlie.</i>	<i>O'Reilly, Louise.</i>	
<i>McEntee, Helen.</i>	<i>O'Rourke, Darren.</i>	
<i>McGrath, Michael.</i>	<i>Ó Broin, Eoin.</i>	
<i>Moynihan, Aindrias.</i>	<i>Ó Laoghaire, Donnchadh.</i>	

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<i>Moynihan, Michael.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Naughton, Hildegarde.</i>	<i>Ryan, Patricia.</i>	
<i>Noonan, Malcolm.</i>	<i>Shanahan, Matt.</i>	
<i>O'Brien, Darragh.</i>	<i>Sherlock, Sean.</i>	
<i>O'Brien, Joe.</i>	<i>Smith, Bríd.</i>	
<i>O'Callaghan, Jim.</i>	<i>Stanley, Brian.</i>	
<i>O'Connor, James.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Dea, Willie.</i>	<i>Tully, Pauline.</i>	
<i>O'Donnell, Kieran.</i>	<i>Whitmore, Jennifer.</i>	
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Jack Chambers and Brendan Griffin; Níl, Deputies Johnny Guirke and Darren O'Rourke.

Question declared carried.

Cuireadh an Dáil ar athló ar 8.02 p.m. go dtí 9 a.m., Déardaoin, an 23 Meitheamh 2022.

The Dáil adjourned at 8.02 p.m. until 9 a.m. on Thursday, 23 June 2022.