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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Céadaoin, 8 Samhain 2023

Wednesday, 8 November 2023

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

Paidir agus Machnamh.
Prayer and Reflection.

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:

Deputy Mick Barry - To discuss the protest by residents in the Kilbride IPAS centre in County Wicklow.

Deputy Christopher O'Sullivan - To discuss the need for an expanded ambulance service in west Cork.

Deputy Colm Burke - To discuss a proposal whereby general medical practitioners will not be permitted to have income assessed and taxed as part of a partnership.

Deputy Brian Stanley - To discuss the current difficulties with the dental treatment services scheme in counties Laois and Offaly.

Deputy Donnchadh Ó Laoghaire - To discuss the need to provide capital funding for new library buildings in Mahon, Cork.

Deputy David Stanton - To discuss the construction of a bypass on the N25 around Castlemartyr and Killeagh, County Cork.

Deputy Ruairí Ó Murchú - To discuss possible solutions to the recent flooding in north County Louth and Dundalk.

Deputy Martin Browne - To discuss plans to provide temporary shelter to international protection applicants in Cashel.

Deputy Paul McAuliffe - To discuss the repair and upkeep of the Trinity sports dome.

Deputy Pat Buckley - To discuss contingency plans to address future flood protection in east

Cork.

Deputy Alan Dillon - To discuss Ireland's indigenous gas supply and energy security.

The matters raised by Deputies Christopher O'Sullivan, Ruairí Ó Murchú and Brian Stanley have been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Ambulance Service

Deputy Christopher O'Sullivan: I thank the Minister of State for being here to take this Topical Issue matter on the ambulance service in the west Cork area. The service is stretched and we urgently need extra ambulances to serve the people of the region. It is important that I explain the geography of west Cork. It is a huge area, bigger than most counties. For example, from the edge of Cork city to the Dursey Sound takes well over three hours to drive, and that is at a good speed. Travelling from somewhere like Clonakilty in the southern part of Cork to Macroom in the north takes well over an hour. It is a vast area. There are not enough ambulances to serve the area and provide safe outcomes.

There are five ambulance bases, in Clonakilty, Castletownbere, Bantry, Skibbereen and Macroom. Even at that, the service is stretched to its limit. The waiting times for ambulances are far too long. To compound that, because the National Ambulance Service, NAS, provides the service, these ambulances cover far more than the geographic region I have explained. Ambulances often serve Cork city and get stuck there, which means there is extra pressure on the west Cork area. Ambulances often serve Kerry. I have nothing against people in Kerry being able to avail of ambulance services, but that puts a serious strain on the service in west Cork.

I was contacted recently by a lady who called an ambulance for her daughter, which took three and a half hours to arrive. The House will have to bear with me in respect of the geography involved. The ambulance went from Cork city all the way west to Castletownbere, on the far west of the county, and then back to Skibbereen, for whatever reason. I am sure the ambulance service knew exactly what it was doing and had to travel that route for a reason, but that meant the woman's daughter was waiting for three and half hours for an ambulance, which is far too long. This is going to put lives at risk.

As with many parts of Ireland, there are islands off the coast of Cork. An islander rang an ambulance but the wait time was so long that the lady had to put her parent into the car, take the ferry and bring them to the hospital. It is not good enough. We need to increase the number of ambulances serving west Cork and the number of personnel. From a visit by the Minister of Health to west Cork this summer, my understanding is that an extra full-time ambulance with eight personnel was to be provided in Bantry to take the pressure off. That would be an amazing start, but we need to know when that will happen and when the personnel will be in place. Furthermore, when will there will there be more ambulances in west Cork? We need them desperately.

Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth): I thank Deputy O'Sullivan for asking this question. I will

answer it on behalf of the Minister for Health, Deputy Stephen Donnelly. The question relates to ambulance services in west Cork.

As the Deputy will be aware, the NAS serves the west Cork region 24-7 through a highly skilled workforce of intermediate care operatives, paramedics and advanced paramedics. There is a fleet of modern emergency ambulances, intermediate care vehicles and rapid response vehicles. There are 12 ambulance bases covering the entire county of Cork, of which four are in west Cork.

The NAS deploys these resources in the region dynamically, in line with international best practice. That allows the NAS to prioritise resource allocation to the highest acuity calls that require an immediate emergency response. The region is also served by a number of NAS alternative care pathways that include the Pathfinder see-and-treat service, the NAS national emergency operations centre, NEOC, the clinical hub hear-and-treat service and community paramedic and intermediate care services. The Pathfinder initiative launched in Cork in April 2023 to improve outcomes for older people by providing safe alternative care at home rather than in hospital emergency departments. On average, two thirds of patients seen by Pathfinder following a 999 call have remained at home rather than having to be brought to an emergency department. Pathfinder was launched in Kerry in 2023 and also serves west Cork.

An intermediate care service currently operates in the Bantry area of west Cork seven days a week. It provides low acuity inter-hospital patient transfer and discharge services to help preserve emergency ambulance resources in the region. A medical assessment unit, MAU, pathway for 112 and 999 patients is also permanently in place following a successful trial which involved Mallow General Hospital in 2020.

There is also further support provided by the Government funded south-west helicopter emergency medical service, HEMS, and the Irish Coast Guard search and rescue service. Since commencing operations on 16 February 2023, the south-west HEMS had carried out 328 emergency tasks by the end of September 2023.

Regarding ambulance services more generally, the Government has invested significantly in the NAS in recent years. Record investment of over €219 million has been allocated to the NAS under the HSE 2023 national service plan. This represents an overall increase of approximately €50 million from that which was allocated in 2019. This unprecedented level of investment has allowed for the NAS to undergo an enormous programme of change and reform recent years, continuing a transformation from a traditional emergency ambulance service to an agile mobile medical service.

As a direct result of this investment, the NAS workforce has also grown substantially, with an increase of 32% in total staff numbers since December 2015. As well as the significant increase in staff numbers, the NAS has also made major advancements in the way it delivers patient care. For example, building clinical capacity in the national emergency operation centre in Tallaght allows the NAS to assess and treat many patients at the lowest appropriate level of acuity, resulting in a better experience for patients and a more efficient use of resources.

I extend my sincere thanks and gratitude to the staff of the NAS and all of our ambulance services for their commitment and dedication to patient care in west Cork and throughout the country.

Deputy Christopher O'Sullivan: I thank the Minister of State. It is important that he men-

tioned the Government-funded air ambulance helicopter service. It is an extraordinary service, which ran on voluntary donations and charity fundraising for years. It is important that the Government is now backing it because without it we would be in dire straits. Even with that addition, it is still not enough. There are still parts of west Cork that are not being served properly by an ambulance service. We need to bolster the service. We need extra ambulances and staff.

I want to thank, from the bottom of my heart, the staff of the ambulance service for their extraordinary commitment and passion. However, they are experiencing burnout and are stressed and under severe pressure as a result of the workload and the lack of support and personnel. That is why what I request is so important. I am not sure whether the Minister of State has the answer today but I would love one as quickly as possible on when the full-time ambulance with eight personnel announced for Bantry during the summer will be in place. Have the personnel been recruited? When can we expect to see the new ambulance up and running? I thank the Minister of State.

Deputy Ossian Smyth: I thank the Deputy. I do not have the specific answer for him but I will ask the Minister, Deputy Donnelly, to get him an answer on the question of an additional ambulance with eight staff located in Bantry. I thank him for acknowledging the success of the helicopter emergency service. He does recognise that this is not just about the number of ambulances providing a good emergency call-out service as the approach also involves considering how we can treat people before an ambulance arrives, particularly when such long distances must be covered.

With regard to some programmes, a large proportion of people, or even a majority, realise they do not need an ambulance and can be treated at home. The community first-responder programme has been important. There were 30 teams two years ago and there are now 39 across Cork. They provide services like cardiopulmonary resuscitation and defibrillation and in many cases help to sustain patients. Not all of the investment should go towards additional ambulance services. As far as possible, we want to make sure people survive their emergency event and get the best treatment as soon as possible through the correct care pathway. It would be crazy not to use remote services. If we can provide a service over a video or audio link that can keep a patient alive or give him or her a better outcome, we definitely should put resources into it.

The Deputy is aware that paramedics' skills are now far beyond those that they would have had some years ago, when they were mostly driving and lifting people in and out of ambulances. Paramedics now have many qualifications to obtain and they can give considerable care in the ambulance or on site on arrival. I will come back to the Deputy on his specific question. I acknowledge that he needs an answer.

Flood Risk Management

Deputy Ruairí Ó Murchú: The fact is that we had absolutely devastating rains in north County Louth and Dundalk. As bad as they were, they could have been worse, which was the fear of everybody. When I submitted this issue for debate, I was not sure what Ministry to include because I have questions for the Department of Public Expenditure, National Development Plan Delivery and Reform on the OPW and flood defences and questions for the Department of Housing, Local Government and Heritage on local government and its operations, and also on the entire issue of drainage schemes, a very particular issue that I will deal with in

respect of Dundalk. Obviously, the Department of Transport has responsibility in that a large number of roads and bridges have been destroyed. Carlingford and parts of the Cooley Peninsula have been absolutely devastated. People are going through the rack and ruin of what are their homes and businesses.

I commend the community for all the work it did, even the mitigation work in parts of Dundalk, particularly the part I am from. In fairness, I have to commend the considerable work done by members of the fire service, members of the county council and many others, but there are questions about how we respond to issues like this. There are huge gaps.

We welcome the humanitarian assistance scheme and the emergency business flood relief scheme. We need to ensure there are flexibilities because, as I met people, particularly with Councillor Antóin Watters, I found more anomalies and more questions. In fairness, we have a fair bit of information flowing freely back to us but we just need to ensure we are looking after people.

There is a request for a scheme for farmers whose lands have been damaged and whose feedstock has been destroyed. I raised this with the Taoiseach and also the Minister for Agriculture, Food and the Marine, Deputy McConalogue. We do need some sort of relief scheme delivered. As I said before, there are still people who cannot get to their homes because roads and bridges have been destroyed. As quickly as possible, the repair work has to get under way.

Let me refer now to the big piece of work. It was brought up by several councillors, particularly Councillors Antóin Watters, Edel Corrigan and Kevin Meenan. Councillors from every party across the Dundalk municipal area and north County Louth brought up all these issues at a meeting yesterday. The OPW is to be met by the council concerning flood defences and anything else that needs to be done. While people are talking about the need for works to repair their houses and businesses, they are also saying they need mitigations dealt with. There are question marks over actions that were carried out around drainage and legacy issues. Huge parts of the estate where I live in Dundalk were under water. While some people unfortunately got flooded, there was a fair amount work done to hold back the tide, for want of a better term. However, in real terms the only thing that saved us was the fact that the Tuesday night rains were not as significant as they could have been and storm Ciarán passed us by. Cluan Enda, Bay Estate, Greenwood Drive, Avondale Park, Meadow View and all the areas off Avenue Road and between Red Barns Road and St. Alphonsus Road in Dundalk flood regularly during normal times. What that tells me is that there is an issue concerning the combined system that deals with storm water and sewage. We have a pump station that Irish Water is responsible for but that is run by EPS Water, a subcontracted company. We need to have a major assessment of north County Louth and what can be done by way of mitigation, but we really need to consider that Dundalk cannot deal with these issues regularly, which means that times like these represent an absolute disaster. We are very close to one.

Deputy Ossian Smyth: I thank the Deputy for raising the important issue of the recent flooding in north Louth and Dundalk. It is of both local and national importance. I appreciate and fully share the Deputy's concern for the communities and businesses affected by last week's flooding event.

I am answering this question on behalf of the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, but his Department has no function in regard to flood relief infrastructure. I have been informed by my colleagues in the OPW that following the flood-

ing experienced in Louth last week as a result of heavy rainfall, the OPW and Louth County Council are working to progress flood relief schemes to protect at-risk properties in north Louth and the Cooley Peninsula from such events in the future. The OPW has primary responsibility for flood relief schemes. I understand that assistance is being provided to those affected by the flooding through the humanitarian assistance scheme administered by the Department of Social Protection and the emergency business flooding schemes for small businesses, sports clubs and community and voluntary organisations administered by the Department of Enterprise, Trade and Employment.

On associated wastewater and storm water infrastructure, the Deputy will appreciate that, since 1 January 2014, Uisce Éireann has had statutory responsibility for all aspects of water services, including the planning, delivery and operation at national, regional and local levels. The prioritisation and progression of individual projects are matters for determination by Uisce Éireann. Uisce Éireann is held to account in this role by the Environmental Protection Agency, EPA, as the environmental regulator. The EPA recently released its urban wastewater treatment report for 2022 and this highlights that, while many challenges lie ahead, Uisce Éireann is making progress and improving compliance. The draft river basin management plan reports the number of water bodies showing that the actual impact from wastewater has now decreased.

Uisce Éireann has informed me that investment is continuing in wastewater infrastructure in north Louth and Dundalk to support future growth and development, meet current demand and support the protection of the local environment, with upgrade works ongoing on wastewater treatment in Drogheda and the preparation of a drainage area plan for north Louth to identify drainage problems impacting the public and the environment followed by the identification of solutions to remedy these.

As part of budget 2024, the Minister secured funding of €1.6 billion to support Uisce Éireann in delivering water services. This overall investment will deliver significant improvements in our public water and wastewater services. The national development plan commits to almost €6 billion in capital investment, to be undertaken by Uisce Éireann from 2021 to 2025, and over €4.5 billion will be voted Exchequer funded in respect of domestic water services. This sustained investment will improve capacity, performance and, in particular, the resilience of water services. Many serious challenges will remain, which will take investment. The EPA has identified the priority areas where Uisce Éireann should target its available resources to deliver improvements where they are most needed and will bring the greatest environmental benefits.

Deputy Ruairí Ó Murchú: I raised this issue with the Department of Housing, Local Government and Heritage rather than the Office of Public Works because I get that this is not the last time I will do so. What the Minister of State has told me is brilliant but we need a timeline for the drainage area plan.

To speak specifically about Dundalk, at this point we cannot get rid of storm waters following regular heavy rainfall. That tells me we have not made an allowance for new estates and we want to see even more estates built. We have also not allowed for new businesses and factories, all of which are very welcome.

My estate cannot get onto a line that goes to a pumping station, so the water literally lies in the estate. If we were to have further rain or the rains they had in the Cooley Peninsula, the estate would be destroyed. Councillor Antóin Watters and I covered a huge area. The Turf Road in Edentubber was ripped away but at least works are being planned for that. There is

also Deerpark in Ravensdale and Ballymakellet. Businesses across the board in Carlingford are affected, including Ma Bakers, the Four Seasons, the Carlingford Arms and the equestrian centre. There is huge devastation. I thank the residents of Trinity Close, whose homes have been destroyed. Bridie McGeown allowed me to use her house to do an interview with RTÉ. Fiona and Brendan also fed me when I would have expected to be given short shrift. Lurgan, Piedmont, Benagh, Lordship, Rathcor, Grange and some other places are still dealing with this type of flooding. Everyone is pointing out changes with regard to drainage systems, culverts and so on. We really need to look at this.

There is an issue with Louth County Council. In 1982, there were, I think, 163 council workers, whereas now the number is around 28. A huge amount of work has been done but we need to have a central hub. At times we need to pull in other State agencies. People have asked if we need the Defence Forces. As I have said, we got lucky this time but we could be waiting for doomsday because all it would have taken was one more night of rain.

Deputy Ossian Smyth: As the Deputy rightly identifies, the OPW is not the only agency or organ of State responsible for dealing with flooding. It does flood prevention works but Uisce Éireann is involved in making sure there is sufficient drainage, in particular for new housing, as the Deputy pointed out. We have a massive housing programme, so we needed a lot of investment in Uisce Éireann. That is why it was given €1.6 billion this year for investment purposes. When all else fails, there are compensation payments for businesses and individuals. However, it is well recognised with flooding that it costs a lot less to do the preventative work than it does to compensate people after the fact. For this reason, it is important that we continue to invest at that level. With a growing population and a massive increase in our housing programme, we need a commensurate increase in the amount of investment in our water drainage facilities. The programme for Government commits to funding Uisce Éireann's capital investment plan for drinking water and wastewater on a multi-annual basis instead of year by year for this reason. The delivery of the funding project has been committed to in Project Ireland 2040. The national development plan commits to almost €6 billion of capital investment to be undertaken by Uisce Éireann until 2025.

Uisce Éireann has established a dedicated team to deal with representations and queries from public representatives. The team can be contacted via email at *oireachtasmembers@water.ie* or by telephone on a dedicated number at 1890 578 578. Uisce Éireann will share with the Deputy its plans for investment in wastewater treatment in north County Louth and Dundalk. If he is not happy with what he hears or has other suggestions, he should contact either my office or that of the Minister for Housing, Local Government and Heritage.

Deputy Ruairí Ó Murchú: We will do that. We need an assessment alongside the catchment flood risk assessment and management, CFRAM, and everything else.

Cuireadh an Dáil ar fionraí ar 9.34 a.m. agus cuireadh tús leis arís ar 9.58 a.m.

Sitting suspended at 9.34 a.m. and resumed at 9.58 a.m.

Home Care Workers and Home Support Scheme: Motion [Private Members]

Deputy Duncan Smith: I move:

That Dáil Éireann:

acknowledges that:

— there is still no statutory right to home help or legislative underpinning for the home support scheme despite long standing commitments to act;

— the delayed referendum to replace Article 41.2 of *Bunreacht na hÉireann*, if passed, will finally insert language that recognises and values care within the home and the wider community; and

— the Commission on Care for Older Persons is due to finally get underway in January 2024, and while Ireland has a growing population, it also has an ageing demographic profile requiring increased resourcing of elder care;

recognises that:

— the State has a central role in providing care for people in the community and in their home, but there is growing healthcare privatisation through the outsourcing of more and more care, diagnostics, treatments, employment and services instead of investing in the permanent capacity of our public health service;

— over 60 per cent of State-funded home care is provided by private and voluntary providers, but there is no requirement for these contractors to engage in collective bargaining, despite a long-standing recruitment crisis in the sector; and

— home carers directly employed by the Health Service Executive (HSE) as Health Care Support Assistants (HCSAs) have better pay, and stronger terms and conditions compared to those working for private providers, creating a two-tier workforce and pay disparity for people doing the same job;

notes that:

— the health budget for 2023 originally funded over 23.9 million hours of home support in the HSE National Service Plan 2023, with a total budget of €723 million, but this was cut to 22 million hours in July in order to fund an increased rate of €31 per hour for providers, a so-called "living wage" floor of €13.10 per hour for workers and payment for travel time;

— Budget 2024 provides again for only 22 million home support hours, and allocated just an extra €2.8 million in funding for inflationary pressures, a 0.4 per cent increase;

— as of the end of June 2023, 10.55 million home support hours were delivered nationally to 53,579 people with a further 6,020 people assessed and waiting for a carer to be assigned, but no data is collected on how long people must wait;

— before the new tender 40,000 people over the previous year received care through private providers charged to the HSE at a rate of €26.50 per hour, while workers still had no predictable income;

— under the new HSE Home Support Authorisation Scheme 2023, the day rate for providers is now €31 per hour, but payments to workers are not indexed to increases in the Living Wage, which is now at €14.80 per hour;

— in the public service a HCSA can start on more than €16 per hour rising to over €20 on their salary scale, while privately employed home carers are paid €13.10 per hour, with providers funded at a rate more than twice that;

— the HSE, in October, abandoned a cost saving plan that would have cut 15 minutes from an hour of private home help, reducing it to just 45 minutes; and

— it is a year since the publication of the Report of the Strategic Workforce Advisory Group on Home Carers and Nursing Home Health Care Assistants and while some recommendations have been partially acted on, there is no fully resourced implementation plan;

further notes that:

— the failure to fully resource the home support service and waiting lists for homecare packages leads to discharge delays in acute hospitals, and at the end of June there were nearly 500 delayed transfer of care patients;

— there is a postcode lottery when it comes to home care waiting lists, and evidence that those in rural areas wait longer due to a lack of mileage and travel costs for carers;

— social welfare rules create disincentives for part time work by home carers, reducing the hours they can work;

— the lack of progress on employment terms and conditions, including travel expenses, a competency framework, recognition of training, and a pension scheme, are further barriers to recruitment; and

— there has been a shocking inconsistency in the payment of the Covid-19 Pandemic Special Recognition Payment to home carers and other healthcare workers; and

calls for:

— the adequate funding of our health service, the immediate reversal of the recruitment embargo on health workers, and a commitment not to block the hiring of public service HCSAs;

— restoration of the 1.9 million hours of home help support cut in July 2023, and no cuts to the duration of home support hours;

— a guarantee that home carers are paid, at a minimum, the new Living Wage rate of €14.80, and payment to be provided for mileage expenses and travel time between care locations, along with guaranteed hours and continuity of income for HCSAs;

— a commitment in outsourced State contracts that private home care providers engage in collective bargaining with recognised trade unions, and the introduction of a Joint Labour Committee for workers in the private care sector to set employment standards;

— a published and resourced implementation plan for the recommendations of the Strategic Workforce Advisory Group report, to deliver on the recruitment needed to clear the current waiting list for home care and support before Christmas, and sufficient resources to be put in place to address the winter health crisis;

— annual targets to increase the proportion of home support hours provided directly by the HSE, in order to achieve a publicly provided service;

— the collection of data by the HSE on how long people are waiting for home care and the adequacy of the hours granted;

— the payment of the Covid-19 Pandemic Special Recognition Payment to those home and family carers, and all those other health workers in Health Information and Quality Authority registered settings excluded to date;

— an end to the payment disparity between home support for older people, and those with disabilities; and

— a commitment to the referendum to recognise care work in 2024.

I am sharing the opening slot with my party leader, Deputy Bacik. We bring this motion today because home care and home help are a core pillar of what the Labour Party is trying to promote and support from opposition, namely, the improvement of the levels of care throughout our society. We feel that in the area of health, budget 2024 has let people down on many levels. One area that has not received the level of notice it deserves is how the budget has let down home help, both the workers and those who need the care.

Home care workers are some of the many unsung heroes in our health service. They are underpaid, overworked and there is not enough of them. The people who are in need of home help, those who receive it and the 6,000 who remain on waiting lists, are crucially important in terms of health delivery in our country. In many ways, they are unseen and invisible. They are not in a waiting room or on a trolley. They are not being counted.

10 o'clock

Some are in wards awaiting delayed discharge. Many are at home being cared for by overstretched family members and friends. This area of care needs focus and funding, but this is not what happened with budget 2024. We need urgent action from the Government to lift the health service recruitment embargo and to provide increased funding for our health service. Our health service is symbiotic: underfunding in one aspect of our healthcare system reverberates across the entire system.

This is why we need to see a reversal of the recent cut of 1.9 million home support hours immediately and to see an increase in the funding for hours from the €23.9 million that was originally planned for in 2022. Providing adequate funding for home support hours will allow people to transition from hospital settings to the requisite care provided in their homes. In June of this year, there were nearly 500 delayed discharges from our hospitals. I have raised many times our hospital trolley crisis, which is now a year-round crisis and averages about 500 people per day. While it is not directly related, if 500 people are delayed getting into the hospital system and an average of 500 people are being delayed in getting out of the hospital system, unless we have the measures downstream beyond the hospital setting in the form of home help, we will never truly be able to tackle or beat our trolley crisis.

One of the main areas of concern with home help relates to the level of outsourcing. Currently, there are 18,000 home care workers in our country. The HSE employees over 5,300 HCSAs but with the recent recruitment embargo applying to them, any future growth in that area

will have to come from the 13,000 who are currently employed by the private and voluntary sector and not from the public service. This is something we cannot tolerate. The Government and the HSE have stated that the reduction in hours from 23.9 million to 22 million was to allow providers to deliver a living wage for workers. However, we have not seen that happen. Alone, the rights group for older people, has labelled this move as "shrinkflation".

The Government knows that this move has also resulted in care cramming where, due to the demand of care, care in the home is being rushed and delivered by providers who are overstretched and do not have the workforce to meet the level of demand. Part of the reason for this relates to the recruitment and retention crisis. Because the pay remains below the living wage, the pay is too low. Despite the Government's efforts in recent years and despite the efforts of the Minister of State, this has not been delivered. The living wage will increase next year to €14.80. Wages in the private and voluntary sector of home care do not match that and therefore, these organisations are struggling to get the staff required. When these organisations are providing 60% of home care, we know this is a core reason for the crisis.

The level of demand on the service is increasing every year. We have seen a 3.7% increase in people needing home care from 2022 to 2023 so far. Our ageing population is a key factor in this. It is a great testament to many aspects of our society that our population is growing and people are living longer. However, if people are living longer, they will contract more chronic illnesses and will get sicker, therefore requiring more care at home. Unless we have a structure driven and delivered by the State, we will not be able to meet our basic demographic demands.

Regarding the increased demand for care, according to the HSE service plan for 2022, we have an acute shortage of care workers. HSE data indicated that as of July 2022, a total of 5,312 people were waiting for home support from HSE services for older people because no care workers were available to provide them. We know that has now increased to 6,020, an increase of 800 in the course of a year, which is absolutely unacceptable.

The HSE service plan report suggested a number of actions the Government could take to improve recruitment in the care sector that we would welcome. These include: a national campaign to raise the profile and promote the training opportunities available for a career as healthcare assistant and home care worker; a public employment services review with a view to further increasing the number of jobseekers who become healthcare assistants or home support workers; the continuation of a rolling recruitment campaign in each community healthcare organisation for as long as the positions remain unfilled; and a review to be undertaken on the eligibility criteria for State benefits with a view to ensuring that they do not unnecessarily disincentivise engagement in part-time employment. Implementing these suggestions alongside the core request of improving the wages, as we have previously outlined, would significantly alleviate the current pressures on the home care sector.

Home care is an issue close to the hearts of people throughout the country and close to the hearts of those of us in the Labour Party. We believe that home care providers and the issue of care deserve to be recognised in our Constitution. The delayed referendum to replace Article 41.2 of Bunreacht na hÉireann, if passed, will insert language that recognises the value of home care. We ask the Government to commit to advancing this referendum as soon as possible and to promise that we will see no more unnecessary delays. It is November 2023. This is the month in which we expected to be campaigning on a referendum and we seem further away from that referendum than ever.

A couple of days ago, Sage Advocacy, the national advocacy service for older people, released the results of a RED C poll, which showed that more than 80% of people believe that care for older people is too concentrated in private providers and that more State involvement is needed. The results of this survey show that home care is an important issue for people in this country. As we know in politics, it is extremely rare to get 80% agreement on anything, which highlights just how highly people value this. The survey, which was initiated by Sage Advocacy in advance of the establishment of the commission on care for older persons, has provided a very clear message which we hope the Government well take on board when the commission finally gets under way in January 2024.

People who have worked hard for their whole life deserve proper care as they age. Those who are sick and vulnerable and are able to be cared for in the home deserve this. The Government must be reminded in the starkest possible terms that those providing care and rehabilitation in the home ultimately save the State millions of euro. It is where people want to be cared for and made healthy again. It is the cheapest and most cost-effective way of doing it and yet the State continues to fail. Those workers who are underpaid, undervalued and overstretched are shouldering a burden that is beyond them in many ways. Those who require the care but are not getting their full hours every week and those who remain on waiting lists deserve so much more than they are getting. We call on the Government to support our motion.

Deputy Ivana Bacik: I will be sharing time with Deputy Nash. I commend our colleague, Deputy Duncan Smith, on introducing this very important motion which I know is close to his own heart and to all of our hearts. It is vital that we give recognition for home care workers and home helps who, as Deputy Smith has said, are indeed the unsung heroes of our healthcare system. I think we can all agree on that. They provide an incredible service and those who receive care from them are deeply appreciative of the work they do.

They are mostly women and all of us know many women who provide home care services. I recently met one woman who had been doing home help work for decades, as so many have. She started out, as so many did, almost as a voluntary sort of charity worker. I think the amount being paid that was £1 an hour and it was a sort of gratuity system. Over the years I have met groups representing home helps who wanted to move the recognition of their work from that sort of gratuity-based almost voluntary system to the more professional service we have today. However, unfortunately that cultural view of home helps still remains. One woman who has been working as a home help for years says that she has to race between clients, that she is on the clock, and that she does not feel she has the time to give her clients the warmth and the social connection which is such an integral part of home help work. Deputy Duncan Smith spoke about the recruitment and retention crisis. That is how it is felt at the sharp end by those, mostly women, who are providing care in the home.

The figures speak for themselves and the Minister of State is well aware of them. Some 6,000 people on the waiting list have been assessed for home support but simply cannot access it. There are 18,000 care home carers but only 5,300 of them are directly employed by the HSE. The majority of home carers work in the private sector, often with poor pay and conditions. We need to see a real rewrite of our system of home care. The Labour Party's motion seeks to provide for the essential reforms required. In my work last year chairing the Joint Committee on Gender Equality, the experience of hearing those who provide care and their representatives and from those who need care really brought home to me the need for a really serious reform of our system. We need a better way, a new system that can put an end to unfair pay and conditions that leave workers like the woman I met burned out and struggling to make ends meet

- the kind of system that could keep our older people and friends and relatives with disabilities out of hospitals and care homes and in the comfort of their homes. We need a system that will enable families to be assured that the funding will be available for what should be an essential State service. A reformed system would also bridge the gender gap between women and men in terms of work in the care economy and for those who require care. Our motion seeks to achieve real reform.

It is disappointing that the Government tabled an amendment to the motion. Reading the text of the Government amendment might lead someone to believe nothing is wrong with the system and that no one is on a waiting list. We all know that is not true. I know the Minister of State is well aware of that. She has been critical of shortcomings in the system. The Labour Party cannot accept the countermotion. We will press our motion and I am proud to second it. We do not suggest that fixing the broken and patchwork system will be easy but it is not helpful to pretend the problem does not exist or that the system is working for everyone when it is not.

My colleagues in the Labour Party will speak to other aspects of the motion such as some of the key ways the system needs to be fixed. In the brief time left, I will focus on the need for a referendum to recognise care work. We in this House accepted and the Joint Committee on Gender Equality unanimously accepted that it is required, yet the Government amendment does not even mention the referendum on care work. As Deputy Duncan Smith said, the Government committed to the referendum to amend Article 41 of the Constitution to delete the sexist language around women and mothers and replace it with an important text that would recognise the value of care and acknowledge the State's role in supporting care inside and outside the home. It is frustrating that the Government has apparently abandoned plans to hold the referendum this year. On International Women's Day in March, the Taoiseach announced it would take place in 2023, as the Minister of State will be aware, yet we have heard nothing since. The Government has failed to honour its commitment to hold a vote and that failure and that delay emphasises the Government's undervaluing of care. It is no coincidence that we see the work of carers so denigrated by State policies. Most carers, as I have said, are women and many are also from migrant backgrounds. They feel undervalued by the Government and the delay in holding the referendum and the failure of the Government to even say when it will be held contributes to the sense of being undervalued. The Labour Party's motion would address that and ensure the work carers do is truly valued by the State and it clearly sets out a pathway to achieving the valuing of care work. We urge the Government to accept it.

Deputy Ged Nash: The elephant in the room in the area of recruitment and retention of vital workers in the home care sector is pay, terms and conditions. It is that simple. Some of the best people I know work as healthcare assistants, HCAs, and healthcare support assistants, HCSAs. They are the best of people, but they are among the least valued by employers and the State. As the Minister of State knows only too well, they deliver vital services across every community to, by definition, the most vulnerable in society. Earlier this year, as was referred to earlier, we saw Ministers and the HSE perform what I would describe as a sleight of hand that was breathtaking in its arrogance. The floor for the hourly rate of pay for HCSAs employed in the private sector was increased to €13.10 per hour, packaged and branded as a living wage, but how was it paid for? It was paid for by sneakily cutting committed home support hours by 1.9 million hours. That is straight out of the Minister for Health's management consultancy for beginners handbook. There was no additional funding and no plan to index hourly wage rates as the living wage rate rises. The plan includes some provision for travel time but not for mileage and mileage is what matters, especially for home care support workers trying to keep

a car on the road to enable them to service their clients and deliver a service to citizens in rural Ireland in particular.

We have a two-tier employment system. As Deputy Duncan Smith said, there are more than 18,000 home carers in the system. The 5,300 HCSAs who work for the HSE have the benefit of collective bargaining and recognition of their union, SIPTU, which has helped to make the sector work much better in recent years. Thanks to trade unions, a HCSA can start on an hourly salary of more than €16 and receive other basic entitlements such as pension provision. It is quite a jump from the €13.10 per hour offered as a floor by private sector employers. It is no wonder the ambition of many who work in the private sector is to get a job with the HSE. Why? They will get paid sick leave, sufficient contracted hours to allow them to plan and have a decent life and premium payments for unsociable hours; in other words, basic decency. That is what it is.

Until the Minister of State decides that this particular bull is to be taken by the horns, we will continue to have a crisis in care, a crisis in recruitment and retention and a failure to plan for the future. There is only one tried and tested way to ensure we address this comprehensively and permanently. A joint labour committee, JLC, for the sector is needed to bring trade unions and companies who are representative of the industry together under the aegis of the Labour Court to customise a solution on pay, terms and conditions for a sector that is growing by the day and is growing fat on State money. The sector now provides 60% of home care with few employment standards and conditions attached beyond the statutory legal minimum. There should not be any cash without conditions. The Minister for Children, Equality, Disability, Integration and Youth used the JLC employment regulation order, ERO, system of decency the Labour Party revived to ensure better pay and conditions for skilled early years professionals as a condition of substantial State investment in private firms that deliver a crucial service. What is so different about the home support system? Why should it be treated differently?

Last year's report of the Strategic Workforce Advisory Group on Home Carers and Nursing Home Healthcare Assistants skirted around the issue. Recommendation 6 neatly says that all home care providers should be "invited" to pay a living wage. Recommendation 7 states: "An appropriate mechanism to reach agreement in the private and voluntary sector in respect of pay and pensions for home-support workers and healthcare assistants shall be investigated [investigated] and reported on by an Expert Working Group". Jesus wept, honestly.

It is called a joint labour committee. The approach is called sectoral bargaining. No one will be struck by lightning for uttering those words. The legislation is rock solid. Incredibly, the only recommendation made in the report published last year that has been implemented thus far is the one on employment permits for home support workers. That is the easy option. It is not the transformational one. The easy option is to revise the permit system and allow people to come to the country to work in the sector. That is not the permanent transformational process we have been calling for. The JLC system is the answer. It was the answer for the childcare sector. The answer is not another working group. It is blindingly obvious and all that is lacking is the political will. We need a JLC system. We need an ERO for decency for all workers in the sector, private and public.

Minister of State at the Department of Health (Deputy Mary Butler): I move amendment No. 1:

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

"recognises and notes:

— the invaluable work carried out by Home Care Support Assistants;

— that the Home Support Service is a core service for older people and is highly valued by service users;

— improving access to home support is a priority for the Government, with €723 million allocated in Budget 2023, up €228 million since 2021;

— delivery of home support hours in communities is increasing, in line with enhanced investment;

— almost 20.8 million hours of home support was provided across the country in 2022, and this is 3 million more hours than were delivered in 2020;

— as of 31st August, 2023, over 14.3 million hours have been provided this year to date, and this is almost 600,000 hours more compared to the same period last year;

— addressing the shortage of care workers in Ireland is an urgent priority for the Government, with an implementation group established to implement the report of the Strategic Workforce Advisory Group on Home Carers and Nursing Home Health Care Assistants, in areas including pay and conditions of employment;

— a new tender for Home Support Services has been in place since August 2023, and this provides for a revised, increased rate to ensure that home support workers are paid appropriately, and to help address some of the key issues impacting the waiting lists and recruitment and retention;

— the Programme for Government: Our Shared Future commits to introduce a statutory scheme to support people to live in their own homes, which will provide equitable access to high quality, regulated home care;

— the heads of Bill are currently being drafted by the Department of Health, with a view to bringing the heads of Bill to Government for approval before the end of the year, and primary legislation has been prioritised for drafting in the Autumn Legislative Programme and the Department is engaging with key stakeholders;

— the draft regulations are at an advanced stage, informed by a public consultation, and legal advice and engagement with key stakeholders will assist with final revisions to regulations for providers of Home Support Services in 2023;

— the Health Information and Quality Authority is in the process of developing standards for home care and Home Support Services, which are in the early stages of development; and

— the new system of regulation for home support will ensure that the public can be confident that the services provided are of a high standard and will bring Ireland in line with best international practice.".

I welcome the opportunity to discuss home support services. I thank the Deputies from the Labour Party, especially Deputy Duncan Smith, for using their time to discuss home care, which is important.

Most people prefer being cared for at home. I hope I will be able to respond to many of the issues the Labour Party raised in my speech. The Minister of State, Deputy Rabbitte, will close later. Home support is an essential service for thousands of people each day. It is highly valued by service users and their families because it enables older people to live independently and with dignity in their homes for longer. It also enables many older people to return home following acute hospital admission. Otherwise, they may remain in hospital or be admitted to long-term residential care. For the record, of the 550 late discharges of care at the moment, the figure for those awaiting home support is 70. We are working hard to make sure that those late discharges of care are not having home care held up. Some 70 of the 550 are waiting for support.

For these reasons, improving access to this service is a Government priority. Home support hours in communities are increasing in line with enhanced investment. We currently provide more hours of home support to more people than ever before. More than 54,000 people are receiving home support services today, with almost 75,000 benefiting from the service last year. I take this opportunity to recognise the hard work of healthcare workers and healthcare support assistants in delivering this unprecedented care and thank them for their commitment and the care that they deliver in the homes of older people every day.

We, as a nation, are investing €723 million in home care in 2023, representing an increase of €228 million from 2020. In 2022, we provided 20.78 million hours, an increase of 3.2 million hours on 2020. In 2023, we expect to deliver 21.5 million home support hours. As of August 2023, preliminary data show that more than 14 million hours of home support have been provided this year to date. This represents an increase of approximately 600,000 hours compared to the same period last year. All home support hours for 2023 are fully funded, including those on the waiting list. The delivery of home support hours is increasing year-on-year. In 2024, we expect to deliver 22 million hours of home support. This is more than has ever been delivered.

Regarding waiting lists, the latest figures show that 3,151 new applicants are approved for funding and awaiting a carer. In addition, 2,841 people are receiving supports but are not yet receiving the maximum hours advised. I think that is important. They probably have supports from Monday to Friday but have challenges at the weekend, especially in rural areas. This is down considerably from the start of 2020, when the total number of people waiting was 9,000.

There are challenges in the sector, particularly on the workforce side. Although progress has been made, the waiting list has reduced, and we are delivering more support hours than ever, it is frustrating for me that we currently have sufficient funding for home support hours but do not have the carers to deliver it.

Deputy Brendan Howlin: Well, pay them.

Deputy Mary Butler: I am glad that workforce is a focus of today's motion. The Government is committed to improving recruitment and retention.

In March 2022, I established the strategic workforce advisory group on home carers and nursing home healthcare assistants. It set out to examine and, most importantly, propose solutions. The group was chaired by the Department of Health and comprised representatives from seven Departments, the HSE, HIQA and SOLAS. The report of the advisory group was published on 15 October. It presented 16 recommendations, which I fully endorse, spanning the areas of recruitment, pay and conditions, barriers to employment, training and professional

development, sectoral reform and monitoring and implementation. I am pleased that significant progress has been made in implementing these recommendations. A group has been established to drive their timely implementation. The group's most recent meeting took place in October. This week, my Department will publish a progress update, following the publication of the group's terms of reference and a schedule of meetings. It will go live on the website in the next 24 hours or so.

Recommendation 9 has been fully implemented. The statutory instrument authorising the issuance of 1,000 employment permits for home care workers was signed in December 2022. These permits will be for full-time positions with a minimum salary of €27,000 per year. Some 330 permits have been availed of to date. The implementation of the 16 recommendations will have a lasting, positive impact on waiting lists.

As Deputies will be aware, 60% of home support is provided by private and voluntary agencies. A new HSE tender with these agencies was agreed in August 2023. The new tender rate was backdated to July as a gesture of goodwill. The new tender provides for a core rate of €31 per hour for providers, which works out at an average rate of €34 per hour when taking into account weekends, evening premiums and so on. The new HSE tender for home support providers also commits private and voluntary providers to paying their staff the living wage, which was €13.10 per hour at the time, travel time between appointments, which is €2.99 per hour, and reform of legacy rates. The new HSE home support tender has an in-built review process relating to the national living wage after 12 months so that will be revisited in July and August of next year. There is no evidence that this rate is not being paid. I have met Home and Community Care Ireland, HCCI, every quarter since I became Minister. I meet it regularly. The Department has not had any correspondence that this rate is not being paid by the private providers. I am not saying that other Deputies may not have received correspondence.

The tender will deliver some significant reforms that will directly improve conditions for home care workers. The terms and conditions of each private and voluntary organisation are a matter for themselves. However, they must abide by the minimum payments agreed in the tender, which includes €2.99 per hour for travel time incurred by the home support worker. This is the first time ever that all home support workers delivering care are entitled to receive payment for their travel time. I have to admit that some companies paid that previously, though not all. As per the request of the sector, more than 110 legacy rates dating back over numerous years were also addressed, resulting in the agreed core rate of €31 per hour. It is expected that the new tender should assist in the sourcing of additional hours.

Two core rates are prescribed in the home support authorisation scheme tender, which are a 60-minute rate and a 30-minute rate. Tender 2023, the authorisation scheme, does not provide for a 45-minute rate. A *pro rata* hourly rate will apply to 45 minute call-outs for new clients commencing a service after the commencement date of the authorisation scheme. However, the range and volume of hours allocated to home support clients is based on their individual assessed care needs.

The motion refers to the pandemic recognition payment. It is important to recognise the efforts of healthcare workers during Covid-19. The pandemic recognition payment was open to applications from public, private and voluntary home support providers. I am pleased that all 136 home support agencies that submitted a claim for eligible staff have been paid. In the programme for Government, we committed to introducing a statutory scheme for home care. A key step in this process is to regulate home support services so that no matter where or how care

is provided, everyone can be assured that their provider meets minimum standards of quality, safeguarding and governance. Progress continues on this front.

My Department is currently preparing primary legislation to accompany the regulations. This has been prioritised for drafting in the autumn programme and I will bring the Bill to the Oireachtas this year. As per the programme for Government, the Government is committed to establishing a commission on care for older persons. The proposal for the commission that the Minister, Deputy Donnelly, and I brought forward was approved by the Government on 3 October and in budget 2024, we secured €1.24 million to support the commission's work. The commission will examine the provision of health and social care services and supports for older people and make recommendations to the Government for their strategic development. A cross-departmental group will be established under the commission to consider whether the supports for positive ageing across the life course are fit for purpose and to develop a costed implementation plan to optimise these supports.

Ireland is deemed by the World Health Organization to have the highest life expectancy in the EU. We were also the first country to be designated age friendly status in 2019. This did not happen by accident. The triangle of supports of home care, day care and meals on wheels, including dementia-specific supports, are a key factor in supporting older people to age well in their own homes. With home care, these wraparound supports are vital to prevent loneliness and social isolation, and to maintain positive overall health and well-being. This is why I have allocated increased funding for this every year since the formation of this Government. Significant reform and investment in home support services is underway and is delivering more hours and more funding than ever before, and better terms and conditions for all who work hard to deliver home supports up and down the country every day. This Government is committed to supporting healthy and positive ageing.

Deputy Brendan Howlin: I compliment my colleague, Deputy Duncan Smith, on his long advocacy for home care workers and home care support, and for tabling the motion. No Member of this House has not struggled with difficult cases from constituents desperate to continue living at home or families desperate to have loved ones come home from long-term hospital care, only to be told again and again that there is no home help service or that what is available is inadequate to allow the loved one to be treated at home or to remain living at home. The unfolding disaster of next year's health budget stems from a clear showdown between the Department of Health and the Department of Public Expenditure, National Development Plan Delivery and Reform, where trust has quite frankly broken down and the funding Minister in the latter Department has clearly and publicly signalled he simply does not accept the costings of his colleague, the Minister for Health, and has, therefore, underprovided for healthcare for next year. This power play will make a difficult situation that exists at present, which the Minister has acknowledged, immensely more difficult next year.

The 5,300 healthcare support assistants employed by the HSE cannot meet current demand, as the Minister of State knows. Giving people 30 minutes of home support is wholly inadequate and further recruitment to that cohort of 5,300 is now embargoed. It makes no sense. It makes no sense to keep people in acute hospital beds when they want to be at home and when, if the resources were there, they could be at home. Meanwhile, the HSE is contracting in 13,000 or so home care workers from private providers at an enormously more significant cost. The whole thrust of Sláintecare is the creation of an integrated, single-tier, universal public health system. The direction of travel of Government is to increase dependence on private providers for nursing home care and home support care. Less than 40% of home support is now directly provided

by the HSE; it is 60% privatised. The basic philosophy underpinning the agreed all-party approach to the provision of healthcare, Sláintecare, the health system of the future, is being systematically undermined by Government policy. The increase in funding for home support next year is 0.4%, which is less than half of 1%, at a time inflation, not to mention wage inflation, is expected next year to be in excess of 3%. Add that to an ageing and growing population and we know what is now inadequate provision will be grossly inadequate next year.

The CEO of the HSE has said, in essence, that he is going to produce a service plan to meet projected need. I have never heard the head of any State agency say he is going to provide for a deficit, that is, to ignore the inadequate budget he has been provided because it is so patently inadequate. This is extraordinary and is an extraordinary way to run our most important public service. The long-promised statutory underpinning of home support, which the Minister of State referenced, needs to be produced. The programme for Government promised this but we still await its introduction. Such a vital service cannot be run in such an *ad hoc* manner where location and availability of staff determines whether a person can be provided with an essential public service. We would not tolerate that in education, for example. Why would we not demand the same level of support for our elderly as we do for our young? We have had a cross-departmental strategic workforce advisory group set up by the Minister of State and it has made recommendations but as my colleague, Deputy Nash, has so clearly said, the most fundamental is to have a joint labour committee to determine proper pay across public and private to ensure there is proper recruitment. Our health service has grown in an unstructured way into public health, voluntary health and private health. The strains on this disjointed service have long been recognised, namely, different terms of pay, different types of service and geographical inequalities. We had hoped we would resolve that now. The Minister of State can do that for home care if she accepts the motion.

Deputy Sean Sherlock: I wish to raise a very practical case with the Minister of State. I spoke to my colleague, Senator Wall, this morning and he informed me he is aware of at least four home care workers in the south Kildare area who are coming up to retirement age. The families who are being cared for contacted him to say there has been a dramatic reduction in the number of hours they are receiving. In this retention and recruitment crisis, the question arises of why, if those carers wanted to continue in employment under the HSE, they could not continue to give the care to those families they are providing at present. There is a very arbitrary retirement age and that needs to be examined by the Minister of State because it is having such an impact for those families. These workers are women who have been providing care for a long time and doing an excellent job, according to Senator Wall. Why can they not continue to do so? That is something that needs to be looked at. I fully appreciate that the Minister of State has been able to secure €700 million-plus for the Department for this budget line, but – and I share this view with my colleagues – why do we find ourselves as a country having to go out to the world to recruit 1,000 people to provide care in this day and age? The reason is the rates of pay are not competitive enough for people locally to want to be employed in the service. If the Government makes the terms and conditions competitive and ensures the wage rates are strong, it will entice more and more people locally into the service. That is something that must be addressed and an ERO is the way to do this. As Deputy Nash said, if that can be done for the childcare sector it can be done for this sector as well.

I am fearful that we are on an inexorable journey towards 100% privatisation of home care services and that while we in this House can lobby and advocate for families at present, there will come a time that will no longer be the case. The person at the other end of the line in the

HSE will no longer be doing that job because that job will be made redundant and the ability of individual Deputies and public representatives to make cases for families for additional home care packages or hours will be rendered redundant because it will be privatised. That is the fear. The State always and ever played a vital role and was able to police and regulate the service and provide the resources to the families at the most local level. My fear is we are reaching a point where if the service becomes wholly privatised, the ability of individual Deputies to lobby on behalf of families will be rendered redundant and we need to be very careful about that. We need to ensure there is State provision to act as a counterbalance to privatisation of services because if I have pick up the phone to a private entity to lobby on behalf of a family, the private entity will not care one jot who I am or what I represent or the mandate I have, so I urge caution in that regard. We want State provision, a State-regulated service so at least Deputies across this House, whoever they may be, can at least advocate on behalf of their constituents. I move to the terms of reference of the commission on care and note the words of the Minister of State in respect of setting that up. We need a statutory home care scheme. If we do not have such a scheme, the accountability mechanism will reduce dramatically. We also need a national care strategy on this. I am hearing a legal entitlement to assessment is one of the provisions that will be looked at by the commission on care, but we also need a legal entitlement to provision.

Deputy David Cullinane: I thank the Labour Party for tabling the motion. The backdrop to any discussion we have on healthcare and healthcare delivery is obviously tainted by the fact that in the recent budget there was very little, if any, new funding for new measures across the healthcare system. The Government took a deliberate decision in the budget not to provide additional funding for new measures or even to provide enough money for the health service to stand still. We know that will have consequences. We can see it with a recruitment embargo in some areas of the front line already. During the summer months, 2 million hours of home care were sacrificed because of changes to the home support tender. There has not been any significant increase in home-help hours either in last year's budget or this year's budget. Many of the 5,000 people waiting for home-care support are waiting for intensive home-care packages, which they cannot get.

I will pick up on a point made by Deputy Sherlock because it is one I also want to make very forcefully. How did we arrive at the position where the vast majority of care for older people outside of hospitals is delivered by the private sector? That is not a reflection on the private sector. People who operate and work in it are trying to provide the best services for older people and they do their best. I am not calling into question the quality of the care. However, there is a responsibility on the State to provide adequate infrastructure, capacity and supports for older people.

Not long ago, Sinn Féin introduced a motion on nursing homes. The vast majority of nursing home beds are private rather than public. We have not provided anywhere near the number of public beds we need and the same applies to home care. The vast majority of home support is not delivered by HSE personnel but by non-HSE community, voluntary and private for-profit organisations. All the problems are the same. Whether it is nursing homes or home care support, one of the big challenges is recruitment and retention of staff. We have this merry-go-round where we talk about this issue all the time, going around in circles and failing to solving the problem. We need to rebalance the scales as regards public versus private capacity because the best way for the State to control care and ensure older people have the best care and the care they need is to have more public capacity. I support my colleagues in the Labour Party who spoke using very similar language.

Another issue with home support is the number of hours that are available and whether people are getting what they need. There is a big difference between what the established need for a person is and what that person gets. There are many people on waiting lists but many of those who are getting home-care support are not getting the support they need due to staff shortages and because organisations, including the HSE, are trying to cut their cloth according to measure. That flies in the face of Sláintecare and what we need to do to better manage our healthcare services and ensure we are getting bang for buck for the money we spend.

The Labour Party motion notes that we do not have a statutory home-care scheme. Such a scheme was clearly provided for in the programme for Government. I have no idea when it will be brought in but I want it to be brought in-----

Deputy Mary Butler: It is coming.

Deputy David Cullinane: Even if a statutory home-care scheme is brought in, the first questions we need to ask are whether we have the capacity to deliver it and what will actually change for people. I do not believe we have the capacity to deliver a scheme in the way it was originally envisaged. Maybe that is the reason it has not happened. I have a real fear that we will, in very cosmetic ways, bring in a statutory home-care scheme and tick that box without changing anything in reality for older people. If we bring in a statutory scheme in the way we intended, we will have to completely rethink this whole area, including the types of people who will be in nursing homes, for example, those who will be higher dependency and have greater needs, and also ask what it will mean for staff, capacity and so if we have more people being cared for in the home. We have not done any of that groundwork. That is the real challenge we have.

I support the motion. Sinn Féin made similar proposals in our alternative budget. I welcome the fact that this Government moved on the expert review of pay and remuneration for home-care support, including a living wage, but travel expenses were not addressed. I took a simple view that we should just do it all as quickly as possible and not drag this out. Recommendations were made on travel and subsistence as well as the living wage. It should have been dealt with in the recent budget but it was not because of the decision the Government made to underfund the health service.

Deputy Patricia Ryan: I thank the Labour Party for tabling this motion and welcome the opportunity to speak on it and give it my full support. As Sinn Féin's spokesperson for older people, the health and well-being of our senior citizens is very close to my heart, as the Minister of State will be aware. I firmly believe our elderly deserve the very best care possible in order that they can enjoy their golden years with dignity and comfort. However, the continued failure of Fianna Fáil and Fine Gael to adequately invest in home care, public nursing capacity and step-down community care has left dignity and comfort by the wayside, with disastrous consequences for our elderly citizens. It has had consequences such as home-care packages being granted without the staff to deliver them, urgently needed home adaptations left with no budget to complete them and a community care system that is not adequately staffed. Our elderly deserve better.

There are over 5,000 people on waiting lists for home care. Even those lucky enough to have it cannot be guaranteed they will receive their fully allocation of hours because there are no staff. Each undelivered home-care package is one more older person suffering unnecessarily and one more family forced to shoulder the burden of care. It is all down to the failure of

this Government and its predecessors. The Government needs to adequately invest in these services.

Nearly 3 million HSE home-care hours were lost in 2023. That is absolutely disgraceful. The Minister of State knows well that pay levels and lack of pay parity in the home-care sector are the root cause of the recruitment and retention crisis, yet the budget did nothing to resolve this. Deputy Sherlock spoke about his colleague in Kildare South and all the issues in the constituency. I am well aware of those issues because they come to my door.

Sinn Féin's alternative budget put forward a solution that would provide basic and sufficient standards not only to recruit staff but also to incentivise staff to remain and even train staff. It would make home care an attractive career choice with progression prospects. Home-care workers deserve a living wage and travel expenses, especially in rural Ireland. They travel for ages to get to one client. They need to have some travel expenses. Who bears the brunt of this? It is not members of the Government but older people and their families who are stepping in to look after older people. That includes older people who are sick themselves. An elderly lady in my constituency was approved for a full home-care package but there were no staff to deliver it. This left her elderly husband, a cancer sufferer, with no alternative but to try to tend to her personal care needs. That is totally unacceptable. She ended up with bedsores and had to be brought into hospital to be looked after because the home care was not adequate.

What if home care is not an option and a nursing home place is the best solution? There are no beds, thanks to more Fianna Fáil and Fine Gael failures. These are public and political choices. There are 1,000 fewer public nursing home beds today than we had in 2014. The bed capacity is simply not in place. The over-reliance on private beds is also very concerning. Some 40% of all private nursing home beds - more than 10,000 beds - are owned by global investment funds. Sinn Féin wants to redress that balance. Our alternative budget does so by making provision for over 600 more beds in public nursing homes. It would increase public nursing home capacity and prioritise direct public provision in the sector, with additional funding to private nursing homes pending the increase in public beds coming on stream.

Joined-up thinking is necessary here. Significant investment in the support and care systems for our older people is paramount to future-proof the quality and availability of that care. Otherwise, we face a disaster for older generations with ever-increasing waiting lists and suffering for older citizens. Some 15% of our population are over 65 years. This figure is predicted to rise to 26% by 2050. Urgent and decisive action is not only needed; it is mandatory for future generations. We are all getting older and we must not be left to face the disastrous consequences of this Government's continuing failure to properly address falling bed capacity, the staff recruitment and retention crisis, lost home-care hours and huge waiting lists for home care.

Sinn Féin has specified investment of €100 million in older persons' services. That is €100 million more than the sum allocated by the Government. People see that difference. Sinn Féin would fund an additional 600 public nursing home beds; invest in community beds for recovery and convalescence to take pressure off hospitals; fund a living wage and travel expenses initiative to help recruit more home-care workers; make home care more career progression orientated to encourage people to stay in the sector; provide training opportunities; provide more home-care and community care supports to allow our older citizens to live independently in their own homes and communities for as long as possible; and double funding for the housing adaptation grant. That is absolutely necessary.

The Government has dropped the ball in respect of care. A Sinn Féin government would put an end to that. I say to the Minister of State that we need to do better.

An Cathaoirleach Gníomhach (Deputy Michael Ring): I ask Deputies not to be taking each other's time. I am going to call the time up when it is up.

Deputy Martin Browne: I thank the Labour Party for bringing the motion to the House. I welcome the opportunity to discuss the work done and the challenges faced by our home care and home support workers in the face of a Government that speaks about the importance of community care but fails to invest in the way it should. The Government's underfunding of the health service has been met with dismay by service providers and, indeed, by hospital managers whose ability to address the high numbers presenting to emergency departments is dependent upon community care. I have been told by management at University Hospital Limerick, UHL, that the recruitment freeze on home care assistants, which is the result of underfunding, will affect care in the community. Record numbers are presenting at UHL and care in the community is an important part of addressing that issue but the Government has thrown in the towel. Representatives of Tipperary University Hospital have told me that the recruitment freeze has the potential to impact patient safety. They are making every effort to mitigate risk. This is where the Government has led us.

For south Tipperary and the adjoining hinterlands, a vital resource of care in the community was shut by the HSE in a way that can only be described as underhand. St. Brigid's Hospital had three palliative, two respite and 11 convalescent beds that were scrapped. The private sector is being relied upon for some beds while to access others, families who wish to see their loved ones must travel further. This is just another example of the lack of joined-up thinking on the part of the HSE and, ultimately, the Department of Health.

We also note that there continues to be a lack of home care support packages in south and north Tipperary. Take community healthcare organisation 5, CHO 5, for example. In the middle of 2023, there were 1,003 clients waiting for home support hours. Imagine if they were to know that a matter of months later, in addition to the already insufficient number of home care hours, the recruitment of healthcare and home care assistants would be halted and the service underfunded. The capacity to deliver care in people's own homes or local communities simply does not exist because of political choices. We have 1,000 fewer public nursing home beds today than we had in 2014. The Government watches on while 6,000 people are on waiting lists for home care and while thousands do not receive their full allocation of hours. This Government has given up on families who are left bearing the consequences.

Deputy Paul Donnelly: I also thank the Labour Party for bringing forward this motion. I thank all the workers who are going into people's homes as we speak and providing incredible support to those who need that help. I know that from personal experience. I talked to such a worker in my mother's home yesterday morning. She was coming into the house to help my mother. The work they do is absolutely incredible and we need to support them as much as we possibly can. It is clear, however, that the Government is, unfortunately, not dealing with this issue in the correct way.

The current situation is that some 60% of people are being provided care by private, for-profit companies. I have personal experience in this area because I used to work for Tusla, which used to directly employ family support workers. At one stage, up to 47 family support workers were employed directly in the area in which I worked. They were employed directly

by the HSE before responsibility broke off to Tusla. Somewhere in the region of five are now left. There are only five directly employed family support workers. That support is now provided by some not-for-profit and some for-profit organisations. The money for family support is going out from that service. I am absolutely not disparaging the work that people do in the not-for-profit or for-profit organisations. I do not think anyone would do that. It is the same people doing the same work. However, at the same time, we need the State to provide a service so that we can have control, a say and an input to the service that is being provided for people.

I read a report the other day which showed that nearly 3 million hours of home care promised by the HSE could not be provided last year due to a shortage of staff. Although we set a target of 23.67 million hours, only 20.79 million were provided, despite the presence of more than 6,000 people on the waiting list.

The Minister of State is genuine and her heart is in the right place. However, the Government has failed to provide healthcare. We are talking about older people who may be in hospital and cannot get home. That is devastating for those people. They do not want to be in nursing homes. Some people do want to be in homes and love it there. However, there are others, such as my mother, who want to be at home. When people go into hospital, the care package moves off and it is sometimes a struggle to get the workers back in to cater for the person who wants to, and can, live at home. We want to get them back home. We need to do our best. The money needs to be provided. The employment opportunities need to be provided.

Over the summer, I was inundated with contacts from people who are looking to work in home care and nursing in this country. The situation has improved but some of the barriers we hit while trying to deal with the Department were incredible. There are very simple things that could be done. For example, somebody could look at the documentation coming in at the very beginning and could run through a checklist to see if all the necessary documentation has been provided. In many cases, people are delayed because one piece of documentation is missing from their applications. They are left waiting for weeks and weeks before they know that. It could be months before they are told they need to reapply because a certain piece of documentation is required. That is something simple that could be done. When the documentation comes in from people who are coming in and want to work - and we are looking for such people to come here - we could have a checklist at the beginning to tell those applicants that a piece of documentation is missing. We can tell them to go off and get the relevant documentation and come back to us. That will stop an awful lot of the delays for people who are trying to come into the country. I will come back to the Minister of State on that point. I will email her.

Deputy Pauline Tully: The Government seems to have thrown in the towel on the commitment it gave in the programme for Government to implement a statutory home support scheme over its term in government. It appears very unlikely at this stage. The failure to do that is pushing older and disabled people into hospitals and nursing homes, or into early admission to long-term residential care, when they should be cared for in their own homes. This was highlighted by the ombudsman in the report, Wasted Lives, which stated that the implementation of this scheme is necessary "to address the current bias in favour of [placing people in] institutional settings". As of June, over 6,000 people were on waiting lists for home care, half of whom were looking for new care and 2,900 of whom were looking for additional hours. Hundreds of people experienced delayed transfer from acute settings as a result either of home care packages not being approved or of home care packages being approved but awaiting carer availability. There are no carers available to them because the Government has failed to plan for a sufficient workforce or to address long-term pay and condition issues. That has harmed

recruitment and retention. Family carers are being left to carry the burden on their own. I am constantly contacted by families who do not have sufficient carers. Sometimes weekends are not covered. People who need to be changed cannot be changed for the whole weekend. Perhaps their treatment requires two people to come in and operate a hoist. It is not fair on people and families and needs to be addressed. It is inevitable that this crisis will only get worse as the HSE has included home care staff in the recruitment freeze.

I previously raised with the Minister of State the issue of boarding out providers and the regulations around boarding out as an alternative to nursing home care. It is a much cheaper alternative that allows people to stay in the community. The relevant statutory instrument needs to be updated because the scheme has not been updated in many years. People are leaving the sector because they cannot afford to remain in it any more.

An Cathaoirleach Gníomhach (Deputy Michael Ring): Deputy Ó Murchú has only 27 seconds for his contribution.

Deputy Ruairí Ó Murchú: I want to deal with particular issues in north Louth. People are going without home care in the harder-to-reach areas of north County Louth. We need to deal with the issues of pay and expenses. We cannot look at home care in isolation. It is part of the overall situation in respect of acute care. The hospital system does not work because home care packages take too long to put in place. We need to ensure we have more stepdown facilities, particularly in County Louth, because the RCSI hospital group is under severe pressure.

11 o'clock

It provides the supports when it can but we really need to look at this.

An Cathaoirleach Gníomhach Deputy Michael Ring: Your time is up, Deputy. Your colleagues took your time. Deputy Shortall is next.

Deputy Róisín Shortall: I thank the Labour Party for tabling this motion. It is a very topical motion on what is a very pressing issue to which the Government needs to give urgent attention. The Social Democrats are very happy to support the motion.

For over five years, a statutory right to home care has been promised and yet it still has not been delivered. We are told that work is ongoing but we still have no idea when the legislation will be published. It is becoming clear that there is no real sense of urgency about getting this over the line. In fact, it seems to be getting pushed further and further down this Government's agenda. I regularly request updates on the statutory scheme but all I ever seem to get are stock responses about progressing regulation. There is no question but that a regulatory framework is desperately needed. However, that is only one part of the broader reform programme.

Reading between the lines, one cannot help thinking that there is not much appetite for legislating for a statutory scheme, or at least not this side of the general election, it would appear. Publicly, this Government may espouse the importance of home care but the waiting lists tell a very different story. As of last June, almost 6,200 people were on a home care waiting list, an increase of 1,500 since May 2022. Clearly action is needed to reverse these spiralling waiting lists but, instead, home-care hours are being cut by almost 2 million this year to 22 million hours and there will be no increase next year, we are told. We know that home-care hours were reduced in order to deliver a so-called living wage for workers. However, it must be said that this Government is using the term "living wage" somewhat loosely. A €13.10 per hour rate is

not a living wage; it is €1.70 below it and the Minister knows that. Furthermore, there is no commitment to maintaining parity with the recommended living wage going forward. There is no question that home-care workers deserve a pay increase and much better terms and conditions but that should not have come at a cost to patient care. The funding should have been provided to deliver on both commitments - to a real living wage and to the full 23.9 million home-care hours already contained in the national service plan for this year - but this Government is so short of ambition that it could not honour either one.

In terms of the other strategic workforce advisory group recommendations, progress has been painfully slow. A response to a parliamentary question in September indicates that of the 16 recommendations, only one had been implemented, four were at an advanced stage and the status of the remaining 11 was not provided. It is completely unacceptable that over a year since the report was published, we still do not have an implementation plan. What is the hold-up? The Minister of State, Deputy Butler, has talked about her commitment to this, and many people feel she has a personal commitment, but she is simply not delivering in terms of getting all of the ducks in a row and ensuring that adequate funding is provided and the political support is there.

The cross-departmental implementation group met again almost a month ago, yet there is still no sign of a plan. As we head into the winter months, this should be an absolute priority, not least given the HSE's latest plan to tackle delayed discharges. Transferring patients to nursing homes, possibly miles away from their homes, has been described as a dysfunctional response by Professor Des O'Neill, the chairperson of the Irish Society of Physicians in Geriatric Medicine. On Sunday, he said that the HSE directive amounted to the warehousing of older people, potentially in settings that cannot meet their needs. There is no denying that delayed discharges are a major issue in our hospitals. At any one time, around 600 patients are ready to leave their hospital bed but there is no step-down facility or home care available for them. This is a major concern for the system but, much more importantly, for patients. However, the answer is not to force older people into nursing homes or strip them of their own agency. We have known for years that this is a problem and that there are logjams and blockages in the system but the whole emphasis is on acute beds, without having dealt with the upstream issues that cause these blockages. The answer is alternative models of care like home care and temporary rehabilitation beds along with, of course, increased hospital capacity. After all, most older people would much prefer to remain in their own home and be cared for there but the State is continuing with its over-reliance on the nursing home sector instead of scaling up home care, despite all of the evidence to support this as the optimal model of care.

In terms of beds, the Government has repeatedly failed to deliver. Not one new bed was provided for in this year's HSE service plan. Every single one of the additional 184 acute beds and 26 critical care beds mentioned in the plan was actually an overdue bed. Each one has been committed to in previous winter and service plans. As of August, only four of those 184 overdue acute beds had been delivered, while not even one of the critical care beds had been provided. What is happening here? It seems that lip service is just being paid. When it comes to critical care beds, we know the huge problems that existed during the Covid period. We also know that we are at a point where beds were promised years ago but the promises that were made have still not been met. Clearly the issue of overcrowding and delayed discharges is one of poor planning and delivery. Pitting patients against each other will not change that and it is deeply unfair for the Government to engage in that.

Before concluding I would like to make some points about care. Historically, care has been

undervalued and under-recognised by the State, be it paid or unpaid. When this Government finally holds a referendum on Article 41.2 at some point in the future, the replacement article must address this by enshrining the value of care work in the Constitution. In terms of social care, it is also imperative that the commission on care examines, in detail, the increasing privatisation of care and the impact this has on the quality of care provided. In 2020, the Taoiseach and the Minister for Health said very clearly, based on the experience of Covid in nursing homes, that we need a new model of care. We are still waiting for that new model of care to be announced by this Government. The arrangements at the moment do nobody any service.

An Cathaoirleach Gníomhach Deputy Michael Ring: The next grouping is People Before Profit-Solidarity. Is Deputy Bríd Smith sharing her time?

Deputy Bríd Smith: No, nobody is getting any of it. It is all mine.

An Cathaoirleach Gníomhach Deputy Michael Ring: That is fine.

Deputy Bríd Smith: I thank the Labour Party for tabling this motion, which highlights the problem with our two-tier health system and the specific impact on the provision of care for the elderly in regard to home-help hours. Indeed, the facts and stark statistics laid out in the motion illustrate that we are dealing with a scandal of historic proportions when it comes to the care of our elderly. That scandal is not just in home help but right across the system. We now have a system that has moved from 80% of care of the elderly being in public facilities and 20% in private facilities to the absolute opposite, namely, 80% in private care homes and only 20% in public care homes.

Last month was the month to raise awareness of older people's needs but our awareness does not seem to have been raised very high. We are currently facing a situation in the public system where Cherry Orchard Hospital is going to empty two wards and move 68 people out in the next two weeks. It is not acceptable and it will not be allowed to happen, as far as the workers and families are concerned. I say that as a by-the-by. In 2012, the home care system was dismantled. I live in the Ballyfermot community and the home help system that existed there was very strong. Neighbours knew each other and looked after one another. They were able to visit each other frequently. It had its problems, in that people were not trained properly and it needed upgrading but it certainly did not need the massive privatisation that followed and which put a focus on time pressure, low pay and the profits of companies that moved in. People who suffer from dementia and need care often get four or five different people visiting them in one week. That still happens. We do not know who is monitoring all this privatised care.

There is a deep irony in the Labour Party tabling this motion and highlighting the issue, given that it was in government with Fine Gael, under the then Minister, James Reilly, when that system was dismantled and privatised in 2012. That said, the motion needs to say something further, namely, that we need a nationalised healthcare system, especially when it comes to the care of the elderly in society. That must cover both home care and nursing home care. The staff should be public servants with sick pay schemes, union representation and career paths. They should not be working for a provider that is privatised and puts them under time pressure, all for the profit they make. That is the least the workers and the elderly deserve and will be an absolute minimum demand of any left government in the future.

The proliferation of private care of the elderly was a conscious decision of successive Governments of Fianna Fáil and Fine Gael since the foundation of the State and in the past three

decades, with the adoption of privatisation and a neoliberal model. Of course, they have been helped by others who joined them in coalition Governments. In recent decades, however, they have been encouraging the privatised firms to provide care for the elderly and general health on a for-profit basis. The justification for this is absolute rubbish. They say it is more efficient but it is not cheaper for the public purse and it does not provide better services or care for elderly people. I have heard the Minister of State, Deputy Butler, eulogise the spending on this aspect of health and the expansion of home care hours but the historic reality is one of underfunding, with a reliance on voluntary and religious provision of essential care. It is no accident that sections 38 and 39 workers have been forced to repeatedly demand pay parity and basic rights.

Under the OECD average, Irish health spending per person under the public component is lower than that in many other countries. It is 73% in Ireland, 86% in Norway, 84% in Sweden, 84% in Denmark and 82% in the Netherlands. In other words, the public part of what we spend is much lower than it is in other countries, including in the UK, where it is 79%. In 2019, the HSE spent 31% of its budget on outsourcing to outside agencies, including religious and for-profit organisations, home care providers and non-religious voluntary hospitals. Since the 1980s, the subsidised expansion of the private healthcare industry has created a powerful lobby of private hospitals, insurance companies, nursing homes, home care providers and their owners and they are determined to block reform. Uniting them all is a shared class interest in perpetuating private ownership and control of healthcare and the right to profit from it. In 2019, Julien Mercille produced a report titled The Growth of Private Home Care Providers in Europe: The Case of Ireland. He showed the effect of State policies in the area of home care provision and noted that the amount of money received by private providers increased from €3 million in 2006 to €176 million in 2019. Private providers had more than 80 members, employing a total of 14,000 carers. Industry sources estimated that approximately 75% of the revenue of private providers is obtained from public sources. How is that more efficient, cheaper, better for workers or better for the elderly?

The funding for private home care provision has shifted from the HSE to private operators in a big way. The top five home care providers received grants of €128 million and accumulated profits of €2.3 million. The parent companies of the top three providers received HSE grants and are based outside Ireland, in Switzerland, France and the United States. The previous owners of Bluebird, who now run Clemac Home Care Services, were paid nearly €1 million by the State in 2018. During the pandemic, a survey carried out by carers in Ireland found that 450 qualified public and private carers who responded to the survey said they were earning €12 per hour or less. I met many of them during the pandemic. They put themselves at great risk to continue to do their work of caring for the elderly at home. I, too, thank and praise them for doing that.

What we have is a private for-profit sector that absolutely needs a dysfunctional public system to survive and profit. This State has continually abdicated its responsibility for providing basic and fundamental services in healthcare for the people of this country under successive Fianna Fáil and Fine Gael Governments, which we have had since the foundation of the State. That, too, needs to change.

Deputy Seán Canney: I thank the Labour Party for bringing forward the motion. It is important that we look at this in the context of what is happening on the ground. People are being assessed for 14 hours of home care help but are getting five hours. An 85-year-old man rang me last Friday evening to say his home care worker was not available last weekend and there was no replacement. He was left on his own. He needs somebody there to feed him medicine

a certain number of times per day but that is being left in God's hands at weekends. That probably sets out that something has fundamentally gone wrong.

The Department has done a report on recruitment and retention within home care services. I ask the Government to consider recommendation No. 8 of that report. I come across this a lot in my constituency of Galway East. The threshold of working 18 hours per week before one can qualify is not working. We need to bring it to 21.5 hours a week, as recommended in the report. Can the Government do that in the context of this budget in order to allow people to work and not to disenfranchise them in terms of their social welfare? In terms of the impact of working an extra 3.5 hours, there is tax coming in on that and it allows people to do the home care hours such that there is less reliance on the State putting people into long-term care. The second thing is we should reform jobseeker's allowance to move it from a days worked model to an hours worked model. That is also in the recommendation to which I referred. There is a need to explore the impact of working on income limits on employers and social welfare recipients through the Oireachtas Joint Committee on Social Protection, Community and Rural Development and the Islands. These are recommendations the Department has put forward. What is happening with those recommendations? Will they be sent into the ether in terms of committees, strategies, policies and whatever else or will we take direct action?

There are people working every day of the week and at the same time ensuring their loved one is being cared for at home. Sláintecare states that people should be kept out of long-term care for as long as possible. The way it is being done at the moment is driving people into long-term care. I know that is a concern for the Minister of State, Deputy Butler. She raised it previously in the context of vacant houses. This is an opportunity for her and the Government to take this by the scruff of the neck. There should be particular consideration given to people in rural areas. where there is isolation and a person may see nobody other than the postman during the day. It is time to look at this in a practical way. It is not scientific. It does not need any reports to be written up. It takes direct action to allow people to work 21.5 hours and still be able to act as carers without any impact on their social welfare benefits. That will help private providers, the HSE and home care hours. Let us keep it simple, support those who need help and do it now.

Deputy Peadar Tóibín: Last year, the HSE confirmed to me in response to a parliamentary question that 600 people were in hospitals across the State who had been clinically discharged. On any given day, 600 people who the doctors can do no more for are languishing in hospital, and the only reason that they are in hospital is because step-down care is not available to them. In many cases, that is due to a lack of home care for those people. It is horrendous for the patients themselves. Being stuck in hospital even when they cannot get treatment there is very difficult for patients. It is also very difficult for hospital capacity. It is one of the major contributors to the number of people who are on trolleys in this country. Oftentimes, the number of people who are clinically discharged but cannot be released is actually the same as the number of people on trolleys in the country, which is quite amazing. We also have the issue where a large number of people are being put in nursing homes at a time when they could be living at home. Obviously, nursing homes do fantastic and wonderful work and they are key and pivotal in the lives of so many people, but often older people do far better when they are actually at home in their own location and in environs they know well etc.

There is a major problem in this country in terms of the lack of home care, and there is nearly a fool's economics to it. While home care can be seen as expensive by the State, in actual fact the lack of home care is far more expensive to the State both in human terms and in financial

terms. It is really important to say that. While the Minister of State is here, I should say that the Covid crisis underlined even further the wonderful benefits of home care *vis-à-vis* older people being put in nursing homes. I also want to mention briefly that we know that nursing homes are still in crisis. In fairness to her, the Minister of State has been active in trying to bridge the gap that exists but a lot of the nursing homes that are negotiating with the HSE through the National Treatment Purchase Fund still have not got the income they need to be able to cover the inflation costs and their wage costs. It is the case that more and more nursing homes are looking to close over the next while, and are looking to move patients out. We need to find a way of making sure that those clients have alternative locations or alternative home care packages.

I pay considerable respect to all the people who are involved in home care across the country, whether they work in the public or private sector. They do massive work and it is one of the most important jobs. These are the most valuable people to us and the fact that these individuals and carers are looking after these people is very important to us. However, a couple of problems that have been raised with me recently. I understand that State home care services are now refusing to bring clients for walks. Movement is medicine for older people. For physical and mental health purposes, walking is a really important part of their daily life. If an older person under the care of a public sector provider wants to go for a walk, the public sector home care provider will not bring them for a walk. They will actually let the older person go out by themselves, unaccompanied into the town or village where they live, which is an incredible situation. Often, the carer will just go home if the older person is gone. Also, in some of those packages what is happening is that the carer rings the office rather than the family if there is a difficulty at home. Where the family live in the environs and could get there to it very fast to resolve whatever the problem is, they are not being told about it perhaps until a day later because of bureaucracy involved. The job of the carer is to prompt the client to take food or medicine, but not necessarily to really make sure that the client takes their medicine or food. I know that HIQA is reviewing this. All I ask is that there is some level of public consultation to the HIQA review of the regulations in order that families can feed into what regulations are put in place in future.

Deputy Michael Collins: In my view, elder care is at a very low ebb. As such, I commend Labour on putting forward this motion, which is an important one. It is impossible to get home help for many of my own constituents. People who are trying to get out of hospital cannot get out of hospital. It is a sad situation that they find themselves in, having to stay in hospital before a home care package can be put in place. It leaves them in hospital even though they are able-bodied enough medically to be able to leave, but need help at home that is not available to them. We see situations where they cannot get nursing home beds and community hospital beds. It is impossible for families to get long-term beds for their loved ones.

We have to look at the carer's allowance. The carer's allowance is not a living wage. If it was increased to at least €350 a week, it would enable more families to stay at home and provide full-time for elderly people. I also have a big issue with the fact that the carer's allowance is means-tested. It means that if a husband, as in most cases, has a good income, the wife or partner at home is not able to pick up a carer's allowance even though she is carrying out the duties of a hospital, and saving the State a fortune. Organisations like CoAction in west Cork are unable to provide long-term residential place for their adult service users. Respite for these adults is also difficult to come by. There are so many areas of concern. I spoke to the Minister of State in an angry enough tone in relation to the nursing home in Belgooly. It was closed down last week following the publication of the HIQA report. There has to be a system in place

so that if a nursing home or a community hospital for that matter - it is mostly nursing homes we are looking at - does not come up to compliance, the HSE can step in, run that hospital, bring it up to compliance and not shut the door. The Minister of State has no idea what will happened to these people in Belgooly and its surrounds, and they way they were treated. The nursing home was shut in a quick manner and they were told to get the patients out, even though they were told they had six months initially. My time is up.

Deputy Danny Healy-Rae: First, I thank Labour for putting forward this very important motion today. Since I came up here, one of the things I have been consistently raising is the fact that we need more home helps and people need to be helped to stay in their homes as long as possible. They treat going into nursing homes as being the departure lounge and they feel they still have a chance if they stay at home. I thank our home helps for the wonderful work that they do. Some of them feel they are not being paid properly and that they are not being paid for overtime.

The fair deal scheme is another area that I have a serious problem with at present. Elderly people who go into the hospital, maybe 13 or 12 times, and are sent back home in a taxi when they are clearly not fit for it. They want to go into nursing homes. I know at least half a dozen of them at the present time. The HSE will not sign off to give them the green light to go forward for the fair deal scheme. I am asking the Minister of State today whether there is enough funding for the fair deal scheme for the rest of the year. It seems to me that there is not.

Deputy Mary Butler: There is.

Deputy Danny Healy-Rae: Doctors used to refer patients to the district hospital if they had a serious cold or whatever. The only way that they can get into the district or community hospital now is through University Hospital Kerry. I think that area needs to be visited because when people want a bit of help, they have to go through this rigmarole of having to go into the general hospital first.

Deputy Richard O'Donoghue: First, I thank Labour for the motion being brought before us today. I am so thankful for home help. My father managed to live to the ripe old age of 98, and would have been 99 if he had lived to his next birthday. He would not have done that only for the care of the home help. I am from a large family, and we were lucky enough that between our own family and the home help, that was the age he lived to in the comfort of his own home. I am so thankful for that. I look at the home help today and the struggles they have in going to help the vulnerable, with the inflation costs involved with travelling to provide home help. They are not getting the right supports and funding. What it boils down to is that the carers are our family. They are our extended family members that go out and do the work to help us so that we can have an equal type of life. They help to make us better people for what we do and raise our families within our own homes. The Government has not done enough to help them. The Government has not done enough to fund them properly so they can help. If it was a business case, I have been in business all of my life, what they provide at home is only a fraction of what it would cost the State if people had to go to different settings. The Government does not seem to recognise that by putting in a little more funding, the better quality of life that people could have and the better care they could have. People would even look at helping people in their own homes as a career, if the Government funded it properly. That is all we ask, namely, that the carers are funded properly.

Deputy Mattie McGrath: I compliment the Independent Group on putting down this very

timely and important motion.

Deputy Danny Healy-Rae: It was the Labour Party.

Deputy Mattie McGrath: The Labour Party, excuse me. Gabh mo leithscéal. It could not be more timely, facing into the winter with the long nights, the loneliness and the isolation, especially for people with disabilities. When I see what goes on in the HSE, I saw a headline this morning that it has hired 800 managers and administration people this year already despite the ban. That is where the problem is. We cannot hire home helps. In recent times, during the past eight months, one could get a home help approved with no bother but there is no one there to do it. It is simpler just to let it off as having been approved and it is then not our problem. We are fundamentally wrong. We have too many managers and too many administrators. It is the same in the hospitals, there are not enough nurses, front-line people or domestic staff. We do not have them. The HSE has cannibalised itself on the Government's watch because the Government has been in place for a couple of years now, as have senior Ministers and several Ministers. I am not saying that this has been the start of it.

We need to, first of all, get down and emphasise, as Deputy O'Donoghue said, the work they do and the value they give to people. When people can stay in their own homes, they are happier and more comfortable and feel more secure. In most cases, they have no issues with any kind of language problems and they receive visits from neighbours and families. We need to make a seismic shift here and to have a policy that is more understanding because of the cost to the hospitals and of having to go through to Tipperary University Hospital or University Hospital Kerry, as Deputy Danny Healy-Rae said. At one time, doctors could do this through the managers in the hospital if a person needed respite or whatever, and they were not clogging up the system inside because big is not wonderful. We thought it was, with centres of excellence, but look at University Hospital Limerick and that will be dispelled straight away. We are putting too many people into those settings. Look after them at home, keep the home fires burning. I salute the home help people and carers from the bottom of my heart because for the pittance they get, they do tremendous work and bring solace and support to the elderly and vulnerable and to people with disabilities.

An Cathaoirleach Gníomhach (Deputy Michael Ring): The next grouping is the Independent Group, which will have eight minutes. Deputy Harkin and Deputy Pringle will have four minutes each.

Deputy Thomas Pringle: Deputy Michael McNamara will speak as well, so the three of us will have three minutes each.

An Cathaoirleach Gníomhach (Deputy Michael Ring): The Independent Group has eight minutes in total and they can share it whatever way they want.

Deputy Thomas Pringle: I thank the Labour Party for bringing this important motion forward. I support this motion and in particular, its calls for the immediate reversal of the recruitment embargo on health workers for a guarantee that home carers are paid, at a minimum, the new living wage rate of €14.80, for payment for mileage expenses and travel time between care locations; as well as for guaranteed hours and continuity of income for healthcare support assistants. The reality is that being a healthcare support assistant in this country does not pay. Sadly, it is a profession that is not worth pursuing due to the lack of contracted hours, the inadequate pay, and the expectation to continuously engage in unpaid work and travel. Why

would people leave a job or give up a social welfare payment for two hours of contracted work per week? This is the situation faced by many home care workers today. Not only that but they are expected to travel between homes without getting paid for travel time due to the fact that the HSE-funded home care packages, which are subcontracted out to private companies, do not include travel time pay. People in rural parts of the country are often in isolated areas with little access to facilities or assistance and are left most vulnerable when home care workers are not available. There is no doubt that, as the motion states, there is a postcode lottery when it comes to home care waiting lists and there is evidence that those in rural areas wait longer due to a lack of mileage and travel costs for carers.

I believe we should provide full-time or 50% contracts to ensure predictable income for home care workers and to ensure it is an attractive job opportunity in the first place. I do not see why there should be a problem in providing such contracts. The demand for home care workers is there and there should be a situation where if there are not enough hours to fill a contract, workers could then be given hours in a local community hospital as well. This is the type of integration that needs to happen for our health system to function. We can no longer rely on private contracts and the underpayment of healthcare workers. Sadly, we know that if private companies were able to profit from this, the system would already be in place in this country.

We know Ireland has a rapidly ageing population and pressures on the healthcare system will only increase. We are already at breaking point. We need to make Ireland and our healthcare system not only an attractive place to work but a viable place to work because as it stands right now, it is not, and young people know this. The brain drain of healthcare workers going to Australia is devastating to witness but also understandable. We need to ensure our home care workers are enabled to do more and that they are given the opportunity to have a predictable income and a decent life. They should at the very least be paid the living wage, as well as travel time and mileage. Home care workers do vital work in our communities every single day and they have to be valued and respected for that.

Deputy Marian Harkin: First, I thank the Labour Party for a most comprehensive and clearly thought out motion on the need to radically improve our home support service in order that those who avail of the service and those who provide the service can work together to ensure a much more sustainable and accessible service for all of those in our communities who need care. I am disappointed that the Minister for Health, Deputy Stephen Donnelly, and the Government could not see their way to supporting this motion or at least to not opposing it. I personally cannot find any proposal in this motion that is not needed urgently to support the home support service.

A cause of immediate concern is the need to reverse the recruitment embargo on health workers and the need for a commitment not to block the hiring of public service HCSAs. There seems to be some ambiguity as to the impact of this embargo but the Minister of State, Deputy Butler, assured us previously that there would be no cuts to the duration of home support hours and that is absolutely crucial because the time allocated for home support hours is already cut to the bone. There is absolutely nothing extra there to be cut back because what we often find is that there is 30 minutes to help people to get up, get dressed and get their breakfast. It is virtually impossible to manage, both for the person who needs the care and for the person who is giving the care. People need to be treated with respect and with dignity and very often it is a case of constant rushing, out of bed, into the bathroom etc. That is the reality of home care provision and what we need to see is an expansion of these services and not in any circumstances a diminution of these crucial supports. I, like others, fully support the call that home carers be

paid at a minimum a living wage rate of €14.80 per hour with reasonable payment for mileage expenses and travel time between the care locations. As I said earlier, many home care support workers are jumping out of their cars, often in the rain, into somebody's house, trying to manage an hour's care work in a bare 30 minutes and running in and out again to another house and just moving on all of the time trying to support care work together with a little bit of human contact and that is just crucial for so many people. That kind of work is demanding and time consuming and it is hugely valuable work. It allows people to remain in their homes, to live independently, and crucially it supports family carers who literally keep the show on the road.

Finally, in that context I would like to mention that the carer of the year ceremony is taking place today in Sligo where the Sligo carer of the year will be acknowledged for the incredible and invaluable work they do. What we find is that home care support services and family carers together are both the foundation and the structure that allows people to live at home, in dignity, and in their own place.

Deputy Michael McNamara: I thank Deputy Kelly and the Labour Party for this very timely motion which I have no hesitation whatsoever in supporting. There has been a lot of focus of late on the necessity of moving elderly people out of acute hospitals, it is a pity there is not the same focus on keeping elderly people out of acute hospitals. The last tie we had such a focus on moving elderly people out of acute hospitals was when we were trying to push them out, notwithstanding the fact they were bringing Covid-19 into nursing homes with them. I really think the HSE and the Department should carry out an inquiry into that, because there are a lot of deaths that need to be accounted for, and second, focus on that a little but and on keeping elderly people out of nursing homes and ensure they have a place to go which is not a nursing home and which is their home. I do not doubt the Minister of State's personal commitment to this. We sat in a studio in RTÉ. Does the Minister of State remember that place? I have no doubt about her personal commitment, but I doubt she is making any advances on those commitments because it is backwards we are going. It is backwards the Government, which the Minister of State is a junior Minister in, is going with regard to home help.

I do not understand how she could disagree with these measures that the Labour Party has called for. I would add, of course, the necessity to look at social welfare and to ensure that is not a disincentive and there is not a cliff edge with regard to benefits for people who want to work in home care.

Lastly, I notice that heads of Bill are being drafted and regulations will be drafted.

An Cathaoirleach Gníomhach (Deputy Michael Ring): The Deputy's time is up.

Deputy Michael McNamara: It is entirely understandable that the parliamentary draftsman might want some time to recover from the previous Attorney General but all good things must come to an end.

An Cathaoirleach Gníomhach (Deputy Michael Ring): Deputy McNamara is taking from the next speaker's time. I call Deputy Wynne.

Deputy Michael McNamara: What is the delay and when will we see this legislation?

Deputy Violet-Anne Wynne: I commend the Labour Party on bringing forward this terrific motion and I am happy to support it. The Minister of State, Deputy Butler, has committed to delivering 22 million hours of home care support next year and that she has lauded that this will

be the most ever delivered. The question is: will it be delivered? Will the fundamental issues around payment, social welfare payments as well, and also the treatment of these home care staff, be delivered. I meet with older people and their families throughout County Clare on a constant basis who tell me that, after fighting for approval, they still have not been able to get the hours that they have been approved for and there is no sign of getting them either.

The Minister of State is promising 22 million hours in the next year. She may as well have promised 1 billion hours because more than 3,000 newly approved applicants are waiting across the country.

The HSE only employs a quarter of the home support workers in the country and that over-reliance on the private sector means the vast majority of home care support workers in the country are on less favourable terms. According to the Clare Public Participation Network anti-poverty report last year, only 4.4% of home care hours in Clare are delivered directly by the HSE. That compares with 49.6% in Limerick and 56% in north Tipperary-east Limerick. There is a huge disparity there and that needs to be addressed.

The Minister of State, Deputy Butler, mentioned difficulties in providing weekend hours in rural areas. That is because she gave HSE staff Monday to Friday contracts and the shortfall must be made up by the private sector, and that issue could have been forecasted.

Finally, on the point of delivery, I raised with her previously my constituent, Martin, who was stuck in a nursing home because his hours were redistributed when he went to hospital for a procedure. I am delighted to confirm that he is back home now for the past five weeks, but it took, in total, 12 months.

It is essential that the referendum on care happens before the Government runs out of road.

In Ireland, in 2023, I despair for people who have worked hard all of their lives, who now need support and who are now afraid to go into a hospital for a procedure, such as a hip or knee replacement, because they are afraid that they will lose their home care support.

Minister of State at the Department of Health (Deputy Anne Rabbitte): I welcome the opportunity to address the House on the issues raised by Deputies tabling the motion. I would like to begin by echoing my colleague, the Minister of State, Deputy Butler, in her opening remarks and to thank the Deputies for their constructive and positive contributions to this important motion on the issue of home support.

I want to acknowledge the input of all Deputies this morning. It is clear to me and the Minister of State, Deputy Butler, that we are all motivated to ensure that our population have access to safe, high-quality and regulated home support services in a timely manner.

Initially, I will speak about what the Government is doing to address some of the immediate challenges we face in home support. Then I will speak more generally about the extensive reforms occurring in social care.

However, before I do so, I would like to take the opportunity to acknowledge the outstanding efforts of front-line carers and all those who work right across our health and social services. They have stepped up and demonstrated their commitment to meeting the needs of service users in our communities throughout the country. They provide millions of hours of care to service users every year. In recent years especially, they have demonstrated incredible commitment

and perseverance. As a result of their work, some of the most vulnerable members of our society have received compassionate and expert care in the comfort of their homes. I wish to acknowledge this and thank the carers for their effort and expert care.

Home support is a priority for the Government. Our population is growing and it is also ageing. This means that the demand for home support services is projected to increase substantially. Older people want to age well at home and it is important that the supports that they need are in place, including home support, day service, meals on wheels. I am pleased that funding has kept up with this demand. The Government has delivered unprecedented levels of investment in our home support service in recent years.

As referenced earlier by the Minister of State, Deputy Butler, we had provided an additional €228 million for home support since 2021. This is a 46% increase. This brings the overall budget to €723 million. There should be no doubt that investment in social care and home support has been a substantial priority for the Government but we know it is not only about investment and that meaningful reform is vital. This increased funding is going towards increased supply of home support hours as well as the wider reform of service, including delivery of a statutory scheme for home support services.

We are delivering more hours of home support than ever before. As of April 2023, preliminary data indicate that there are more than 54,000 people receiving home support. More than 50 million hours have been provided in the year to date. This represents an increase of 600,000 hours compared to the same period in 2022.

We have witnessed a significant increase in the number of home support hours being delivered over the past number of years. Last year, 75,000 people benefited from home support services. The service is highly valued by service users and their families because it enables older people to live independently with dignity in their own homes for longer, which is what we all want.

As detailed by the Minister of State, Deputy Butler, work is ongoing to address the waiting list and the HSE is endeavouring to prioritise service for clients with the highest care needs. Currently, the waiting list is predominantly made up of people who have been approved for support but are waiting for a carer to be assigned. To be clear, this is not a funding issue; it is a workforce one.

I will briefly talk about the disability sector. As Deputies will be aware, responsibility for specialist disability service now falls under the remit of the Department of Children, Equality, Disability, Integration and Youth. It is envisaged that the new disability service home support procurement framework will closely align to the older persons service home support procurement framework for consistency across the commissioning agencies and for greater clarity for service providers. The HSE is currently progressing the development of a new disability service procurement framework with the expectation of finalising the framework in quarter 1 2024. Any amendment to the disability service home support rates will be considered in the context of the procurement exercise and officials of my Department are liaising with colleagues in the Department of Health to learn from the authorisation scheme of home support services.

On the reform of home care, the programme for Government commits the Government to introduce a statutory scheme to support people to live in their own homes that will provide equitable access to high-quality regulated home care. The Department of Health is currently

developing a regulatory framework for home support providers with the aim of ensuring all service users are provided with high-quality care. This will comprise of primary legislation for the licensing of home support providers, regulations that will set out the minimum requirements that a provider must meet to obtain a licence, and HIQA national standards. The heads of the Bill are currently being drafted by the Department with a view to bringing it before the Houses of the Oireachtas in quarter 4 2023. Regulations are at an advanced stage. Throughout the development of these regulations, the Department has sought the full participation of home care providers, trade unions, NGOs, international colleagues, academics, health and social care professionals, families and, most importantly, service users. The draft regulations have been informed by a public consultation. Legal advice and engagement with key stakeholders will assist with final revision to regulations for providers of home support services.

In parallel to the work of the statutory scheme, a modern needs assessment tool, the interRAI, will be introduced nationwide to determine the appropriate levels of care required. This will facilitate efficient, fair and transparent care needs assessment and planning and appropriate service delivery. Related to this development of a new information technology, IT, system for home support, the process for the development of a home support IT system is under way in the HSE. This significant project is vital to deliver reform in the sector. The business case has been submitted to the digital government oversight unit and was approved by peer-review group. The HSE has established a procurement evaluation group to progress procurement and implementation of the system and it is a fundamental enabler for all other reforms we will deliver.

I am pleased that the proposed referendum is mentioned in the motion. On 8 March 2023, the Government announced its intention to hold a referendum on gender equality as recommended by the citizens' assembly and the Oireachtas Joint Committee on Gender Equality. An interdepartmental working group chaired by my Department was subsequently established to further examine in advance the recommendations. The work of the working group is ongoing. It is important to note that while the interdepartmental group supports the development of proposals, any decision on policy and any wording is for the Government.

It is important to reiterate what the Minister of State, Deputy Butler, said in her opening remarks, namely, that the new tender rate was backdated to July as a gesture of goodwill. The new tender provides for a core rate of €31 per hour for providers, which works out an at average rate of €34 per hour taking into account weekends and evening premiums. The HSE tender for home support providers also commits private and voluntary providers to pay the national living wage of €13.10 per hour, which was set in August, travel time between appointments and reform of legacy rates. The new HSE home support tender has a built-in review process, which will happen every August. Travel time has been included in this at €2.99 per hour. We are paying private providers an average rate of €34 per hour. The issue is how they pass it on.

Deputy Alan Kelly: What about an employment regulation order?

Deputy Anne Rabbitte: I acknowledge it is an issue but at the end of the day, that is the rate set out in the tender document that was recently reviewed and agreed. Regarding the Deputy hauling me over the coals on disability, I have not yet reached that rate whereas at least in the case of older people, the tender document has been produced and agreed at €34 per hour. Unfortunately, it is not being passed on.

Deputy Aodhán Ó Ríordáin: I thank Deputy Duncan Smith for tabling the motion, which has been lauded across the House as timely. It has even been termed "fantastic". It is a very

important motion. As the Minister of State will be aware, the Labour Party only gets this time to raise an issue every six weeks so we always pick something that is close to our hearts. In this respect, it is doubly disappointing that the senior Minister is not here to listen to the debate and that the Government has decided not to accept the motion or effectively put it to a vote because there have been any number of motions or recent legislation that Government has seen fit to allow pass through. However, the Government has tabled an amendment to our motion, which we find very disappointing because this motion has been put forward in good faith.

Dealing with elderly parents and finding support for them constitute the biggest heartbreak in any family. It is something most families go through. The fact that 6,000 families have to sit on the waiting list is a disgrace. Regarding the presentation of health figures in the budget, we considered that we went through a fraudulent process. The Minister for Health stood over figures he could not stand over a number of days later and the CEO of the HSE told us he could not work within the figures provided. The Minister of State said she was disappointed by the provision for mental health services. We now have a scenario where we cannot provide effectively for citizens at the end of their lives.

What is most disappointing is the narrative from the Government at budget time, particularly from Fine Gael, is about tax cuts. Four junior Ministers clubbed together to write an op-ed for the *Irish Independent* and did not talk about care, justice, the provision of the State for those who need it most and end-of-life care. They wrote about selfishness. They wrote an article for the *Irish Independent* that really tried to touch the nerve of the selfish instinct within Irish people. What we are trying to do here is the opposite. We are trying to ask collectively what we can do for those at the end of their lives. Home care is it and we are failing spectacularly. What the Government is effectively doing is overseeing the privatisation of a service. This country needs much better than that for those at the end of their lives who need this human contact and care.

We are also dealing with people who generally cannot stand up for themselves. They are at a stage in their lives when they do not feel they have access to that sort of platform to speak to their experiences and sometimes the Department depends on that. I am glad that today at least we have given voice to these figures and I again express my disappointment that the Government has not seen fit to support this motion or to allow it to go forward without opposition.

Deputy Alan Kelly: This motion is very important. I thank Deputy Duncan Smith and my other Labour Party colleagues for bringing it forward. I am speaking about this because I have elderly parents and my elderly uncle passed away recently. This is very personal to me and is related to my work because I deal with it all the time. I will make three points to the Ministers of State that all fall into one another.

Demographics in Ireland are changing substantially. We will have far more people over the age of 65 in the coming years. This number is growing exponentially. I can stand here and say that I do not believe there is a hope in hell of the statutory home care scheme that was promised in the programme for Government being implemented by this Government. We are approximately a year away from a general election. This is a failure. It would have been a great legacy for the Government and I would encourage it to do it but I do not think it will happen.

The second issue involves the recruitment and retention of staff. This is the most important issue Deputy Nash spoke about. The reason 500 people are waiting to be discharged from hospital is people will not work in this sector because they are not being paid properly. We need a

JLC and an ERO that sets the rate of pay, travel expenses, travel time and the minimum number of hours per hour. Then there will be people will work in this sector because it will suit them. Dare I say it, many women want to do it but also many men want to do it and we need more men given people's requirements.

When the HSE is paying €16 per hour, €13.10 is the floor in the private sector and people do not get the same allowances, is it any wonder all these workers want to end up working for the HSE? This is where the recruitment ban is a disgrace. What is wrong with these workers wanting to end up working for the HSE? The bit people fail to see here is that not alone is this the best for our elderly people, it is the best for our pocket. This is like an accordion. The longer people can be kept at home, the longer they can be kept out of nursing homes and the longer they can be kept from going from nursing homes into acute care. Every step up is far more expensive for the Irish taxpayer but also the best solution is for people to stay at home for as long as possible. This is what we should be facilitating. Unfortunately, unless we deal with pay, working conditions and payments for allowances, we will never be able to deal with this.

The Minister of State will be a failure in this position if she cannot deal with this. This is the most important issue she must deal with. If she cannot honour what is in the programme for Government, for the love of God she should at least deal with the JLC and ensure people are paid enough because if they are paid enough, what happens? They will work. We will have people who will work in this sector.

It is the most important thing to unlock this situation where so many people are looking for hours. I know of a couple who have been allocated 24 hours but are getting eight. I know of another person aged 95 who is entitled to more than 20 hours but is only getting six. The HSE will beg, borrow and steal for them but it cannot get people. What is not said in this Chamber is that many people are paying privately because it is the only way they will get some help for their loved ones.

An issue that has not been brought up is the reason so many people are stuck in limbo, costing the taxpayer so much and taking up acute beds. The discharge policy about which Bernard Gloster spoke earlier this week is concerning to a degree but I can understand it to a degree.

12 o'clock

What is going on in this country is a disgrace. I will provide some figures that have never been stated previously. Between 2012 and 2021, in 15 of our 24 acute hospitals, 786 people spent more than a year in an acute setting. In some cases, the stay was multiples of that. I do not have the figures for the other nine hospitals because they came to less than five each but we are probably approaching 1,000 people spending more than a year in hospital because there was no step-down facility, nursing home or facility in the community to deal with them. Is that not an indictment of where we are going? With the country's demographic profile, that number will only multiply. It is shambolic and disgraceful. These people were stuck in an acute setting. In St. James's Hospital, there were 105 such cases. There were 134 in St. Vincent's, 74 in the Mater, 93 in Beaumont, only ten in Waterford and 44 in Galway. These figures relate to people who were in an acute setting for more than a year because they could not get out. Is it not an indictment of our country that people are left to rot in acute settings because they cannot get out? I have to reveal those figures to the House. I am sure the Minister of State is aware of these data. If she is not, it is even more worrying. This taking away of people's consent and this warehousing of people has to stop. It is not humane and it is completely wrong.

This is one of the most important motions we will bring forward in this Dáil. We need a joint labour committee and we need to improve the pay of workers. We need the statutory scheme the Minister of State and her Government have promised. Finally, we need a process whereby people are treated with dignity and not locked into acute settings for years on years on years.

Amendment put.

Deputy Aodhán Ó Ríordáin: Vótáil.

An Ceann Comhairle: A division has been demanded and is deferred until the voting time later this evening.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Mary Lou McDonald: Across the State, tens of thousands of homeowners and tenants are living in homes built during the Celtic tiger era that have serious building defects. These homes typically have no fire stopping measures, causing significant fire safety concerns. At the most extreme, they have no adequate fire escapes. Many properties have water ingress, that is, moisture seeping into the structure of the building, slowly eroding the fabric of the home over time. People have to deal with damp and mould and, in the long term, their homes will crumble apart. Other homes have issues with car parks, cladding, communal doors and lifts.

These homeowners bought their homes in good faith. They paid their hard cash for their homes. Tenants in both social and private rental accommodation pay their rent on time and yet find themselves living in unsafe and insecure defective homes. They did nothing wrong. Those responsible in the first instance are the builders and developers who ignored basic fire safety and building standards but the State also has a responsibility because light-touch regulation and a lack of independent local authority inspection allowed this to happen. Yet, to date, homeowners have been left to foot the bill for dodgy building and weak regulation.

When they retired, Gary and Lorraine Carew bought their dream home in Brú na Sionna in Ennis. They looked forward to their life free from debt after decades of hard work. However, after they moved in, defects were discovered and they now face bills running into tens of thousands of euro in their retirement. In my own constituency, homeowners of hundreds of apartments in the Ivy Exchange development on Parnell Street face bills of anything up to €80,000 to deal with defects for which they bear no responsibility. Sam and Odette Doran live in an apartment in Parkwest, which they bought during the Celtic tiger period. The hard-working couple were sold the dream of secure home ownership in one of our city's new suburbs. Today, they face a bill of up to €40,000 to fix defects they did not cause. Like their neighbours and like so many other families, they simply do not have that kind of money. To add insult to injury, on the discovery of these defects in Parkwest, the insurance company for the apartments pushed up the premiums year on year, from €30,000 to a staggering €190,000 per year, with homeowners on the hook for that bill. This insurance company has now threatened to walk away completely, which is a really frightening prospect.

Sam and Odette, Lorraine and Gary and all of the others are part of the Not Our Fault 100% Redress campaign. Along with the Construction Defects Alliance, the group has been campaigning for redress for years and is protesting outside the Dáil today. Caithfidh an Rialtas

gealltanas a sholáthar dóibh siúd a bhfuil cónaí orthu i dtithe ina bhfuil lochtanna ó thréimhse an tíogair Cheiltigh. Níor cheart go mbeadh ar na daoine seo billí na bhforbróirí agus an drochrialaithe a íoc. Last year, the Government finally agreed to put in place a defects redress scheme. On 18 January of this year, the Minister, Deputy Darragh O'Brien, met with the families and promised them two things: emergency funding for essential fire safety and other works to be made available this year and the publication of legislation to underpin the redress scheme before the end of this year. There are now five weeks left in the Dáil calendar and there has been no emergency funding and no legislation has been published. When will that funding be available? When will we see the legislation? When will the full redress scheme be opened for applications?

The Taoiseach: I thank the Deputy for raising this really important issue, which affects tens of thousands of people around the country, including people in the Deputy's constituency and my own. As I have disclosed previously, I am personally affected, as are other members of the Cabinet. We appreciate that Government intervention is required. In some cases, people are able to pay the levy and in other cases they are not. Very often, in multi-unit developments, work is not done because some people are unable to pay, which creates huge difficulties for people. Of course, the cost of this work is increasing all of the time. There are also insurance implications, as the Deputy mentioned in her contribution. The Government has made a commitment, which we will stand over, to help in the very short term with emergency works required for fire safety and in the near term to help people with the cost of these repairs. There will be retrospection because we do not want to discourage people from getting the work done and making the payments where they can.

The Minister, Deputy Darragh O'Brien, has been working to progress the various programmes of work required to put in place this scheme on a statutory footing. This includes the remediation of fire safety, structural safety and water ingress defects in purpose-built apartment buildings, including duplexes, constructed between 1991 and 2013. It was always anticipated that the scheme would take time to develop and we have always sought to convey that message. It is expected that the draft legislation will be published in early 2024. Subject to the legislative process, the scheme will be in place shortly thereafter. While the Minister is working on the legislation as a matter of priority, sufficient time is required to draft the legislation to ensure the scheme is fit for purpose, provides value for taxpayers and contains appropriate oversight and governance measures. We are committed to helping affected homeowners to get their homes and lives back together. This will require a robust scheme and it will take a period of time to bring forward the legislation required to underpin it.

The scale of defects in apartments and duplexes is significant. It is estimated that, of those apartments, duplexes and associated common areas constructed between 1991 and 2013, the number that may be affected by one or more fire safety, structural safety or water ingress defects is likely to range between 50% and 80%. That equates to between 60,000 and 100,000 apartments and duplexes. It is estimated that the average cost will be approximately €25,000 per unit, which means a potential cost to the Exchequer of €1.5 billion to €2.5 billion. This is a significant piece of work that we have to do. It is much greater than would have been the case with pyrite, for example. We are working on it as a matter of priority.

Deputy Mary Lou McDonald: We can agree that the scale of this is huge. I hope we can also agree that, along with builders and developers, the State bears considerable responsibility for this fiasco. Let us remember the details. We talk about defects. We have families living in homes that are not safe, that do not have adequate fire safety protection and, in the worst-

case scenarios, have inadequate fire escapes. That is terrifying. There can be no excuse for delays to the emergency funding. The Minister, Deputy Darragh O'Brien, would want to get the finger out. He met these families in January and we are in November. It is not acceptable to leave people in this scenario on the hook for huge and crippling sums of money, with the real anxiety and fear that brings for families. I would like a specific date from the Taoiseach for the emergency funding. Likewise with the legislation, this has drifted and drifted. We know the liability here is very large but we also know where the culpability lies. I hope we can all agree as a Dáil that hardworking families, homeowners and renters cannot be left in this desperate situation any longer.

The Taoiseach: We can all agree that there are a number of entities that bear responsibility for this - builders in some cases and other professionals involved in the construction business. The State also has a degree of responsibility, particularly pre-2014 when building regulations were not what they are now and were not enforced in the way they are now. Ultimately, while the State will pick up the bill for almost all of this work, the cost inevitably falls back on the taxpayer and the people. That is what happens in these scenarios and that is unfortunately where we are.

On fire safety, the Minister, Deputy Darragh O'Brien, is working with the Housing Agency on advice and guidance that owners and management companies can take when carrying out such fire safety works. This includes funding mechanisms for interim fire safety measures in extreme cases. The Minister will publish further details of this in the coming weeks.

Deputy Ivana Bacik: Cúram dár dtuismitheoirí agus dár sean-thuismitheoirí; an bhfuil aon rud níos tábhachtaí? Irish society knows well the value of caring for the older people in our society, the value of community and the right of everyone to live with dignity but those values are simply not reflected in the Government's policies and actions on home care. That was evident from this morning's debate on the Labour Party motion on supports in the home-care sector. We know there are approximately 6,000 people across the country who are stuck on a waiting list for home support, having been assessed. That is no way to reward older people who have contributed to Irish society and our economy over their whole lives. They deserve care and support to live a happy and fulfilled life in their own homes. The State is supposed to care for its citizens but it is failing those who are denied access to care in their own homes - many of us know people who are in that position - and those who have been trapped in acute hospitals for over a year at a time due to delayed discharges, as revealed by Deputy Kelly just now.

This is due to the avoidable recruitment and retention crisis in the home-care sector. We would have expected to see drastic and radical action from the Government in budget 2024 to tackle this crisis, particularly with an ageing population and overcrowded hospitals, but that is not the path the Government chose with its health budget. Instead, it has frozen recruitment, which is extraordinary. Yet, some of the most important work in the country is provided by the unsung heroes, as Deputy Duncan Smith said, namely, those who work in the home-care sector providing care in people's homes. These workers are mostly women and are among the most undervalued professionals in our society. They are particularly undervalued when it comes to pay and conditions.

This year, under pressure, the hourly pay for healthcare support assistants in the private sector was increased. That is welcome but that move was funded by quietly cutting home support hours by 1.9 million hours this year. We might call that "robbing Peter to pay Paul" or, more appropriately, "robbing Patricia to pay Paula" because these workers are mostly women. There

is no plan to ensure a living wage for these workers into the future and no plan to ensure the system will work for those who need care. It is simply not working. When an older person cannot be discharged from hospital or cannot access care at home, their health outcomes are affected. It is fundamentally unfair to older people and their friends and families. So often, I hear from people – again, mostly women – who are hit with the double whammy of caring for their children and their ageing parents, often while holding down a full-time job. These are women who are struggling and panicking and do not know how to keep the plates spinning. As long as the State services are not there, they will have no option but to keep them spinning. That is why the Labour Party brought a motion this morning calling on the Government to make real reforms to the home-care service system and ensure we will be able to cater for an ageing population and a workforce struggling with the ever-increasing cost of living. Instead of pressing the Government's whitewashing amendment to a vote this evening, will the Taoiseach accept the motion and work with us and others across the House to pay Ireland's heroic home-care workers their worth, reverse the ridiculous embargo on recruitment and ensure that Ireland becomes a place where care is genuinely valued and older persons can receive the care they so desperately need in their homes?

The Taoiseach: I thank Deputy Bacik for raising this important issue. We can all agree, on all sides of the House, how valuable home care is. Most important, it provides older people and younger people who need care with the dignity they deserve in life. Crucially, it enables people to get out of hospital quicker, which frees up beds for patients who need them and enables people to avoid going into nursing homes. The length of time people spend in nursing homes has gone down considerably in recent years precisely because home support has improved and people can stay at home for longer.

The overall budget for home support this year is €723 million. That is an increase of €228 million since this Government came to office, so nearly a 40% increase in funding for home care just under this Government. Far from being cut, the number of hours we will fund next year is 22 million, which is up from 21.5 million this year. The amount that is ring-fenced for dementia will increase from 5% in 2021 to 18% in 2024.

A new and improved HSE support tender for private and voluntary providers has been in place since August and is bringing about significant reform in the sector. An increased hourly rate is in place to ensure that home support workers are paid appropriately and to help deal with some of the issues affecting the waiting lists and recruitment and retention. This includes a new payment rate for travel time, requiring private and voluntary providers to pay the national living wage, at a minimum, and also reforming the legacy rate. On the number of people waiting on home care, the figure was 9,000 in 2020 when the Government came to office. At the moment, it is below 6,000.

Deputy Ivana Bacik: The Taoiseach's response did not address the crucial issues. I will spell them out. The crucial issues, which are evidenced in the Government's and the HSE's figures, include, first, the lack of healthcare workers. There are simply not enough healthcare workers to meet the need. The second crucial issue is the number of people who are awaiting care, having been assessed for home-care supports, and simply cannot access it because of the lack of workers. The third is poor pay and conditions across the healthcare sector. Notwithstanding the new tender, the Ministers of State at the Department of Health, Deputies Butler and Rabbitte, in response to our motion, admitted what we all know to be the case, namely, that we cannot be sure that the new rate of €13.10 per hour, basic though it is, is being passed on in the private sector. The truth is we have seen a creeping privatisation of home-care services. That is

having a knock-on effect on recruitment and retention. It means we simply do not have enough home-care workers to meet the crucial demand for older persons, persons who are awaiting discharge from hospital and persons who desperately need care in their homes to be able to live with dignity into older age in a way we would all wish to do. The Taoiseach has not addressed those crucial issues.

The Taoiseach: We have never had more people working in our health service or public service than we have today. We have full employment in Ireland. That is a great thing but there are downsides to it, one of which is the fact that recruitment and retention are a challenge everywhere. That includes the public and private sectors, urban and rural areas, big and small companies-----

Deputy Aodhán Ó Ríordáin: Pay them.

The Taoiseach: -----and well-paid and poorly paid jobs. It is an across-the-board issue when there is full employment and that is a challenge we face. It is a challenge I would rather face than unemployment, which affected this country for a long time. The new tender rate, which was backdated to July, is a core rate of €31 per hour for providers, which works out at an average rate of €34 per hour taking into account weekend pay, evening pay and premiums and travel rates. The national living wage is set at €13.10 and there is also travel time between appointments. There is an inbuilt review process on the national living wage after 12 months and I am advised that there is no evidence that this is not being passed on or being paid by providers.

Deputy Paul Murphy: Twelve years ago I visited the Jabalia refugee camp in Gaza. I was struck by how packed it was with more than 100,000 people living in closely cramped quarters in less than 1.4 sq. km. Many streets are so small that you cannot even fit a coffin down them. Today, much of Jabalia, a refugee camp, lies in ruins because Israel targeted it for bombardment.

I visited a hospital in Gaza. Even then, back in 2011, they were running out of surgical gloves and basic medicines because of Israel's blockade. Today, they are being forced to operate on hospital floors without anaesthetic and are on the verge of running out of fuel. That will mean the electricity going off and death for people in ICU and for babies in incubators.

I met a 12-year old girl who had not seen her father since she was four months old. He was one of about 6,000 political prisoners being held by Israel, many without charge or trial and hundreds of them children. There are now thousands and thousands of children in Gaza who will never see their parents again. More than 4,000 children have been killed. Israel is committing war crimes, with the support of the US Government and much of the EU. They are bombing hospitals and ambulances. They are bombing residential areas with the biggest bombs designed to inflict maximum damage. They are bombing convoys of refugees they ordered to flee south for safety. They are laying siege to 2.3 million people, trying to starve them out by blockading food and water. They are bombing fishing boats to stop people from getting around the siege and feeding themselves. They are committing the crime of genocide, crimes against humanity, and war crimes - Articles 6, 7 and 8 of the Rome Statute. They are committing these crimes openly and brazenly, repeatedly declaring their intention to do so in the world's media.

Yesterday the Taoiseach said "it may well be the case that war crimes have been committed. That is where the International Criminal Court, ICC, comes in but there has to be a proper investigation." Will the Irish Government make a referral to the International Criminal Court

under Article 14 of the Rome Statute so there can be such an investigation?

Israel is facing growing isolation internationally. Bolivia has cut all diplomatic ties with Israel. Chile and Colombia have recalled their ambassadors. They were joined yesterday by South Africa and Chad. If Ireland took that step as a European country, if we expelled the Israeli ambassador, it would have an impact globally. It would send a clear signal that when Ursula von der Leyen gave the green light to Israel's genocidal assault on Gaza, she was not speaking for all Europeans. It would further isolate and put pressure on Israel to stop.

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

Deputy Paul Murphy: It would demonstrate real solidarity with the Palestinian people. I have two questions for the Taoiseach.

An Ceann Comhairle: Deputy Murphy is way over time.

Deputy Paul Murphy: Will the Government make a referral to the International Criminal Court so there can be an investigation and will he expel the Israeli ambassador?

The Taoiseach: The Government's position on this has been very clear. There should be a humanitarian ceasefire immediately so that aid can go into Gaza and EU citizens and other citizens can leave. Hamas should free all of the hostages it is holding without any conditions and should lay down its arms because it is a terrorist organisation. We need a new peace initiative in the Middle East, desperately so.

The situation in Gaza is critical. The high number of civilian casualties is deeply shocking, in particular the number of children, journalists and also UN and other aid workers who have been killed. The protection of civilians and de-escalation is a priority. A humanitarian ceasefire is required immediately and the level of aid passing into Gaza needs to be accelerated as a matter of urgency. We continue to engage with EU and regional partners to increase the aid allowed into Gaza and the Government is in regular contact with regional foreign ministers and leaders. The Tánaiste has announced €13 million in humanitarian assistance to the Palestinian people with €10 million for the United Nations Relief and Works Agency for Palestine Refugees in the Near East, UNRWA, and €3 million for the United Nations Office for the Coordination of Humanitarian Affairs, UNOCHA.

Ireland condemns outright the attack by Hamas and affirms Israel's right to defend itself, but this must be in line with international humanitarian law and in a proportionate manner, and this has not been the case. A distinction has to be made between Hamas and civilians in Gaza. Targeting civilian infrastructure is not acceptable and collective punishment is a breach of international humanitarian law in our view. De-escalation and the protection of civilians must be our first priority.

In relation to the role of the International Criminal Court, attacks on civilians and civilian infrastructure is a breach of international humanitarian law. All potential violations of international humanitarian law should be investigated. The Prosecutor of the International Criminal Court, Karim Khan, confirmed the court has jurisdiction over the situation in the occupied territory and by Palestinian nationals outside it, so we do not need to make a referral for an investigation to take place.

In regard to the issue of the ambassador raised by Deputy Paul Murphy, I do not believe it

would be the right thing to expel the ambassador from Israel for exactly the same reasons that we did not expel the Russian ambassador in relation to Ukraine. We need to be able to engage at some level. There are around 40 Irish citizens being held in Gaza and we want them to be able to leave.

Deputy Richard Boyd Barrett: Hostages. That is what they are.

The Taoiseach: There is also a young Irish-Israeli girl who may well be being held in Gaza as a hostage of Hamas as well. Let us not be just one sided about this. Our priority, no matter who is holding them, is for Irish citizens to be able to get out and get to safety. That means we need to be able to engage with the Israeli Government and the Israeli ambassador. At some point we also want to be able to talk about peace, reconciliation and reconstruction. That may seem ridiculous now, but we have to keep that hope alive. While expelling the ambassador might make us feel better for a day or two, and it might be a story in the international news for a day or two, it would not actually have an impact on Israel's policy, not for a second. The Deputy is a bit naive if he actually thinks that.

Deputy Richard Boyd Barrett: It worked with South Africa.

The Taoiseach: It would not cause Israel to change course. Second, it would hamper our efforts to get the hostages out and to get citizens out and also to potentially have some sort of role in future peacebuilding and peacemaking in the area.

Deputy Danny Healy-Rae: Make sure that she does not go back home until our people come home safe.

Deputy Paul Murphy: The Taoiseach has acknowledged that there needs to be an investigation by the International Criminal Court. It is true that the Prosecutor has said that the ICC has authority, but what that is referring to is the fact that Israel is not a signatory to the Rome Statute and therefore it is saying it is not applicable to it. The Prosecutor is saying "No. Things that are committed in Gaza can be covered" but there does need to be a referral in order for a prosecution and investigation to take place. The Taoiseach has the power to make that happen. Will the Government make a referral under Article 14 so that there is an investigation by the International Criminal Court?

The Taoiseach says we cannot expel the Israeli ambassador because we need to have diplomatic relations to try and get the Irish citizens out. But we have those relations right now. We have the Israeli ambassador on the Irish media every day telling lies, covering up for war crimes, and that is not happening. Is it not true that Irish citizens, together with Brazilian citizens, are effectively being held hostage by the Israeli regime in Gaza? While the citizens of other countries have been allowed to leave, for example, the US, Germany and Britain, Irish and Brazilians have not been allowed to leave by Israel.

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

Deputy Paul Murphy: Those countries whose citizens are allowed to leave are those who voted in line with Israel against the ceasefire and Irish and Brazilian citizens are effectively being punished by Israel for our vote in favour of the ceasefire at the UN.

An Ceann Comhairle: The Deputy has made his point. I thank him.

Deputy Paul Murphy: The best thing for Irish citizens in Gaza-----

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

Deputy Paul Murphy: -----and everyone else is for the bombing and the assault to stop. The more pressure on Israel, and the more isolation of Israel, the more pressure that will be put on Israel to do precisely that. The best thing we can do, precisely, is to expel the ambassador and to send a signal to them and to the whole world.

The Taoiseach: Our advice and understanding is that we do not need to make a referral for an investigation to take place. The Prosecutor of the International Criminal Court has said that he believes jurisdiction applies to the occupied territories but I will seek further information and advice on that.

There are roughly 8,000 EU and foreign nationals in Gaza. Only a handful have been allowed to leave so far. Only about 20% of EU citizens have been allowed to leave so far and we have been given no indication that Ireland is somehow being penalised for the stance we are taking in our call for an immediate humanitarian ceasefire. We will not change our position on that, no matter what.

Deputy Michael McNamara: I was struck by the comments of the new CEO of Tourism Ireland reported in this morning's edition of *The Irish Times*. "We have a calculation around revenue per carbon footprint," she said. She continued: "If we're going to bring someone from the other side of the world, we're going to make sure we target [those who are] valued-added, and [not those] coming in and out, leaving a carbon footprint, but without bringing value." She also discussed capacity constraints at Dublin Airport and in the accommodation sector, and said there was "still room for growth" but that it "needs to be responsible growth".

I have a number of questions around that. On the one hand it seems sort of ideologically neutral but sometimes the application of something that appears ideologically neutral has a profoundly biased effect. Increasingly, and for a long period of time, we have had a concentration of all tourists coming into Dublin and being bused for a day to the Cliffs of Moher and back again. Is there any examination of how sustainable that is? Is there any examination of whether there is a very wealthy or not-so-wealthy cohort of people who wish to see, travel to and stay in the west of Ireland, so they are not coming into an overcrowded airport through an overcrowded city to be driven across the country and back again? They might, perhaps, buy a cup of coffee or perhaps not. Perhaps they will go to the toilet and if they do, that is as much as they do.

Is there a tourism strategy that takes account of that? If not, any talk about sustainability and sustainable tourism is nonsense. All it does is say that because there is a shortage of beds in certain parts of the country, we need to just bring in very wealthy tourists. Is there any consideration of the effect that the Government's policy on housing refugees, people seeking asylum and people who are beneficiaries of temporary protection is having on our tourism sector? I understand that, as a stopgap measure, one takes whatever is available. However, we all accept - the Taoiseach, his Government and Ministers included - that this is no longer a short-term issue but a longer term issue. Between 40% and 50% of the hotel beds in Clare are filled with such people. I am not saying they do not need a bed - they clearly do - but, arguably, if they are to integrate into our economy, they need a bed where they can get a job. There are not a load of jobs in Lisdoonvarna, unfortunately. There are lots of them in Dublin. What is the Government's long-term plan around tourism and the sustainability of the tourism sector?

The Taoiseach: I have always been a huge supporter of the tourism sector and industry. I

got to work very closely with it for three years as Minister for Transport, Tourism and Sport. I have continued to engage with it and I really find people who work in the tourism sector to be among the most hospitable and welcoming people, and among the best businesspeople we have in the country. I will never forget that in the 2011-12 period after the financial crash, three sectors lifted us out of that recession, namely, the multinationals, the agricultural and food sector and also tourism. We owe them a debt of gratitude for that. Tourism has the benefit of being able to create jobs all over the country, in the cities and also in rural areas.

We are experiencing a climate crisis, though. I think that is obvious to everyone in the country and the House and we have to take account of the impact that international and internal travel has on the climate. It has always been the case that we have taken into account not just the raw numbers of people visiting the country but also the spend. It would not be a secret to anyone in this House or in the tourism industry that, for example, somebody coming from the US who spends a week in Ireland and travels around the country will be of more economic value than somebody who comes and makes a short weekend visit. We have always taken into account both the numbers visiting and also the revenue brought in but people are welcome no matter where they are coming from or how long they stay.

On sustainability, we believe busing will become sustainable most quickly. Electric and hydrogen buses already exist. They are already being used and manufactured on the island. I anticipate that in the next ten years, we will see bus transfer becoming very environmentally sustainable. When it comes to aviation, the focus has to be on sustainable aviation fuels. It is early days yet. We want Ireland to be a leader on that. Ireland will always need aviation. It is an island, after all. The focus that we want is a move to sustainable and synthetic aviation fuels so that we can make that sustainable into the future.

With regard to tourism policy, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, is going to publish a new national tourism policy. That will be done in early 2024. It will focus on the environment and also economic sustainability for the sector.

Deputy Michael McNamara: I find the Taoiseach's answer somewhat surprising. On the one hand, he says we need to curb international travel and take account of sustainability while, on the other, he wants to lift capacity limits at Dublin Airport. Nowhere has he discussed exploiting capacity at other airports so that people are flown directly into a region that they might stay in, when, one hopes, there is a greater balance in how people are accommodated. These people need accommodation but the State has to match that with what it provides. Instead, the Taoiseach says that this practice is going to be sustainable. We are going to have electric buses bringing them from Dublin Airport down to the west so that they can see Kylemore Abbey, the Cliffs of Moher or whatever it is and back again. Suddenly, that is sustainability. I do not wish to mischaracterise what the Taoiseach has said but that is how I have interpreted it. He might explain, if that is not what he said, what he means by sustainable tourism and balanced regional tourism in this State going forward.

The Taoiseach: I am happy to clarify that I have not called for a curb on international travel; far from it. That is not my position whatsoever. I said that we have to take account of it and that some journeys are more valuable to the State than others. I have given the Deputy an example of exactly that. I also said we need to make sure we move towards sustainable aviation fuels. That is the future. The future, for me, is not stopping flying. I do not want to stop flying either, by the way. The future is a move towards sustainable and synthetic aviation fuels, in my

view. We do need to take account of it and we also need to consider offsetting. As the Deputy knows, Government Departments do that as a matter of course.

The Government also has a policy of favouring the regional airports such as Cork, Shannon and Ireland West airports and others. When it comes to Dublin, as the Deputy knows, we take money off Dublin Airport in the form of dividends and other charges. When it comes to the other airports, we provide funding. We provided considerable funding for Cork Airport recently and also for Ireland West Airport and Shannon Airport. It is good that those airports are seeing real passenger growth now. I would like to see a lot more of it. We also need to be honest with people. Airlines decide where they fly. Airlines will make decisions, more often than not, as to whether they fly from Birmingham or Dublin rather than Shannon or Cork, and that is the reality. We need to be honest with people in that regard.

Ceisteanna ar Pholasaí nó ar Reachtaíocht - Questions on Policy or Legislation

Deputy Mary Lou McDonald: As Israel continues to lay waste to Gaza and its medical infrastructure, there are 50,000 pregnant women who cannot access basic health services and proper care. Now, Al-Awda Hospital, the only hospital in northern Gaza left providing maternity services, will shut down as fuel runs out. The trauma and the horror experienced by Gazan women is the stuff of nightmares. It is a living nightmare. Women are undergoing Caesarian sections without anaesthesia. Emergency sections are being performed on dying pregnant women hit by Israeli airstrikes. Doctors perform maternity procedures often under the light of a cellphone, without access to clean water to wash their hands or antibiotics to prevent infection.

Israel's bombardment is not defence. This is vicious revenge. We are witnessing war crimes and Israel must be held accountable for its actions. An unequivocal ceasefire is needed now. We agree on that. Can the Taoiseach set out the sanctions the State is prepared to take against Israel to hold it to account?

The Taoiseach: We agree that an immediate humanitarian ceasefire is required. The killing has to stop. Hostages need to be released. Citizens of other countries need to be allowed to leave and we need to make sure that we get humanitarian aid into Gaza as soon as possible. The Government is not proposing any specific sanctions at this point. We know when sanctions work. Sanctions work when they are done on a multilateral basis. Sanctions done unilaterally generally do more harm to the person imposing the sanctions than the entity on which they are imposed. Sanctions should, therefore, only be carried out on a multilateral basis in my view.

Deputy Ivana Bacik: Amid the unthinkable devastation and loss of life in Gaza, we are now hearing that more than 10,000 civilians, including 4,000 children, have been killed in the brutal Israeli bombardment. I thank the Taoiseach for his willingness to engage on that yesterday following my question on Opposition briefings. That would be very useful in the spirit of trying to achieve a cross-party approach from Irish legislators on the appalling situation in Gaza. I want to ask the Taoiseach about the situation for Irish citizens trapped in Gaza. We are hearing increasingly desperate pleas for help from those who currently see no way out with their families and who are not appearing on the lists of those who apparently are to be allowed to make the Rafah crossing. Can the Taoiseach brief us in any way on what more we can do at national and EU level to assist and support our own citizens in Gaza?

I also refer to the appalling situation for pregnant women and new mothers in Gaza, which

Deputy McDonald raised.

An Ceann Comhairle: I thank the Deputy.

Deputy Ivana Bacik: The news from Al-Awda hospital in Gaza today is absolutely deeply distressing-----

An Ceann Comhairle: I thank the Deputy.

Deputy Ivana Bacik: -----and we need to know-----

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

Deputy Ivana Bacik: -----that at least pregnant women and women about to give birth-----

An Ceann Comhairle: The time is up, Deputy, please.

Deputy Ivana Bacik: -----to new babies will be allowed out.

The Taoiseach: There are an estimated 8,000 foreign and dual nationals and immediate dependents in Gaza who are seeking to leave. Evacuations are being managed on a country-by-country basis and it will take time for this process to be completed. The names of all Irish citizens in Gaza who have asked to be included on the list of those to be evacuated have been submitted to the relevant authorities. We do not know when they will be able to leave. There will be no evacuations of foreign nationals from Gaza over the weekend. Our embassies in Cairo and Tel Aviv are in regular communication with the authorities in Egypt and Israel in this regard.

Deputy Holly Cairns: I am very concerned about the prevalence of strategic lawsuits against public participation or so-called SLAPPs. As the Taoiseach knows, these lawsuits involve public figures, powerful individuals or rich corporations taking vexatious cases against the media, activists or, indeed, members of the public in an effort to muzzle their critics.

It is particularly concerning when journalists are personally sued in addition to the publisher as these cases can be financially ruinous. When proceedings are taken in the High Court, costs sometimes run into the millions of euro, forcing journalists and media outlets to settle out of court, even in cases they could win.

The effect of all this is that those with deep pockets can shut down debate and silence public interest journalism. Successive Governments have promised to reform our defamation laws for years, but we are still waiting. A true democracy needs a strong and responsible media that can hold powerful people and corporations to account. Pre-legislative scrutiny of the general scheme of the defamation (amendment) Bill-----

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

Deputy Holly Cairns: -----has been completed and a report was published in September. When can we expect the Government to publish the revised Bill?

The Taoiseach: We will have that quite soon. The Minister, Deputy McEntee, is working on heads of the Bill and we hope to have that enacted next year.

I was not going to bring it up, but I do agree with the Deputy. People are entitled to sue the

media if they so wish, but they do not have to. There are other ways to seek redress, one of which is a complaint to the Press Council of Ireland. That is the appropriate course that people should follow. To see a Member in this House not just suing a major newspaper but also personally suing a journalist is only designed to do one thing; it is designed to make journalists afraid. It is designed to make them think twice about what they write and that is wrong. There are other ways to get redress and corrections and clarifications. At the very least, the first step should be the Press Council of Ireland and not suing a news organisation, and particularly not suing a journalist individually. I think that is frightening actually.

Deputy Bríd Smith: The Industrial Relations (Provisions in Respect of Pension Entitlements of Retired Workers) Bill 2020 has been going through the system here for more than two years. The last we heard about it was in a letter that stated that the Minister referred it to the Minister for Social Protection, Deputy Humphreys, who is responsible for pensions. This is a Bill about industrial relations, not pensions. However, having accepted that it has been referred for consideration to the Minister for Social Protection, we have heard nothing back and it has been weeks since it was referred. There has been much discussion about looking after and respecting older people, which is hugely important, but these people - retired workers who have been active trade unionists all their lives - have spent more than ten years campaigning to have representation at the Workplace Relations Commission, WRC, when their pensions are being interfered with. We have not had a response, and none of them are getting any younger. It is very unfair to those people in the public sector who built this society-----

An Ceann Comhairle: I thank the Deputy. Time is up.

Deputy Bríd Smith: -----and have worked hard all their lives. They are now looking for representation-----

An Ceann Comhairle: I thank the Deputy.

Deputy Bríd Smith: -----and if the Taoiseach does not believe they are entitled to representation, he should please say so straight out to us. If not, he might please ask the Minister, Deputy Humphreys, to respond to them as soon as possible.

The Taoiseach: I will have to check up on that. The former Minister of State, Deputy English, had done a lot of work on it and was very advanced on that legislation to give the people to which the Deputy referred at least a say, and they should have a say. I do not know exactly where we are with that, however. I will check with the Minister, Deputy Humphreys, and Minister of State, Deputy Richmond, and come back to the Deputy.

Deputy Matt Shanahan: Our banking sector is failing those in gambling addiction recovery. I am referencing the failure of the Irish banks, aside from Revolut, to offer gambling blocks to payment cards. This provides people with the option of preventing any and all gambling activity for 24 to 48 hours while they consider and fully contemplate the decision. The protocols are widespread and available in the UK banking sector and the evidence shows that they have a major part to play in helping people in recovering from addiction. In 2019, AIB and Bank of Ireland publicly stated that they were considering introducing gambling blocks but they have not done so to date. I welcome the development of the new Gambling Regulatory Authority of Ireland and the new Gambling Regulation Bill 2022, but I point out to the Taoiseach that this gambling issue is not covered. Will the Government request a meeting with the banks to see what stage they are currently at in the introduction of gambling blocks, and will this initiative

be proposed in pending legislation?

The Taoiseach: I thank Deputy Shanahan for raising this very important issue. We have very serious problem in this country with gambling addiction and it is getting worse. Of course, it has been amplified by the fact that it is so easy to gamble online and make purchases online. As the Deputy knows, the Minister of State, Deputy Browne, is currently bringing that legislation through the House. I am not sure exactly what the situation is with the banks and the blocks the Deputy mentioned, but I will make inquiries with the Minister, Deputy Michael McGrath, and Minister of State, Deputy Browne, to see if we can act on that.

Deputy Michael Collins: Yesterday's news of a case of BSE found in an Irish animal has halted valuable exports of beef to the Chinese market. This could not come at a worse time for Irish agriculture, which has been hit from every direction both from Europe but more alarmingly, from our own Government, which continues to treat farmers like environmental terrorists. This is from the farmers' mouths at recent meetings I have been attending. The fact that this case of BSE was caught shows the excellent surveillance system we have in this country, which surely gives comfort to the 70 countries to which we export. However, the last time we had a BSE animal in 2020, the Chinese did not allow the Irish to export beef to China for at least three years. What measures has this Government in place this time to have the Irish back exporting beef to China, a very valuable market for Irish agriculture, as soon as this issue is cleared up? Irish farmers cannot wait three years before the market reopens again.

The Taoiseach: It is extremely disappointing for our farmers and our food industry that a case of atypical BSE has been detected. We export over 90% of the beef we produce, so our reputation for safe and sustainable production is crucial. The animal was ten and a half years old and was identified during the Department of Agriculture, Food and the Marine's ongoing systemic surveillance of fallen animals. The animal did not enter the food or feed chain so there is no public health risk associated with this occurrence. Atypical BSE is a rare spontaneous event that may occur in any bovine population and, indeed, in most mammals. It is not related to feed contamination. Ireland has been granted World Organisation for Animal Health negligible risk status for BSE. This is the lowest risk rating available. The identification of a single case does not affect our rating as being at the lowest risk so that is encouraging. It is disappointing that the Chinese market is temporary closed to us. As the Deputy knows, it is only a small proportion of our export market, so I do not think it will have an impact on price or on other issues. Certainly, however, we will work with the Chinese control authority to try to have that ban lifted as soon as possible. We have no indications that any of the 70 other countries that we export to are going to follow suit.

Deputy Thomas Pringle: Increased frequency and intensity of extreme weather events is unfortunately a reality of the country's present and future. As we have seen in the last few weeks, such events will cause substantial damage and loss to infrastructure, nature and human health. It is essential we prepare and plan for this.

Errigal College in Letterkenny requires an extension to double the size of the school to help meet the demand for post-primary school places in the town. However, the extension has been delayed indefinitely due to a risk of downstream flooding. The council, the Office of Public Works, OPW, and the Department of Education must work together to progress the much-needed extension. How will this work? As this is an issue that will become more and more prominent in future, it is something we need to plan for now. How will the Government ensure Departments, councils and the OPW are able to plan and receive funding for a timely, climate-

proofing future for infrastructure projects to see they will not be delayed indefinitely in future?

Minister of State at the Department of Education (Deputy Josepha Madigan): If the Deputy would like to give me the details of that case I can speak to the Department about it. There are guidelines from the Department that go directly to schools concerning travel and weather issues. Were the Deputy to give me the details, I could discuss it with him afterwards.

Deputy Colm Burke: As the Taoiseach is aware, there has been a 40% increase in the population of the country. There has been a huge population increase in the Cork area in particular. The Government decided there would be a new elective hospital built in Cork. My understanding was that a design team was appointed 12 months ago. When the Secretary General of the Department of Health was before the health committee the week before last, he advised the design team for designing the hospital still has not been appointed. He said while a preliminary team was put in place, the new team has not been put in place. When is a team going to be put in place? When is the design of the project going to start? When are we likely to have a planning application lodged for the building of a new elective hospital in Cork? We need it to deal with day care procedures and provide access to theatres, which many consultants cannot get at the present time.

The Taoiseach: I thank Deputy Burke for raising the Cork elective hospital again. It is an issue he has been campaigning on for quite some time. The Government has identified St. Stephen's Hospital as the preferred site for the new elective hospital for Cork. It is now in planning phase and developing detailed project briefs, a procurement strategy and pre-tender business case for all the elective hospitals. I am advised the appointment of an integrated design team is under way at present and will be in place in early 2024.

Deputy Claire Kerrane: The suspension of beef exports to China is a real blow, especially when the market had only reopened recently and was building back slowly. What is more worrying is the last time we had this same situation the suspension lasted three years and that cannot happen again. While I appreciate this is a matter for the Chinese Government, what engagement has the Minister for Agriculture, Food and the Marine has had with the Chinese authorities and what specifically will he be doing to be proactive in ensuring the speedy reversal of this decision? Likewise, the demand for beef is really strong in our main export markets, but the supply of cattle here is tightening and beef farmers should be seeing better prices, but there remains that 30 cent gap with the export benchmark price. We need to see that gap closing to enure better prices for beef farmers again. I ask the Minister to be just as proactive in seeking to close that gap, especially given we still have a situation where many farmers are not getting a fair price for their produce consistently.

The Taoiseach: The Deputy can be sure both the Minister, Deputy McConalogue, and the Minister of State, Deputy Heydon, will be very proactive on this and indeed the Tánaiste is in China as we speak. The Department of Agriculture, Food and the Marine has to submit an epidemiological report to the Chinese control authority, which it will assess before deciding whether the suspension can be lifted. The Department has commenced the investigation and will work to provide this information to the Chinese authorities as soon as possible. We are of the view the suspension should be able to be lifted following the submission of this document, given the atypical and isolated nature of this case, as well as the efficacy of our BSE surveillance system.

Deputy Fergus O'Dowd: The care of older people in nursing homes like those run by

Aperee is a cause of increasing concern for HIQA and others. Sage Advocacy recently published a Red C poll of public opinion on the issue of supports and care for older people. One of the significant findings is the public has a concern that home care and nursing home care have become overly concentrated in the hands of private providers and people feel we need innovation and new alternatives to nursing home care, especially with regard to not-for-profit organisations, to help meet the challenges of an ageing society in our economy.

Minister of State at the Department of Health (Deputy Mary Butler): I thank the Deputy for his constant advocacy for older people and especially appropriate nursing home care. There has been ongoing regulatory engagement between HIQA and Aperee, including provider meetings and cautionary and warning meetings. Unfortunately, two nursing homes have closed to date. One is in Ballygunner in Waterford and the other near Kinsale in Cork. As of Friday week last, the HSE has taken over the running of Aperee Living in Callan, County Kilkenny, and it will continue to run it as a going concern at the moment.

I thank Sage for all its advocacy. I looked at the Red C poll it commissioned and just this morning, we had a Labour Party motion on home care. The situation has raised the fact that much of the care being provided is being outsourced to private providers but we also have some fantastic voluntary groups that provide care.

Deputy Brendan Smith: We are very fortunate that we have a great network of supermarkets and other food stores of varying sizes in our towns and villages. The stores are predominately very modern with high standards of hygiene and good service for customers. Those retailers are very concerned about the small business support scheme. They state very clearly that the measures proposed in the budget will not be of enough assistance to them to meet rising costs and some of those costs are attributable to Government decisions. The exclusion of businesses paying more than €20,000 in rates is causing particular problems. Those businesses are labour-intensive and energy is a substantial percentage of their overall trading loss. They need to obtain additional Government support to trade profitably and retain existing staffing complements. I spoke a supermarket owner in my constituency who has two very good stores that employ 160 people. He said he will not be in a position to trade profitably enough to retain present staffing levels or indeed to recruit additional staff, as he had hoped to do.

The Taoiseach: The Minister for Enterprise, Trade and Employment, Deputy Coveney, has been allocated €250 million to establish a scheme to help businesses with rising costs to cushion the blow of rising costs and to enable them to retain their staff. To put it in context, €250 million is twice the amount claimed under the temporary business energy support scheme this year, so it is a very substantial allocation. The Minister, Deputy Coveney, and the Minister of State, Deputy Calleary, are working on the detail of the scheme so the money can be paid in the new year, but as is always the case, we have to draw the line somewhere and the more large or medium-sized businesses we bring into it, the less there will be for the very small businesses. That is something the Minister and Minister of State are working on at the moment.

Deputy Jennifer Murnane O'Connor: My office was very busy on Monday. I had people ringing us and coming in because they were told the part-time X-ray unit in Carlow at St. Dympna's Hospital, which is an excellent facility, is being closed for refurbishment. That was fine. I was trying to find out about that and of course got no word from the HSE. Then I found out the primary school dental clinic beside it is closed for refurbishment. We have one dentist in the county-----

An Ceann Comhairle: Where is this, Deputy?

Deputy Jennifer Murnane O'Connor: -----of Carlow.

An Ceann Comhairle: Oh Carlow, yes.

Deputy Jennifer Murnane O'Connor: Just to let the Taoiseach know, it is Carlow. We have one dentist in the county of Carlow. Now the dental clinic for primary schools is closed and I am told it is for refurbishment. I got no information about it. I got no timescale and this is unacceptable.

There is another issue. I tell all the Ministers and Ministers of State here that we really need to get our act together. I had a 79-year-old man at the weekend who had a horrific fall and he was waiting six hours for the ambulance. He broke his hip and his shoulder.

An Ceann Comhairle: Thank you Deputy.

Deputy Jennifer Murnane O'Connor: He had to go to Waterford. Then last week another man fell-----

An Ceann Comhairle: The time is up.

Deputy Jennifer Murnane O'Connor: -----and he was waiting six hours for an ambulance. I understand-----

An Ceann Comhairle: The time is up Deputy. I am sorry, you cannot ask any more.

Deputy Jennifer Murnane O'Connor: -----things are happening, but we are getting to a stage where we cannot let this happen to the Carlow people.

Deputy Mary Butler: We are used to hearing the Deputy advocating very strongly for people in Carlow but these issues happen all over the country as well. I do not have the specific details on St. Dympna's Hospital and the primary care centre for the dental clinic but at the same time, we must have standards and refurbishment and best practice are very important too. I will speak to the Deputy after this and try to get some of the details from her and get a comprehensive answer to her.

1 o'clock

An Ceann Comhairle: I welcome Deputy Patricia Ryan back after her mishap.

Deputy Patricia Ryan: I feel the Deputy's pain about waiting lists, I can say that much.

Losing a loved one is never easy but for those whose loved ones passed away during Covid in nursing homes and care facilities without their families around them, it was especially hard. Families were denied access to their loved ones as they died and they are still being denied answers in respect of their deaths. The huge trauma and mental distress caused to families and care workers in nursing homes and care facilities is still being felt today. These people deserve to be heard. As Sinn Féin spokesperson for older people, I have met many families and advocacy groups, including Care Champions. I have listened to their stories and their grief. They tell me that there must be a clear, transparent and impartial investigation with the direct involvement of the residents and the families affected. I welcome that the Government has spoken about having a public inquiry into this and I appreciate that but I ask that we have a date sooner

rather than later.

The Taoiseach: We are confident we will have the memorandum and the terms of reference to the Cabinet in the next couple of weeks but then we will need to approve people to serve on the panel, to be the chair and to serve on the inquiry. We hope to make progress on that quite soon. There will be a public element to it and nursing homes will be covered. It will, of course, be complicated in certain circumstances such as where litigation is under way. I am not sure it will be able to undertake inquiries where other inquires are happening or where litigation is under way but we will work all that out.

Deputy Emer Higgins: The Government is encouraging more and more people to use their bike and leave their cars at home. I believe that professional cyclists should be setting a good example to new and commuting cyclists by creating a safe road share culture. Yet many of us will be aware of incidents and near misses involving delivery cyclists who have broken red lights, who have face timed while they cycled or who have cycled the wrong way down a street. I believe we should consider a form of visible identification such as a car or motorcycle number plate solely for professional delivery cyclists. This would encourage safer cycling and hold those who break the law to account. There is no denying that food delivery cyclists experience their own challenges in terms of theft and their own personal safety but no one should have to fear walking or driving down the streets because of reckless behaviour of any kind. Will the Government legislate for unique identifiers for professional cyclists? By professional cyclists, I mean those who display company branding and who spend their entire working day on our roads.

The Taoiseach: I appreciate the Deputy is being very clear that she is referring here to professional commercial cyclists and not everyday leisure or commuter cyclists. It is something that should be considered and I will speak to the Minister of State, Deputy Chambers, about this in the context of our road safety committee. I do not make a commitment either way but it is something to which we can give some consideration.

Deputy Imelda Munster: I would not normally raise an issue such as this and would deal with them myself but I have been left with no option. This is something that is very serious indeed for the residents involved. A section of Cearnóg Brugha in Drogheda and surrounding areas has been left with no water. They are mostly elderly residents but there is also one family with a young baby. As they have a dribble of water from the taps downstairs and nothing upstairs, they cannot heat radiators, they cannot bathe or wash clothing and they cannot even flush the toilet.

They have had no water for three months. Uisce Éireann eventually put in a temporary fix. It lasted about three weeks. They have had no water since the end of October. They have now been told by Uisce Éireann that it will be December. The buck is being passed between Uisce Éireann and Louth County Council but primarily, the matter should be dealt with by Uisce Éireann. If that is its idea of customer service or a duty of care to customers, it is totally unacceptable. Given that elderly people and people with young babies have been told to wait almost five months for water, can the matter be expedited if I forward the details to the Taoiseach or a Minister? It is just not acceptable.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Kieran O'Donnell): It is very difficult for those residents. If the Deputy sends on the details to me, and the specifics of what is happening there, the Department will take it up with

Uisce Éireann specifically. We will look to resolve it for the residents.

An Ceann Comhairle: I thank the Minister of State for his help.

Deputy Cathal Crowe: In recent months, there has been huge recruitment to An Bord Pleanála and cases are starting to move once again. However there is now a trend where people are appealing the residential zoned land tax, RZLT, which becomes a liable taxation payment on 1 January. All those cases are being appealed to An Bord Pleanála and it is clogging up the system. Last week, 146 cases were decided by An Bord Pleanála, of which 79 related to tax. They had nothing to do with building houses or any sort of development, whether schools, hospitals or whatever. It is clogging up half if not more of the weekly case profile. It was 108 cases the week before last and 84 the week before that. Surely, taxation belongs in a whole different realm and not that of planning or appeals to An Bord Pleanála. Is there some way of unclogging that backlog? It will continue every week until we get to 31 December because that is when that tax at a rate of 3% becomes liable on 1 January.

The Taoiseach: If we are talking about the same tax, the liability has been deferred by a year because we appreciate some changes have to be made to it as some anomalies have arisen that were not anticipated. We have given An Bord Pleanála a lot more work to do and there is a lot more building going on in the country. That is great but it means there is even more work for it to do from the private sector as well. Recognising that, it has been provided with lots of additional resources. There is now 15 board members. They can meet in formations of five and have several meetings a day in some cases. There are 300 to 400 posts approved in total. I appreciate they have been given a lot of work to do and it is important they are resourced properly. We are supporting them in that.

Deputy Alan Dillon: Today I am rallying support for a really important project in Castlebar concerning the Order of Malta. It has given stalwart support to our community for the past 80 years. It has applied for €500,000 under the 2023 town and village renewal scheme, which is required to rebuild its new headquarters. It is a project that stands with Mayo County Council and has been submitted to the Department of Rural and Community Development for consideration. Its current headquarters is on the brink of collapse. Securing this funding would be crucial to ensuring the security of its mission of saving lives, touching lives and changing lives. A new headquarters for the Order of Malta would enable more events, improve training and uphold the highest standards guaranteeing that ambulance and critical equipment are accessible even during peak times. While the final say for these funds lies with the Minister, Deputy Humphreys, will the Taoiseach lend his support to this cause? This renewal represents more than just a simple project. It is essential to the health and safety of Castlebar.

The Taoiseach: I really admire the work that the Order of Malta does around the country. I know it has a particular presence in Castlebar. The application would be a matter for the Minister, Deputy Humphreys, and her officials to assess but I can mention it to her and I will do so.

Deputy Michael McNamara: Earlier we discussed the climate emergency and the need to improve biodiversity, the environment etc. Forestry has been posited by the Taoiseach's Department as a major plank of Government policy, yet up to two weeks ago, only 27 afforestation licences have been granted for the year to date. That is a historic low for the State. Ash dieback is a huge problem. Many owners of plantations which suffer from ash dieback say that people should not believe what the Government says and people should not plant their land because if there is a problem, people will find themselves on their own.

Ministers are saying the problem is interaction with the European Union. That is a mantra that the weakest of Tory Ministers put forward in defence of their failures domestically. Can the Taoiseach think of any area where the gulf between what is promised and what is delivered is so large as in our forestry sector, both in terms of coming up with afforestation permits, licensing the plantation of lands, which we say we need, and allowing owners of dead plantations to cut them down and replant them and to provide some sort of financial support for them in that regard?

The Taoiseach: I agree there is a gap there and we need to give foresters and potential foresters the confidence they need to plan the trees we want them to plant. We are all aware of the problems that have occurred in recent years. Some €10 million has been provided to owners of ash plantations affected by ash dieback. More recently, there has been a new reconstitution and underplanting scheme, RUS, was introduced in 2020. As of 4 October, the native tree area scheme is open for applications. It will allow farmers to plant up to 1 ha of native woodland without the need for a licence or up to 2 ha if they have a suitable watercourse. Farmers will be paid €2,000 per hectare tax free each year for ten years under the scheme. It is a great scheme. You do not need a licence, you just plant a hectare of native forest and get €2,000 a year for ten years. I encourage all farmers to take that up and plant a small part of their land.

Ceisteanna - Questions

Cabinet Committees

1. **Deputy Bernard J. Durkan** asked the Taoiseach when the Cabinet committee on housing will next meet. [45328/23]

2. **Deputy Alan Dillon** asked the Taoiseach when the Cabinet committee on housing will meet next. [46344/23]

3. **Deputy Peadar Tóibín** asked the Taoiseach when the Cabinet committee on housing will next meet. [46371/23]

4. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet committee on housing will next meet. [46435/23]

5. **Deputy Paul Murphy** asked the Taoiseach when the Cabinet committee on housing will next meet. [46437/23]

6. **Deputy Mick Barry** asked the Taoiseach when the Cabinet committee on housing will next meet. [46495/23]

7. **Deputy Pádraig O'Sullivan** asked the Taoiseach when the Cabinet committee on housing will next meet. [47660/23]

8. **Deputy Paul McAuliffe** asked the Taoiseach when the Cabinet committee on housing will next meet. [47661/23]

9. **Deputy Jennifer Murnane O'Connor** asked the Taoiseach when the Cabinet committee on housing will next meet. [47662/23]

10. **Deputy Mick Barry** asked the Taoiseach when the Cabinet committee on housing will next meet. [47664/23]

11. **Deputy Cian O'Callaghan** asked the Taoiseach when the Cabinet committee on housing will next meet. [47752/23]

12. **Deputy Rose Conway-Walsh** asked the Taoiseach when the Cabinet committee on housing will meet next. [48503/23]

The Taoiseach: I propose to take Questions Nos. 1 to 12, inclusive, together.

The next meeting of the Cabinet committee on housing will take place on 27 November. The committee works to ensure a co-ordinated approach to the implementation of Housing for All and programme for Government commitments regarding housing and related matters. Housing for All is now in its third year of implementation. Next week, the Government will publish the second annual update of actions under the plan. In undertaking this review, we have committed focus on prioritising measures to speed up home building and sustain the momentum evident across many indicators, including new home commencements and completions. Despite considerable challenges in the external environment, building has started on almost 30,000 new homes in the past 12 months. In the first nine months of this year, 22,000 homes were completed, an increase of 8% on same period in 2022. We are now very confident that the target of building 29,000 new homes this year will be exceeded. The pipeline is also positive, with planning permission granted for in excess of 20,000 new homes in the first six months of this year alone.

Budget 2024 reaffirmed our commitment to increasing housing supply, with a record capital funding allocation of €5 billion for housing in 2024. We will continue to support affordable purchase initiatives introduced under the plan, including the first home scheme, the local authority home loan, local authority affordable purchase scheme and Project Tosaigh. We have also extended the help-to-buy scheme to the end of 2025. We are seeing large numbers of first-time buyers entering the market, with more than 30,000 first-time buyer mortgages approved in the past 12 months. That is well over 500 per week.

Under Housing for All, the Government is committed to improving the rental market by providing greater security, affordability and viability to both tenants and landlords into the future. The rent tax credit, which benefits 300,000 renters, will be increased from €500 to €750 next year. That is €1,500 for a couple and €2,250 for three taxpayers sharing.

Budget 2024 also introduced significant changes to the tax treatment of landlords to encourage them to stay in the rental market. Government has responded to the financial viability problems in the residential construction sector as a result of high inflation and rising interest rates. The Croí Cónaithe cities scheme is assisting the building of apartments for sale to owner-occupiers and the new secure

tenancy affordable rental, STAR, scheme will aid developers to build more than 4,000 cost-rental homes. We are also continuing to reduce vacancy through the significant grants available under the Croí Cónaithe towns fund.

As well as these schemes, a major emphasis for the coming year will be on reform of our planning system through the new planning and development Bill and the improvement of the long-term sustainability of the sector, including through the adoption of modern methods of

construction. We will also focus on enhancing construction sector capacity through increased apprenticeships and implementation of the action plan to promote careers in construction.

Housing for All is working in terms of the number of homes available but also in terms of reforming and renewing the housing system in our country.

Deputy Alan Dillon: I acknowledge the announcement of the recent approval of social housing developments in County Mayo, with 33 units to be constructed on Turlough Road and a further 75 units proposed for Snugboro in Castlebar. These initiatives will undoubtedly contribute to alleviating the social housing shortages in the area. The pipeline in the years ahead also looks positive. However, the absence of affordable housing units within the projects stands out as a missed opportunity for many aspiring homeowners in our community. Despite previous discussions with the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, and the Minister of State, Deputy O'Donnell, to set forth a realistic goal of introducing 100 affordable houses in Mayo, it appears we are yet to see significant progress in that area. Balance is crucial, especially for a generation of young people who are encountering unprecedented barriers to securing their own homes. I ask that we consider setting affordable housing targets within each local authority, given the availability of government funding for such schemes and the distinct variability of housing costs among many local authorities. I also ask the Taoiseach to provide an update on work that is being put forward to the Government in this regard.

Deputy Peadar Tóibín: I wish to raise vacancy, which is probably the biggest sin of this Government in respect of the housing crisis. The Taoiseach has been asked why it takes an average of eight months for a public local authority to flip and re-let a vacant home while it takes three weeks for the private sector to do the same. That speaks to the enormous level of waste, bureaucracy and red tape that exists in the Government's approach to housing. Another such example is the vacant property refurbishment grant. In its first iteration, the Minister, Deputy Darragh O'Brien, made the criteria so tight that to apply, one needed almost to be a homeless homeowner. It took a year for the Government to cop on that the criteria were not working. In its current iteration, 1,389 applications for the grant have been received since July with only 16 being paid. The Government keeps producing these grants and schemes, etc., but is making them so ridiculously bureaucratic that it is nearly impossible for people to draw them down and as a result, the Government is making no real dent in the level of homelessness in the country. What is the Government going to do to make it practical for people to be able to draw down these grants and get homes for themselves?

Deputy Richard Boyd Barrett: A point I have made to the Taoiseach many times is that for people who are working and whose income exceeds the social housing threshold, the only available option is a cost-rental home. However, the delivery of cost-rental homes is very small at the moment and, therefore, people who find themselves in housing difficulty and who are working and over the thresholds, or in quite a few cases people who find themselves homeless, have no options available to them. They do not get the housing assistance payment, HAP, or any rent support. They are not eligible for any social housing that comes onstream. They could be waiting years before cost rental will be available and even when it is, allocation is carried out on a lottery basis so there is no guarantee. I ask the Taoiseach to come up with some assistance for people in that situation. A lottery system is okay when cost-rental homes or affordable housing are available. It is fair at one level. However, some proportion of cost-rental and affordable housing should be prioritised for people who are actually homeless or in very difficult housing situations and threatened with homelessness and where there are children in homeless

accommodation.

An Cathaoirleach Gníomhach (Deputy Cormac Devlin): The Deputy is eating into other people's time. I call Deputy Paul Murphy.

Deputy Paul Murphy: It is more than 15 months since the Government received the working group report on building defects in apartments and duplexes. It revealed the scale of the crisis that up to 100,000 families are facing. They are facing serious fire defects and other defects with an average remediation cost of €25,000. The responsibility for this crisis lies with Fianna Fáil and Fine Gael and the regime of self-certification for which they are responsible. At the time, the Minister, Deputy O'Brien, responded to the report, promising action and 100% redress. Those were very fine words. However, that is all we have had. More than a year on, there has been no emergency funding and no movement on the scheme. Two budgets have passed and almost no money has been provided for redress. For mica in apartments and duplexes, the Government has committed to providing more than €5 billion but no money was provided in the budget. We now hear that the legislation may not be passed by the time the Government is done and turfed out. Will the Taoiseach give a commitment that this is going to happen within the term of this Government, that it will be legislated for and implemented, and that the money will be paid out?

Deputy Mick Barry: I have an urgent issue to raise concerning a hunger strike. Asylum seekers currently accommodated at the Kilbride Army camp on the Dublin-Wicklow border will march to Government offices tomorrow to seek a meeting with the Minister for Children, Equality, Disability, Integration and Youth, Deputy O'Gorman. I ask the Taoiseach to request the Minister to meet with these men's representatives.

I have been informed by my colleague, Councillor Kieran Mahon, that approximately 20 of the 123 men at the camp, which is operated by a private operator, have been on hunger strike for nine days. This is a serious situation that requires urgent attention. The main grievance of these men is that they are living in a place that is totally isolated. It is 10 km away from the nearest bus route. The physical isolation is giving rise to increased stress, anxiety and mental health pressures. They need to be transferred to another facility before the bitter cold of winter is on them. Will the Taoiseach please treat this as an urgent case and urge the Minister to meet with the men and their representatives tomorrow?

Deputy Pádraig O'Sullivan: I join the Taoiseach in acknowledging the progress that has been made under Housing for All. That is lost in here sometimes. We are making progress and we are likely to exceed our targets again this year, which is to be welcomed. However, I want to raise the issue of wastewater. It really irks me, at a time so many other variables are beyond our control and the control of builders, such as escalating costs and so on, that the prioritising by Irish Water of wastewater treatment units in certain areas leaves a lot to be desired. I give the example of the villages of Carrignavar, Whitechurch and Glenville on the outskirts of Cork city to the north, where the lack of wastewater treatment units is prohibiting any future expansion, whether in terms of homes or, in the case of Carrignavar, restricting the intake students in local schools. I ask that the Government would prioritise wastewater treatment plants in those areas that need them most.

Deputy Jennifer Murnane O'Connor: I too want to welcome the progress being made on housing, including in my own area of Carlow. I welcome the improvements, although I know we have a lot more to do. There are still many challenges.

In 2021, I introduced the Housing (Housing Assistance Payment Waiting Times) (Miscellaneous Provisions) (Amendment) Bill. I am very disappointed that I am still waiting for it to be put on the system. Can the Taoiseach do anything for me in that regard? The purpose of the Bill is to set out a new statutory deadline for the processing of HAP applications and social housing assistance applications. When people apply to local authorities, through no fault of their own, they are waiting for months. I am asking for a three-week deadline to be introduced as soon as possible. Furthermore, all local authorities should go back to the old way of processing applications. Before Covid, everyone was interviewed in one-on-one. Some local authorities are still interviewing people by phone but I do not agree with that.

I welcome the fact that Carlow County Council has received approval for a homeless prevention officer post. The only thing awaited now is the appointment of a homeless officer. I ask the Taoiseach to talk to the Minister for Housing, Heritage and Local Government and do what he can in this regard.

Deputy Cian O'Callaghan: I raised with the Taoiseach previously the need to regulate management companies effectively. As apartments from the Celtic tiger era reach 20 years of age, management sinking funds will be needed increasingly to repair roof leaks, replace lifts and so on. When sinking funds are insufficient, repairs will not be take place or owners will be levied sums that they simply cannot afford. Failure to regulate management companies properly combined with sinking funds being used to fund building defects means that in the next few years this crisis is going to come to a head.

The commitment in the programme for Government to review the Multi-Unit Developments Act 2011 has not been progressed and while the Housing Agency drafted regulations on sinking funds and service charges last February, the Department of Justice has failed to publish these. I ask the Taoiseach to provide an update, as I have requested previously, on when the draft regulations will be published, when the commitment in the programme for Government to review the Multi-Unit Developments Act be implemented and when a regulator for management companies, with robust enforcement powers, will be established.

Deputy Rose Conway-Walsh: We were told that the transition to the new pyrite/mica scheme would be seamless. Eight home owners in Mayo are still in phase one and have fully completed remediation works. They were told that they would not be penalised for getting in early but now, four months later, they are still waiting. The shortfalls in the scheme are staggering because of construction inflation. People are being refused due to the damage threshold and the accommodation shortage is atrocious, with extortionate rents being sought. I ask the Taoiseach to ask the Minister for Housing, Heritage and Local Government to consider the use of modular housing for those people who cannot move out of their homes to get the work done. On top of that, there is no feedback from the Sustainable Energy Authority of Ireland, SEAI. On accommodation, what we are finding is that families are being asked to move to other counties because there is no accommodation in Mayo that they can afford. I ask the Taoiseach to raise this with the Minister and to instruct him to get in touch with Mayo County Council directly to address these issues.

Deputy Ruairí Ó Murchú: We have to review how we deal with wastewater. I spoke earlier about Dundalk and the fact that in most of the town, we have combined wastewater systems that deal with both storm water and sewage. We have infrastructure and a pumping station system that simply do not have the capacity to deal with current rainfall and flooding. We do not have the capacity to deal with the houses and factories that we have today, not to mention the

capacity to deal with more factories or housing estates that need to be built. This is something that needs to be dealt with.

In terms of dealing with emergencies like the floods we had in north County Louth recently, we need to look at protocols and ways for local authorities to form central hubs. From time to time, they may need to bring in added resources from State agencies and central government.

The Taoiseach: I thank Deputies for their contributions. I join Deputy Dillon in welcoming the approval of more than 100 new social houses in Mayo. We are seeing very good numbers now in new social housing provision. We will probably build more new social housing this year than any year since the 1970s. It looks like the 2020s will be a record decade in terms of public housing provision in the history of the State. I agree with the Deputy that there needs to be a greater focus going forward on affordable purchase provision and cost rental so that more people have more opportunities to buy their own home.

Deputy Tóibín raised the issue of vacancy. There is always going to be a proportion of homes that are vacant for one reason or another. When it comes to public or council housing, the vacancy rate is approximately 2% and a lot of those units are designated for demolition, refurbishment or re-letting.

Deputy Peadar Tóibín: Why does it take eight months when it takes three months in the private sector?

The Taoiseach: When it comes to Croí Cónaithe, that is going very well, with approximately 4,000 applications submitted. We will review the process. It is still a new grant. We want to make it as simple as possible so people can draw down the money as quickly as possible but we need safeguards as well because ultimately, this is taxpayers' money. There will always be issues and we have to make sure that we have checks and balances.

Deputy Boyd Barrett again mentioned the issue of the social housing income thresholds. They have been increased, as Deputies will be aware, and they are under regular review. I believe they will be increased again, taking into account increased incomes and house prices. When it comes to cost rental, the system at the moment is a lottery system, which is fair, or at least equally unfair to everyone, depending on one's view of these things. We do not have any plans at the moment for a system of prioritisation but it cannot be ruled out in the future.

Deputy Paul Murphy raised the issue of defective apartments and duplexes. Since Government approval in January, the Minister for Housing, Heritage and Local Government has been working to progress the various programmes of work required to place the scheme on a statutory footing. This includes the remediation of fire safety, structural safety and water ingress defects in purpose-built apartment buildings and duplexes constructed between 1991 and 2013. It is expected that draft legislation will be published in 2024 and, hopefully, enacted by the Houses in early course. Subject to the legislation being enacted, a statutory scheme will be in place shortly thereafter. The Minister is working on this as a matter of priority.

Deputy Barry raised the issue of some people seeking international protection who are on hunger strike. I will certainly make the Minister for Children, Equality, Disability, Integration, and Youth, Deputy O'Gorman, aware of the situation, although I imagine he is already aware of it.

Deputies Pádraig O'Sullivan and Ó Murchu raised the issue of wastewater. It is absolutely

the case, unfortunately, that wastewater is a constraint on new housing development in large parts of the country. Irish Water has a budget of more than €1 billion per year and there is a pipeline of projects that it is getting through. It will never be possible to do them all at the same time or even as quickly as we would like but Irish Water is ramping that up. There is a specific scheme for rural towns and villages and the Minister for Housing, Heritage and Local Government is going to make an announcement on that before the end of the year.

Deputy Murnane O'Connor raised her legislation on HAP applications and people having to wait a long time for their application to be considered. I am not sure that three weeks is achievable but I absolutely agree that people are waiting too long and we need a better standard of service. I will certainly bring it to the attention of the Minister, Deputy O'Brien. I recognise the Deputy's call for a homeless officer to be assigned to County Carlow.

Deputy Cian O'Callaghan asked about the regulation of management companies. That is being examined in the context of the review of the Multi-Unit Developments Act and some regulations that have yet to be published. I do not have the timelines on that but I will come back to the Deputy by means of correspondence.

As regards Deputy Conway-Walsh's suggestion of using modular housing where people are waiting for their home to be rebuilt or repaired, I will bring that to the attention of the Minister, Deputy O'Brien.

International Relations

13. **Deputy Bernard J. Durkan** asked the Taoiseach the extent to which he continues to have discussions with leaders throughout Europe and elsewhere in regard to the ongoing crisis, and potential crises, in the Middle East. [46709/23]

14. **Deputy Seán Haughey** asked the Taoiseach if he will report on his participation in the extraordinary European Council meeting on 17 October 2023. [46717/23]

15. **Deputy Mick Barry** asked the Taoiseach if he will report on his participation in the extraordinary European Council meeting on 17 October 2023. [47665/23]

16. **Deputy Mick Barry** asked the Taoiseach to report on any meetings or communication he has with the Israeli Government. [48577/23]

17. **Deputy Seán Haughey** asked the Taoiseach if he will report on his participation in the European Council meeting on 26 and 27 October. [47699/23]

The Taoiseach: I propose to take Questions Nos. 13 to 17, inclusive, together.

I took part in an extraordinary meeting of EU leaders by video-conference on 17 October, convened by President Michel following Hamas' attack on Israel on 7 October.

At the meeting, we reaffirmed our statement of 15 October: condemning Hamas for its brutal and indiscriminate attack; acknowledging Israel's right to defend itself, while reiterating the importance of ensuring the protection of civilians at all times in line with international humanitarian law; calling on Hamas to release all hostages without precondition; and expressing our commitment to a lasting and sustainable peace based on a two-state solution.

At the meeting, I called for a humanitarian pause to hostilities to enable the delivery of humanitarian assistance to the people of Gaza and to facilitate EU citizens who wish to leave to do so safely.

The situation in the Middle East was also discussed at the meeting of the European Council in Brussels on 26 and 27 October.

Reaffirming our statement of 15 October, leaders also expressed our grave concern at the deteriorating situation in Gaza and called for continued, rapid, safe and unhindered humanitarian access though all necessary measures, including humanitarian corridors and pauses. We reviewed the state of play and different strands of EU action, including efforts to assist EU citizens caught up in the conflict. We also stressed the need to avoid escalation in the region and the importance of engaging with partners in this regard, including the Palestinian Authority.

Leaders also emphasised the need to redouble efforts on restarting the peace process based on a two-state solution and welcomed diplomatic initiatives and the holding of an international peace conference.

I welcome the UN General Assembly resolution adopted on 27 October, for which Ireland voted, calling on all parties to respect international humanitarian law in all circumstances, to ensure urgent unimpeded access for humanitarian assistance in Gaza, and calling for de-escalation.

The Government will continue to work with EU and international partners to seek to bring about an early ceasefire so that essential supplies can reach people in Gaza and so that Irish citizens who wish to leave can do so safely.

At the European Council meeting on 26 and 27 October, we reiterated our unwavering solidarity with Ukraine and its people in the face of Russian aggression.

EU and member state assistance made available to Ukraine is now more than €82 billion.

Leaders welcomed the extension of the temporary protection for displaced persons from Ukraine until March 2025 and expressed their full commitment to Ukraine's recovery and its reconstruction.

In addition, we held in-depth discussions on the proposed review of the European Union's multi-annual financial framework or budget; participated in a Euro summit; held a strategic discussion on migration; and considered important external relations issues, including COP 28, the normalisation of Kosovo-Serbia relations, efforts to advance a lasting peace between Armenia and Azerbaijan and the situation in the Sahel.

Deputy Seán Haughey: What is happening now in Gaza following the brutal attacks by Hamas a month ago is truly shocking. Daily Israeli bombardments have resulted in the deaths of thousands of civilians, including many children, which is clearly a breach of international law. It is a humanitarian catastrophe and we must do everything possible to bring it to an end. The European Council struggled to agree a compromise wording on the situation. Ireland was right to look for a ceasefire but the final statement included a call for a humanitarian pause. There is now talk internationally of humanitarian pauses and corridors and we need to push strongly for this. We need to get vital aid and supplies into Gaza.

I refer to the Spanish proposal at the summit for an international peace conference to be

established within six months. In my view, the international community has neglected its responsibility to bring about a just and lasting two-state solution in the region. It has tolerated, normalised and managed the *status quo* for far too long. Needless to say, any final solution would have to be acceptable to both sides. Is the Council's call for a peace conference something Ireland will actively promote?

The war in Ukraine is becoming more protracted. As we enter another winter, Russian air strikes are hitting Ukraine's critical energy infrastructure. EU leaders rightly pledged to continue to provide strong financial, economic, humanitarian, military and diplomatic support to Ukraine and its people for as long as it lasts. This is despite the contrary view put forward by the populist Prime Ministers of Hungary and Slovakia.

In this context, I welcome the announcement by the European Commission today regarding the opening of formal membership talks with Ukraine. Is the Taoiseach hopeful the December European Council meeting will sign off on this recommendation by the Commission in respect of Ukraine's application to join the EU?

An Cathaoirleach Gníomhach Deputy Cormac Devlin: I call Deputy Barry, who has two questions in this grouping.

Deputy Mick Barry: I will fit them into one minute.

An Cathaoirleach Gníomhach Deputy Cormac Devlin: That is very positive.

Deputy Mick Barry: Reports are emerging from Gaza of medics having to perform amputations of limbs without anaesthetic. Yesterday, the Taoiseach disagreed with my proposal that the Israeli ambassador be expelled. That is not an issue that will go away. It will come up again and again as this situation worsens. I will leave it aside for today, however. In his response to me yesterday, the Taoiseach failed to say what alternative action or actions he might intend to take. We have heard a lot of words in the past days and weeks but, surely, given what we are all seeing on our screens every night, it is clear the time has come not just for words, but for actions. What alternative actions does the Taoiseach propose to take to send a clear message and put pressure on the Israeli state at this time?

Deputy Richard Boyd Barrett: The Taoiseach has indicated there may be war crimes being committed by Israel in Gaza. Most people have no doubt they are being committed because they are happening right in front of us and, critically, Israel is not hiding it. Leading ministers and military personnel have publicly declared their intention to commit war crimes - to starve the entire population of water, food, gas and electricity. That is a war crime and they have said it. They have described Palestinians as human animals and said there will only be destruction and that they are all responsible. They have declared their intention to target the entire population and then they have committed those war crimes. There is no doubt.

The point is that if we were in any way facilitating the commission of those war crimes, we would also be liable for war crimes. Is the Taoiseach ensuring Shannon Airport is not being used to transport weapons to Israel to commit war crimes? We should remember that in 2006, in the context of a previous Israeli murderous assault on Gaza - of course, the history of this did not begin on 7 October, although some people want to pretend it did - munitions were being transported through Shannon to Israel and the Government of the day, under pressure from protests, made a decision that should end. Are we checking the airplanes going through Shannon to ensure there are no weapons being transported to Israel? As we also know, the United States

Government, including officers who were involved in the US massacres in Fallujah in Iraq, is giving military advice to Israel on how to conduct the attack on Gaza. How shocking is that? Can we also be sure no weapons or military assistance from the United States is going through Shannon Airport to assist Israel at a time when it is committing war crimes in Gaza?

Deputy Paul Murphy: Yesterday, the Taoiseach spoke about the need for the International Criminal Court, ICC, to have a proper investigation into the alleged war crimes which we think are very clearly, openly and brazenly being committed by Israel in Gaza. I asked the Taoiseach about it earlier in Leaders' Questions. I suggested that the Government should use the power that it has under Article 14 of the Rome Statute to make a referral to the ICC so that an investigation will immediately take place. The Taoiseach suggested there is no need for that and that he will look into it. I have looked into it further and I will explain to the Taoiseach what the benefit of the State making an Article 14 referral is. I will do so in the words of the former Minister for Foreign Affairs, Deputy Coveney. He said the benefit of an Article 14 State Referral is that it enables the prosecutor to "immediately begin his investigation into alleged crimes currently unfolding there and will promote justice and accountability...". The former Minister for foreign Affairs, Deputy Coveney, was speaking after the Irish State made a referral under Article 14 of the Rome Statute on what is happening in terms of Russia's invasion of Ukraine. The Irish State did this recently so that there could be an immediate investigation. Will the Irish State and the Government do the same in terms of what Israel is doing in Gaza? Will the Irish State make a referral under Article 14 so that there can immediately be an investigation of the war crimes being committed?

Deputy Peadar Tóibín: The Tánaiste stated that allowing the Israeli ambassador to remain in Ireland allows Ireland to become an interlocutor for peace in this shocking conflict. Ireland is a small country but we are seen as an honest broker internationally. We can show leadership in terms of peace because we have massive experience in conflict resolution. What evidence is there that the Government has made any material effort at all to provide this country as an interlocutor, mediator and facilitator of peace in the Israeli-Palestinian war? I ask the Taoiseach to be specific and not to be general. Has the Irish Government made any offer at all internationally to be a facilitator in relation to peace?

The Taoiseach mentioned the European Union. The leaders of the EU-27 have called for an international peace conference, but despite the mounting death tolls, European Union dithering has meant there is still no detail, location or timescale in relation to the process of an international peace conference. I actually think that exclusively pooling our foreign policy with the EU is a mistake. The EU is at sixes and sevens. It is useless right now in terms of this conflict. What specific actions have been taken by this Government to offer our internationally understood experience to this conflict to see if we can possibly bring the international peace conference to Ireland or if we can offer to become a facilitator in some way?

Deputy Ruairí Ó Murchú: The Taoiseach has said himself that what we are seeing in Gaza from Israel is more revenge than it is any element of defence. We have seen an absolute abject failure from a security point of view from Israel in what they dreadfully term "mowing the grass". There has been much in the public domain in the sense of Benjamin Netanyahu at times having seen Hamas as an asset in dealing with a split Palestinian leadership and facilitating what has happened in the West Bank and what has made it nearly impossible to deliver the two-state solution. What interventions does the Irish Government propose to take with whatever international friends we have from a point of view of calling out what is genocide and ethnic cleansing, and some form of intervention that can bring us or at least produce some roadmap to

justice and self-determination for the Palestinian people? That is the only thing that can secure even Israeli security.

The Taoiseach: I thank the Deputies for their contributions. I thank Deputy Haughey, in particular, for his remarks, and concur with the general spirit of them. The proposal for a peace conference was an issue made by President Sánchez of Spain, but has now been adopted as a European objective. Ireland will support and assist that in any way we can. That offer to do so has been made openly.

In relation to Ukraine, I am hopeful that at our December meeting we will be able to agree to open discussions on accession both with Ukraine and Moldova.

Deputies Barry and Ó Murchú asked about actions and interventions. The actions and interventions that we are taking at the moment are both practical and political. They are practical in terms of the humanitarian aid being provided the UN in Gaza in particular, and also in the efforts we are making to seek safe passage for people and our citizens who are held in Gaza and want to leave. We are also using our voice and influence at the EU and UN, with the US and also with middle-eastern countries.

Deputy Mick Barry: That is not action.

The Taoiseach: I think we have sent a very clear message in this regard and will continue to do so. Whether that message is heard or not, of course, is not something under our control.

We do not have any evidence that Shannon Airport is being used to transport weapons to Israel, and we have a system for approving and refusing the transport of weapons.

In terms of the matter that Deputy Murphy-----

Deputy Richard Boyd Barrett: No searches.

The Taoiseach: -----has raised, he has had a chance to look at things. I have been in the Chamber so the answer that I gave him is the same because I have not left the Chamber in the last couple of hours, but I will get advice on the matter. It may be the case that a referral has already been made and that an investigation is already under way. I honestly do not know and will have to check up on those things.

In response to Deputy Tóibín, the fact that there is no evidence of progress yet does not mean that you give up.

Deputy Peadar Tóibín: My question was about effort by the Government.

The Taoiseach: At some point there will have to be peace talks.

Deputy Peadar Tóibín: I asked about the effort by the Government to act as interlocutor.

The Taoiseach: In relation to a peace intervention specifically, the truth is that there is no appetite for that at the moment-----

Deputy Peadar Tóibín: Has there been any effort?

The Taoiseach: -----from the protagonists, but I think that has to come at some point.

Deputy Peadar Tóibín: No effort.

Deputy Richard Boyd Barrett: There has never been any appetite by Israel - ever.

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Written Answers are published on the Oireachtas website.

Post-European Council Meeting: Statements

The Taoiseach: I attended a meeting of the European Council on 26 and 27 October in Brussels. The agenda covered the Middle East, Ukraine and other external matters, as well as economic issues and migration. A Euro summit also took place. In his contribution later, the Minister of State, Deputy Burke, will provide further detail on migration, as well as some of the external relations issues discussed. These included the Sahel, Serbia and Kosovo, Armenia and Azerbaijan, preparations for COP28, and damage to critical infrastructure in the Baltic Sea. I will deal with all other issues.

Our meeting took place against a deteriorating situation in Gaza, as Israel intensified its response to Hamas's terrorist attack of 7 October. As the House will be all too aware, it has become significantly worse in the period since. We had a long and at times difficult discussion given the very different perspectives and views around the table. We managed to reach agreement on a set of conclusions in which we reaffirmed our statement of 15 October. We condemned Hamas for its brutal and indiscriminate attack, acknowledged Israel's right to defend herself in line with international humanitarian law, called on Hamas to release all hostages without precondition and expressed our continuing commitment to a lasting and sustainable peace based on a two-state solution. We reviewed the ongoing work to safeguard civilians and bring about an end to this conflict, including our efforts to assist EU citizens in the region. We expressed our grave concern at the deepening humanitarian crisis in Gaza, calling for continued, rapid, safe and unhindered humanitarian access and aid, including through humanitarian corridors and pauses for humanitarian needs.

As is becoming increasingly common in conflict situations, along with conflict on the ground there is a parallel war of words and opinions online. Accurate information can be hard to get. Recognising this, the European Council noted the importance of combatting the dissemination of disinformation and illegal content. While it was possible for the 27 member states to align themselves around important issues of principle in the conclusions, given the diversity of opinion, EU member states voted differently when it came to the adoption of a resolution by the General Assembly of the United Nations later, on 27 October, calling for a humanitarian truce. Ireland voted in favour of the resolution alongside Belgium, France, Luxembourg, Malta, Portugal, Slovenia and Spain, as did other like-minded European countries, including Switzerland, Norway, Andorra, Liechtenstein and Montenegro. Most other EU member states abstained, with Austria, Czechia, Hungary and Croatia voting against. We will continue to engage with international partners, both within the EU and beyond, to seek to bring an end to the conflict and to bring humanitarian relief to the people in Gaza whose profound suffering we are witnessing daily.

I utterly condemn Hamas for its brutal and provocative terrorist attack. The description of what it perpetrated against innocent civilians at a music festival, on a kibbutz and in their homes in the early morning is almost beyond imagining. It was a pogrom. I stand in complete sympathy with those who lost family members, those who suffered horrible injuries and those who

do not, even now, know the fate of their loved ones. We remember Kim Damti whose mother is from County Laois and I have Emily Hand and her family very much in my thoughts also. Hamas should immediately release all hostages without precondition.

I have been equally clear that Israel's response must be in line with international humanitarian law. That means a proportionate approach and all steps must be taken to protect civilians. The scale of death, injury and destruction in Gaza is horrifying. The large number of children who have been killed or who have witnessed the death of parents and other family members or seen the destruction of their family homes is particularly disturbing. This is trauma they will carry with them for the rest of their lives and it will not make Israel more secure in the long term. I was especially horrified at the high number of civilian casualties following Israel's bombing of the Jabalia refugee camp. I extend my condolences to the family and friends of the heroic UN and other aid workers who have been killed as they have sought to help the people in Gaza and to those of journalists who have lost their lives working to bring the situation to world attention.

Ultimately, there can be no solution to situations of conflict without dialogue and diplomacy and no solution other than a just and lasting peace. It is therefore important that diplomatic channels are kept open, including engaging with Israel through its embassy in Dublin and through our embassy in Tel Aviv. Such channels are important in normal times but they are especially so at times of conflict and tension, not least as we continue our efforts to enable all Irish citizens in Gaza to leave safely should they wish to do so.

Ireland will continue to engage with international partners, especially in the region, to avoid escalation and to bring hostilities to an end. We have already seen a concerning increase in violence and deaths in the West Bank, including increased incidents of settler violence and displacement of Palestinian communities. We have seen a disturbing rise in anti-Semitism and Islamophobia around the world, as well as terrorist attacks in Belgium and France. We have seen increased tension between northern Israel and southern Lebanon in areas where Irish members of the Defence Forces are serving with the United Nations Interim Force in Lebanon, UNIFIL. We must all continue to work for peace and to call for political leadership on all sides to make it possible.

While the situation in Palestine is naturally demanding global attention, Russia is continuing to prosecute its war of imperialist aggression against the people of Ukraine. There too civilians are suffering as cities, towns and villages, as well as civilian infrastructure, are deliberately targeted. The situation in Ukraine must continue to have our attention. Have no doubt, Russia will seek to gain whatever advantage it can if it thinks we are distracted by events elsewhere. This point was highlighted in our discussion of Ukraine and we reaffirmed our unwavering solidarity with Ukraine and our commitment to its independence, sovereignty and territorial integrity. We will continue to assist Ukraine for as long as it takes and until victory.

Leaders considered a range of topics, including continuing to provide sustainable assistance to Ukraine through the European Peace Facility and the EU military assistance mission, as well as bilateral assistance. We also agreed that in the longer term, the EU will contribute to security guarantees for Ukraine to help it defend itself, resist destabilisation efforts and deter acts of aggression in the future. The Council has invited High Representative Borrell to consult with Ukraine on this and to report back to the European Council meeting in December.

Ukraine faces another difficult winter. Leaders agreed to intensify provision of humanitari-

an and civil protection assistance. Such assistance will include power generators, transformers, mobile heating stations and high-voltage lighting equipment to support the Ukrainian people in the months ahead. To date, Ireland has provided more than €210 million in assistance to the Ukrainian people. This has comprised more than €90 million in stabilisation and humanitarian aid and €122 million in non-lethal military assistance under the European Peace Facility. Ireland's assistance to Ukraine is directed exclusively towards non-lethal aid and this policy will be maintained into the future. We will also continue to intensify diplomatic outreach efforts to ensure the widest possible international support for a comprehensive, just and lasting peace. Ireland firmly endorses President Zelenskyy's peace formula. It is up to Ukraine to determine the terms, conditions and timelines for any peace engagement.

While peace is the priority, once it is achieved, our work will not be done. Ukraine must be rebuilt and Russia held to account. Ukraine's future, like that of its neighbours in Moldova and Georgia, is in the European Union. I look forward to reading the report of the European Commission on the steps Ukraine has taken to prepare for membership, which we will consider at the meeting of the European Council before Christmas. I hope it will prove possible for accession negotiations to start by the end of the year.

The October European Council held a political discussion on the proposed revision of the EU's long-term budget, the multi-annual financial framework, MFF, which runs from 2021 to 2027. Exchanges were informed by a stocktaking document prepared by the Spanish Presidency summarising the progress made to date. While most members share the goal to reach an agreement as soon as possible, not all share the same political priorities and there are diverging views on the financing options. The mid-term revision proposed by the Commission in June was based on an overall amount of close to €100 billion, of which two thirds would be new contributions from member states and one third would correspond to new loans to Ukraine guaranteed by the EU. There is broad agreement on providing for sustainable multi-annual funding to Ukraine of €50 billion, comprising €33 billion in loans and €17 billion in grants. Ireland is strongly in favour of reaching agreement on a multi-annual funding package for Ukraine as soon as possible.

There are diverging views among member states on the other elements of the proposed package, including the extent to which there may be further potential for redeployments from unallocated funds to new priorities. These other elements of the Commission's proposals cover spending on agreed political priorities such as migration and external action, investments in strategic technologies, as well as technical adjustments such as increased interest costs on Next Generation EU borrowings. Leaders invited the Council to continue its work at both technical and political levels, with a view to reaching an overall agreement by the end of the year. Ireland will continue to engage constructively to this end.

Leaders also returned to economic and competitiveness issues more generally, including the Single Market, industrial policy and energy. The European Council underlined the need to accelerate work on developing the EU's competitive edge in digital and clean technologies, securing a sufficient supply of clean and affordable energy, reducing key critical dependencies, diversifying supply chains through strategic partnerships and fostering the transition towards a more circular economy. Important elements include prompt agreement on the critical raw materials Act, the net-zero industry Act and the reform of the electricity market. Ireland continues to highlight in this context the importance of safeguarding the Single Market and the level playing field among the member states on which it is built, as well as improving the framework conditions for investment.

Ireland endorses the goal of a reformed economic governance framework that is simpler and more transparent, with greater national ownership guiding more effective implementation, including through necessary public investments. I therefore welcome the European Council's invitation to ministers to take work forward on the economic governance review, with a view to reaching an agreement by the end of the year. We were briefed in the Euro Summit format by the President of the European Central Bank, Christine Lagarde, and the President of the Eurogroup, the Minister, Deputy Paschal Donohoe. Our exchanges focused on the economic and financial situation in the Union, including co-ordination of fiscal policies, banking union, capital markets union and preparations for the possible introduction of the digital euro.

I will travel to Brussels again in December for the final meeting of the European Council this year. I hope at that meeting that it will be possible to make progress on fundamental questions around the future of the EU, including the mid-term review of the MFF and EU enlargement.

Deputy Matt Carthy: When we were here this day last week the Taoiseach commented that more than 5,000 people were reported to have been killed in Israeli strikes on Gaza.

2 o'clock

That figure now stands at well over 10,000. We should all stop and think about those numbers for a moment. More people have been killed in Gaza in a single week than during the entire conflict in the North of Ireland. Substantially more, in fact, have been killed by Israel over seven days than by all actors to the conflict in Ireland over 30 years. The scale is simply beyond comprehension. Of all those who have been killed by Israel, over 4,000 have been children, over 600 have been elderly and almost 3,000 have been adult women. It continues and the world is allowing it to continue.

Best estimates suggest that there are 2,800 Palestinian civilians currently under rubble, including 1,300 children. I say "estimates" as the precise numbers cannot be determined because Israel continues to drop bombs and because of fuel shortages and communication difficulties resulting from its siege.

Virtually every statement from a western leader on these issues begins with the words, "Israel has a right". We must make it absolutely clear Israel does not have the right to engage in this ferocious, aggressive assault against the civilian population of Gaza. Israel does not have the right to forcibly displace over 1.5 million people. I do not believe this needs to be said but Israel does not have the right to target and bomb hospitals, schools and mosques or destroy refugee camps killing entire families, children, the elderly and people with a disability. No one has that right, not Hamas, not Russia and not Israel. Nor do world leaders have the right to apply double standards. We were all outraged by the attacks on Israeli civilians last month by Hamas. Our calls for a ceasefire includes Hamas and we repeat our demand that all hostages be immediately released. If, however, the outrage and condemnation at the killing of an innocent Israeli child is not matched by equal outrage and condemnation at the killing of an innocent Palestinian child, then the entire basis of international law is cut to shreds. If world leaders stand silent when 90 United Nations Relief and Works Agency, UNRWA, staff, 192 healthcare personnel, 36 civil defence personnel and 40 journalists are killed by Israel, where lies any authority to ever again point the finger at any other hostile, aggressive action on the part of anyone else?

Ireland has called for a ceasefire. This House is united in that demand, and rightly so. We are in a minority of EU states in that regard and shame on those who refuse to back that humani-

tarian call. We are, however, clearly in a majority of humanity. The UN General Assembly has overwhelmingly adopted a resolution calling for a ceasefire and Israel has ignored that call. If anything, Israel has intensified its indiscriminate and illegal actions. The ongoing assaults on the West Bank expose as a lie any notion that this is a war against Hamas. It is an attempt to finally conquer and destroy the Palestinian people.

Israeli forces have now entered Gaza. The Israeli Prime Minister has indicated that Israel intends to occupy Gaza. The natural question that emerges is this: What are we going to do about it? Above all, and this is important and must be said repeatedly, our calls for a full, unconditional ceasefire and for the release of hostages, the delivery of adequate humanitarian and an end to the siege and invasion of Gaza must intensify. If, however, Israel continues to defy the will of the world, there must be a price. The international community must now take action to enforce international law.

From an Irish perspective, all available diplomatic, legislative and political options must be deployed by the Government to force Israel to end the barbaric attacks. The Taoiseach's responses to these requests to date are essentially twofold, first, that other EU states will not support sanctions and, second, that Israel would ignore them anyway. These are arguments, in my view, for taking these actions because if others will not act, then we must. We simply cannot stand by while a country that has engaged in the most prolonged and intensive disregard for international law continues to enjoy preferential trading and preferential economic and diplomatic relationships that should be confined to those states that operate to the highest standards of human rights. If we do not take action, the inference is clear; it is that our outrage at the killing of an Israeli child is not matched by equal outrage at the killing of a Palestinian child. If we allow that inference to continue, rather than being a champion of international law and the UN charter that we all strive to be, Ireland will instead become complicit in making those principles meaningless.

Deputy Brendan Howlin: Clearly, one issue dominated the European Council and, indeed, dominates all our thoughts in this House, in this country and in Europe and beyond. The carnage we are witnessing on a daily basis in Gaza is truly sickening. Our first priority must be to halt the killing, to have a ceasefire. This House united in that regard when the vote was put.

I welcome the efforts of the Taoiseach to build support for a ceasefire within the European Union. Although a position was arrived at among the EU 27 which managed to find agreement, it was not a call for a ceasefire, rather a call for pauses to allow for humanitarian assistance to enter Gaza and hostages to be released.

I understand the deep trauma felt in Israel at the 7 October attack by Hamas. Going door to door killing men, women and children and abducting infants and the elderly revisited the darkest moments of Jewish history but there can be no justification or rationalisation for what the state of Israel has done since. The systematic destruction, block by block, street by street, of one of the most densely populated areas in the world and the mass killing of civilians - children, elderly and women - must surely constitute a crime against humanity. It must stop. All of us with a voice must call for it to stop.

The division among the EU 27 was laid bare, as the Taoiseach stated, at the UN General Assembly vote. Although the resolution introduced by Jordan was supported by 121 countries, with 14 against and 44 abstentions, eight EU member states - Belgium, France, Luxembourg, Portugal, Spain, Slovenia, Malta and Ireland - voted for it but four - Austria, Croatia, Czechia

and Hungary - voted against and the majority, 15 member states, abstained.

There can be no military solution to this conflict. The killing will end, please God, soon. The future must be built on a foundation that will not constantly revisit pain and suffering on generation after generation. It must address the need for a safe and sovereign state of Israel side by side with a free, sovereign and viable state of Palestine.

The world cannot be onlookers. Ireland, small as it is, must be loud in our voice for peace now and we must constitute a building block of states to press with all our might for the only solution that will ensure the future, on in which yet unborn Palestinians and Israelis can grow and prosper without fear.

Hamas must release the terrified hostages that it currently holds, probably underground, including our own citizen, Emily Hand. The bombardment of Gaza must stop and the killing and eviction of Palestinians living in the occupied West Bank must stop. It is almost unnoticed that, as the appalling unfolding tragedy of Gaza is shown on our screens hourly, the systematic eviction of families that have for generations been in the West Bank on land they have owned, forced out both by settlers and the Israeli military, is a shocking additional crime.

We on this island know full well that in Yeats's words:

Too long a sacrifice

Can make a stone of the heart.

We are watching a great horror. We know that in every community, every village and every meeting we go to and every time we look at our emails, the Irish people are begging and demanding that we do something to end this horror.

Deputy Ruairí Ó Murchú: The nightmare for the Palestinian people continues. We know what Gaza is. It is an open prison and has been for many years. We know what the Palestinian people have been dealing with in Gaza. We also know what they have been dealing with lately. We know that no hope is being provided to these people. We know at this point in time there is nowhere to run. We are talking about 2.3 million people, two thirds of whom have been internally displaced. That sounds like a reasonable phrase but the reality is that they have been forced to run. This is without the resources they need. There is no food, there is a lack of water and there is no fuel. The fact is that it is okay because Israel says it always aims to make sure it limits the numbers of civilian casualties because it is very good at sending text messages. Well, none of this is in any way good enough.

It is not okay for us to say we cannot get the powers that be at European Council meetings to move. I accept that some countries for obvious reasons have guilt regarding the nightmare that was the Holocaust for the Jewish people and what went before it but that is not sufficient to give a green light for what is modern-day ethnic cleansing and genocide. It is in no way acceptable. If we cannot get some of our EU partners to move, surely we can work with those that are willing to put their names forward and call out what is happening; that it is ethnic cleansing and genocide.

We also know at this point in time that while the Israelis are doing this, we do not know their final plan is. We hear what is in the public domain and it is frightening. The fact is the European Commission and Ursula von der Leyen and the likes of Joe Biden in particular provided

Israel with the initial green light and cover that allowed for a disgraceful free run so that Israel knew it would have no difficulty doing what it has done in bombing from the air. We now see 10,000 Palestinian deaths. It is beyond contemplation because we thought we understood what the rules were from an Israeli point of view.

This is Benjamin Netanyahu, who sold himself to the Israeli people on the basis that he was the guy who could provide security but who led to the greatest intelligence failure since the Yom Kippur War when Israel did not see Arab armies coming. At that time, Moshe Dayan was forced to resign but there is one thing that can be said about Benjamin Netanyahu. He is an absolute charlatan and chancer even if you remove the political context. He is one of these populist strongmen. He has in no way been called out. Some of his partners in government are racists and supremacists. He has been completely against the two-state solution. He has been willing at times to back Hamas - this is in the public domain - in using it as an asset. He is quite happy that there are two power blocs in Palestine but it is all about ensuring the elimination of the possibility of a two-state solution.

Deputy Gary Gannon: The reports of the last European Council meeting emphasised three points above all else, namely, the condemnation of Hamas in the strongest possible terms, the recognition of Israel's right to defend itself in line with international law and a call on Hamas to immediately release all hostages without no preconditions. These findings taken on their own seem fair. Hamas should be condemned for its brutal attack, it should release all hostages without preconditions and Israel does have a right to defend itself in accordance with international law. However, context is everything. First, it is blatantly obvious that Israel's actions, the atrocities it has committed, are in breach of international law. The blanket bombing of Gaza equates to an annihilation, which can only be described as encroaching genocide of the Palestinian people.

To call for Israel's right to self-defence to be respected while it indiscriminately murders innocent families, children and babies who have no comprehension of these atrocities, and sadly never will, is hypocrisy and barbarism. It is repulsive to the highest degree. These calls create a hierarchy of who deserves to live and who deserves to die. They present a position that the EU believes one group of people have a right to defend themselves while another does not. It is sickening. We should condemn Hamas, call for the release of hostages and acknowledge Israel's right to defend itself but only if Palestine is afforded the same rights in accordance with international law. The leaders of the EU, which is supposedly a bastion of peace and humanity, continue to sit around tables and refuse to even call for a ceasefire. These EU leaders do not seem to remember that above all else, the EU was founded as a peace project. What has it become?

More than 10,000 people have killed in just one month, including over 4,000 children, 80 UN workers and 39 journalists. Some 1.5 million people have been displaced. Yesterday I tweeted a figure of 4,237 children murdered during this time. By the time I constructed that tweet, the figure would already have been out of date. It is horrendous. This is only 28 days into the war. There are decades of the EU's ignorance regarding the refusal to acknowledge the apartheid state Israel imposes on the Palestinian people and the state-backed violence it has committed for generations. The European Council cannot even say "ceasefire" just like it could not say "apartheid". The European peace project is failing before our eyes.

As for the Irish response to Israel's crimes, the Government has failed to evade the hypocrisy that has become entrenched at international level. I do not doubt for a second that in a

European context, we have stood out but only because the bar is so low. Words of condemnation are important but they are not enough. They are meaningless to those being slaughtered. I have long called for the enactment of the Control of Economic Activity (Occupied Territories) Bill 2018 and the Illegal Israeli Settlements Divestment Bill but this call has never been more important. As my party leader, Deputy Cairns, emphasised yesterday, the EU must also act. Trade is governed by the EU-Israel association agreement, which has a human rights clause enabling either side to unilaterally suspend the agreement in response to serious breaches of human rights. Now is the time to activate that clause. If not now, when almost 4,500 children are being unmercifully killed then when? When my party leader raised this with the Taoiseach yesterday, he said that Ireland will not act unilaterally and that at the next meeting of the European Council, he will once again call for a ceasefire. I do not doubt for a second the importance of this call for a ceasefire but this meeting is six weeks away. Think of what is happened during the past 28 days. Are we still telling ourselves that six weeks from now, we will hold the same position? We cannot.

When Russia began its illegal invasion of Ukraine, the Government enacted sanctions on the aggressor for its crimes. It was the Taoiseach who made that comparison today when he was asked about the expulsion of the Israeli ambassador. He said that just as we did not expel the Russian ambassador, we will not expel the Israeli ambassador. However, we did do something very different. We enacted far-reaching sanctions that held Russia to account for its actions. While I appreciate that we did not act alone, we did act. This is the difference. The Taoiseach understands that condemnation without action is useless. The innocents of Palestine are facing the same fate, yet their suffering and plight mean less to the Government than that of anyone else. Its response or lack thereof clearly demonstrates a hypocrisy at our level and EU level. An explanation must be provided as to why this Government thinks differently when two groups of innocents face hellfire yet we will not get one, which is simply unjustifiable. We must act unilaterally. As the Tánaiste and the Taoiseach have already admitted, the EU continues to fall short of effective actions and looks like it will continue to do so for some time. As a republic, the Irish State has from the very foundation been a maverick at UN level. Founders of the Minister of State's own party such as Frank Aiken were mavericks at UN level but we are now told that we simply will not act unilaterally at this point. Why can we not? I passionately want us to be part of the European Union project but does that mean I sit on my hands simply because others fail to act while children are being slaughtered? Absolutely not.

In the brief time left to me, I will touch on countries that are banning protests in response to this inhumanity. Can the Minister of State imagine that? They are banning protest. I am talking about countries like Germany and France and, although it has left the EU, the UK. There was a tweet in the UK yesterday asking people not to protest on armistice day. Imagine the hypocrisy of that. Imagine a nation that wants to claim it stood against fascism asking for that fight to be celebrated by banning protest. The world is being turned on its head. Germany, a country that is supposedly at the epicentre of the EU project, has arrested and suppressed peaceful Palestinian protesters, while allowing rallies in support of Israel just streets away. In Berlin, schools have been banning "Free Palestine" stickers and traditional Palestinian scarves. We all know where such suppression can lead. In France, the interior minister, Gérald Darmanin, has issued instructions for all pro-Palestinian protests to be prohibited because they are likely to generate public order disturbances. If ever there was a time to disturb a busy street in a peaceful manner, it is in the face of the horror we are now witnessing.

During pre- and post-European Council statements a couple of years ago, we used to talk

about infringements of the rule of law with reference to countries such as Hungary and Poland. Now, France, Germany and others are banning protest. What is the world coming to? In that light, I hope to God the Irish State finds courage to go beyond itself and act unilaterally.

Deputy Marc Ó Cathasaigh: The issue in the Middle East rightly dominated the European Council meeting, just as it is rightly dominating this debate today. Although there is much else happening in the world, it is only right and proper that our attention is focused on the unfolding humanitarian disaster playing out in Gaza. I am looking at the conclusions adopted by the European Council, which are like minutes published after the meeting, and something within them is extremely striking. Look at the clarity of language when talking about Ukraine. The conclusions read:

> The European Council reiterates its resolute condemnation of Russia's war of aggression against Ukraine, which constitutes a manifest violation of the UN Charter, and reaffirms the European Union's unwavering support for Ukraine's independence [and so on.]

That statement is very clear, as it should be. However, when I turn to the section on the Middle East, the language is far more muddled. It says the European Council acknowledges that Israel is the victim of "brutal and indiscriminate terrorist attacks". That is entirely right and proper. We all absolutely repudiate the actions of Hamas. The Council describes the impact of the disproportionate bombing of Gaza as "tragic scenes". That is a sea change in terms of language. The Council also condemns Hamas for using civilians as human shields, describing it as a "deplorable atrocity". Again, this is 100% merited. We should absolutely be using language of that clarity to describe the use of human shields. However, the Council does not mention that 40% of the 10,000 killed in the bombardment of Gaza have been children. It makes no reference to that fact.

The scale of this man-made catastrophe is difficult to comprehend. Doctors are having to make decisions as to who they can and cannot help. Faris Al-Jawad, who works for Médecins Sans Frontières on the ground in Palestine, has described how an 11-year-old had his foot amputated on a hospital floor without anaesthetic as the result of a lack of medicinal supplies. I am the parent of an 11-year-old and, like most parents here, I try hard to maintain the conceit that I can protect him against the things that are happening in the world around us. However, there is no earthly way a father in Palestine would be able to maintain that fiction. There is no way he could convince himself that his best efforts will be enough to protect his children.

EU leaders at the Council stressed that they would work to facilitate access for food, water, medicinal supplies, fuel and shelter but, for many in Gaza, it is already too late. António Guterres has talked about the nightmare in Gaza becoming more than a humanitarian crisis, that it is a crisis of humanity. He has described Gaza as becoming a graveyard for children. Deputy Carthy spoke about comparison and asked how one can compare tragedies but it is an entirely valid point that the number of people who lost their lives during the 30 years of the Troubles has already been dwarfed by the number of people who have lost their lives in Gaza. How many of those have been children? It is heartbreaking.

Even though, as I have said, this debate is rightly dominated by the issue in the Middle East, I also want to speak about the ongoing crisis in Ukraine with reference not only to its impact in Ukraine, but its broader impact. I have absolutely no doubt that, while the eyes of the world are elsewhere, the Russians will make use of that fact. I also have absolutely no doubt that the Russians are deliberately weaponising food and energy to further their military aims within

Ukraine. The people who are feeling this most keenly are those in the developing world. A major priority for EU countries in addressing the growing food insecurity caused by Russia's war in Ukraine is to help Ukraine export agrifood produce. Not only is Ukraine one of the main producers and exporters of grain and maize, but its agricultural products are also vital for food supplies in Africa and the Middle East. Some 90% of wheat exports from Ukraine between 2016 and 2021 went to countries in Africa and Asia.

Before the war, 90% of grain from Ukraine was transported through the Black Sea. That figure has now fallen to 45%. Russia implemented a blockade on Ukraine's Black Sea shores and approximately 20 million tonnes of grain were stuck in silos. Last year, the European Commission established EU-Ukraine solidarity lanes. This project included freight rolling stock, transport networks, transshipment terminals and the simplification of customs and the storage of goods on EU territory. Some 57 million tonnes of agricultural products have left Ukraine through these solidarity lanes, although this is a drop in the ocean when compared to the level of such goods previously moved.

Food security remains a massive problem. In July, the Russian Government terminated the Black Sea grain initiative. There is no doubt in my mind that this was a deliberate choice to immiserate people and to use hunger as a weapon of war. The EU is deeply concerned about this decision as it furthers food insecurity. EU leaders have called for the capacity of the solidarity lanes to be enhanced. They invited the Commission to propose measures to achieve this. The impact of Russia's weaponisation of food cannot be underestimated. It plays out most tragically in the developing world and in sub-Saharan Africa in particular. The International Committee of the Red Cross in Africa has tried to limit the impacts of rising global grain prices as a result of this war. This is also occurring at a time of devastating crop losses across Africa, particularly in the Horn of Africa, where rains have failed for successive years. This action is forcing families to go hungry and an enormous loss of human life is being incurred far away from the eyes of the world. The countries worst affected include Somalia, which is over 90% dependent on Russian and Ukrainian grain, and Burkina Faso, Mali, Niger and Mauritania, where up to 10.5 million people are facing malnutrition.

My final point is on the multi-annual financial framework, of which there has been very little mention or discussion. I have spoken before about the need to underpin the European Green Deal with commensurate funding. If we are moving in the direction of decarbonisation and the rededication of our lands to fight climate change and biodiversity loss, measures such as the EU's nature restoration law need to be adequately underpinned by an appropriate funding mechanism. I completely understand that the conflicts in Ukraine and Palestine must dominate our attention but it is also important that this work is done. There is repeated mention within these documents of the need to move towards a two-state solution. At this point in time we have to ask ourselves what will be left as a Palestine for us to declare in a two-state solution. We have to ensure a humanitarian ceasefire and we also have to use every shred of influence we have on the international stage to call for that two-state solution while there is still something left of Palestine for us to recognise.

Deputy Aengus Ó Snodaigh: The Council's official conclusions reaffirm the EU's "unwavering support for Ukraine" and "its inherent right of self-defence against the Russian aggression". It is a pity that the same logic was not followed through when it came to Palestine. The communiqué, as well as rightly condemning Hamas's 7 October attack, referenced international humanitarian law to assert Israel's right to defend itself but, as usual, there is no hint of the rights of the Palestinian state. It further deplored the "loss of civilian life" but failed to call for

a pause, ceasefire, end to hostilities, peace process or even a full implementation of UN resolutions over decades. It also failed to suspend the EU-Israel Euro-Mediterranean agreement and the European Neighbourhood Policy for Israel's continuous breaches of human rights clauses contained therein, saying only that the EU "will work closely with partners in the region". The only trouble is that one of those partners is Israel, an aggressor perpetrating horrendous deaths and injuries on civilians in Palestine, many times worse, more prolonged and more numerous than perpetrated by Hamas's marauders. If you besiege a city for weeks, hem people in with nowhere to go, encircle them, starve them of food, power and water, totally restrict medical and other supplies and then start raining bombs onto their homes, schools, hospitals, shelters and refugee and ambulance convoys day in and day out and night in and night out, then you are committing a crime against humanity. There are no ifs or buts in that. Holding more than 2 million people hostage and making them targets is as wrong for Israel as it is wrong for Hamas to hold more than 200 Israeli civilians hostage. Bris an léigear, saoraigh na gialla agus tosaigh an tsíocháin atá ag teastáil sa cheantar seo leis na cianta. Tá sé thar am ag an Aontas Eorpach agus ag an tír seo seasamh leis an gceart sa chás seo.

Deputy Chris Andrews: What I saw when I worked in the Gaza Strip were the horrors of life in an open-air prison. Now the Gaza Strip is being turned into an open-air morgue. Bodies are piling higher and higher and apartheid Israel is bombing schools, hospitals and churches. Some 88 UN aid workers have been murdered by Israeli bombs. Over 4,000 children have been brutally murdered. A child is murdered by Israel every ten minutes. We are watching some of the worst war crimes of the 21st century take place and the world is standing by. Even worse, many in the EU are supporting and standing by Israel as it carries out these horrific war crimes. The Irish Government needs to go beyond words and make Israel face consequences for its terror. The Government is speaking out of both sides of its mouth and it is because it is not taking action against Israel. The Irish Government hints at criticism of Israel, yet the Israeli ambassador thanked the EU for the solidarity shown towards Israel. This, as members of the EU, includes Ireland. The Government refuses to hold Israel to account. Why are there no consequences for the slaughter of children by Israel? When will the Government pass the occupied territories Bill? The following is not a huge ask. When will we recognise the state of Palestine and when will we pass the illegal Israeli settlements Bill? There are reports that Irish citizens will be the last on the list to be allowed out of the Gaza Strip by Israel. Can the Minister of State clarify if this is the case? If it is, what will the Government do about it to ensure that Ireland is not last on the list?

Deputy Richard Boyd Barrett: On Saturday, I was a participant in an online international event organised by the Rohingya people in solidarity with Gaza. Among others, there were numerous academics and experts in attendance, including many Jewish people who were expert in the area of genocide. They, along with many others, including many representatives of the Jewish population worldwide, are rightly describing what Israel is doing in Gaza as an act of genocide. Israel is engaged in brutal, horrific, barbaric, systematic and deliberate massacres of more than 10,500 Palestinians, about 70% of them women and children, and it has declared its clear intention to continue indefinitely. When will we realise that these are not the actions of a normal state or actions of self-defence?

When we describe them as war crimes and genocidal assaults, we also hear the words of Israeli politicians and military personnel as they publicly admit that they will commit things that fit all the definitions of war crimes, crimes against humanity and genocide.

The Israeli Minister of Defense, Yoav Gallant, is worth quoting because you would not get

these words from the leaders of any normal state. On 9 October he said:

> I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed... We are fighting human animals and we are acting accordingly.

On 10 October Gallant toured southern Israel and said, "I have released all the restraints, we have [regained] control of the area, and we are moving to a full offense".

On 10 October, Major General Ghassan Alian, head of Coordination of Government Activities in the Territories for Israel said:

> Human animals must be treated as such. There will be no electricity and no water, there will only be destruction. You wanted hell, you will get hell.

International organisations have stated that Israeli forces used white phosphorus chemical weapons in military operations in Gaza on 10 and 11 October. On 21 October, Israel's military dropped leaflets on northern Gaza with the following words: "Whoever chooses not to leave north Gaza to the south of Wadi Gaza might be identified as an accomplice in a terrorist organisation." There is a declaration of two war crimes in that. First, there is clear intent for the forcible transfer of the entire population of Gaza city civilians. That is a war crime under occupation. Second, they make clear that they will no longer - not they ever did so - make distinctions between civilians and combatants, which is a war crime. They state it publicly and then they do it.

Even though everybody in this House has rightly called for a ceasefire, and that is better than most countries, I want to put it to the Minister of State that even now, the Government is giving succour to the Israeli narrative in the language that is being used to describe the actions on various sides. Again and again, the Government refers to the events of 7 October and the Hamas attack as "barbaric and savage massacres". However, when it comes to the actions of Israel, where the number of victims are nearly ten times what happened on that date, the language is completely different. We talk about disproportionality. We do not talk about massacres and we do not call it barbaric or savage; we say it is disproportionate. We appeal to Israel to act within the parameters of international law when it is clearly not doing so and we talk in the passive tense. It is not Israel that is doing it but it is sort of happening by itself. The Taoiseach mentioned how the large number of children that have been killed or that have witnessed the death of their parents and other family homes is disturbing etc. He uses the passive tense. He does not say "Israel is slaughtering men, women and children; will they stop this slaughter". These double standards in how we are treating the two sides of this conflict, when Israel has the upper hand in every respect, is more of the problem that gives licence to Israel to continue the slaughter. It is not a normal state. It is a state built on the ethnic cleansing and the denial of rights for Palestinians for decades and until we recognise that and begin to do what we did with apartheid South Africa, this bloody horror will not end.

Deputy Joe Flaherty: I thank the Minister of State, Deputy Peter Burke. I welcome the recent European Council statement reiterating its resolute condemnation of Russia's war of aggression against Ukraine and reaffirming the EU's unwavering support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders and its inherent right of self-defence against Russian aggression.

This House and country has been extremely forthright in its condemnation of the actions of

Israel as it wages a disproportionate and unacceptable war of vengeance on the people of Gaza. I appreciate that the European Council reiterated its condemnation of Hamas for its brutal and indiscriminate terrorist attacks across Israel. The use of civilians as human shields by Hamas is a particularly deplorable atrocity. However, it is regrettable and disappointing that the Council's statement on Israel was much more measured and yet again emphasised Israel's right to defend itself in line with humanitarian and international law. However, the reality is that as Israel wages one of the most vindictive, aggressive, and unacceptable wars of attrition, there is no wafer thin defence now existing for Israel's action and its abhorrent and indiscriminate attacks on the people of Gaza must stop immediately.

On a personal level, the presence of the Israeli ambassador at the Fianna Fáil Ard-Fheis did not sit well with me. However, I nonetheless accept and understand the right and need for 40 plus heads of diplomatic offices to attend the event and hear the address of our party leader and Tánaiste, Deputy Micheál Martin. The Israeli ambassador was one of more than 40 ambassadors in attendance, including the Palestinian ambassador, and it is crucially important that we retain and continue diplomatic ties with all countries. As always, An Tánaiste, Deputy Martin, was forthright in his condemnation of Israeli actions and his views and sentiments were echoed and shared by the entire audience at this year's Ard-Fheis.

The loss of life in the Middle East as a result of the incessant and unrelenting Israeli bombings and attacks is grossly offensive. It flies in the face of all international laws and indeed spits in the face of all modern democracies. Through its actions, Israel is fast attaining the status of a pariah nation within the international community. Token talk of short-term humanitarian breaks in these attacks is currying little favour and merely adds to the country's billing as one of the most ruthless, indiscriminate aggressors in the world.

It was important that the ambassador was in the auditorium at the Fianna Fáil Ard-Fheis to hear the Tánaiste's outright condemnation of these continuing attacks. It is important too that we retain contact with the Israeli Government through its ambassador in Dublin to ensure the release of Irish citizens who are still held in Gaza. These people, all innocent, young and old, were kidnapped by Hamas but the unrelenting reprisal attacks from Israel have surely delayed their release. It is important to point out that it would also be deeply reprehensible and unforgivable if we thought that the much awaited evacuation of Irish citizens from Gaza was being delayed by Israel as a result of our country's forthright stance on its actions at this time.

We have been a strong voice for Europe in this country. We share many of the Continent's goals and aspirations with great passion and conviction but neither are we afraid at this time to encourage our European cousins to join us in outright and unconditional condemnation of the ongoing Israeli actions and to demand without hesitation an immediate ceasefire, immediate and unrestricted access for humanitarian aid and the release of all prisoners.

An Ceann Comhairle: Deputy Martin Browne is sharing with Deputy Rose Conway-Walsh. Is that agreed? Agreed.

Deputy Martin Browne: On 25 October, when pre-European Council meeting statements were being discussed, the Taoiseach noted that the death toll in Gaza at the time was 5,000. The government of Israel has been moving quickly since then and attacking the Gaza Strip at such a rate that the number of deaths as a result of the bombardment of Gaza is now in excess of 10,000. It is precisely because of this rapid increase in deaths that Sinn Féin has called for a ceasefire from the earliest days of the conflict. I advise all of those who have been reluctant

to call for a ceasefire and who have recently expressed their discomfort with the extent of the death toll that it would have been more appropriate for them to call for a ceasefire in the first place instead of lamenting the extent of the death toll afterwards. It was the conclusion of the EU Council meeting that no progress has been made in reaching that point. For example, reference continues to be made to Israel's right to defend itself in line with international law and international humanitarian law.

Of course, nothing can justify the deliberate killing, injuring and kidnapping of civilians, as Hamas has done, but what we have been witnessing has gone far beyond self-defence. Israel has broken international and humanitarian law and continues to do so precisely because the words used by the European Council and others are designed to be bland and uncritical of the Israeli Government and will have little impact. Let us call it for what it really is. It is not self-defence; it is genocide by Israel, full stop. As long as member states continue to adopt this attitude, the death toll will continue to rise, which it has done for so long. The world will watch on as Palestinians suffer.

Could the Minister of State outline the discussions that took place on the process involving the determination of who is to be given access to leave via the Egyptian border?

Deputy Rose Conway-Walsh: In Gaza, we are not witnessing a war on Hamas, we are witnessing the indiscriminate slaughter of Palestinians, what the Minister of State has rightly described as collective punishment. The EU refusal to condemn Israel's actions is a failure of historic importance.

The Taoiseach said yesterday that trade issues are a European competency. This is true, but as a member state we can and, morally, must have a very clear position. I call on the Government to state that the EU should suspend the Israel-EU trade relationship. These agreements have human rights clauses and if these clauses are to mean anything, they must be used now. Israel should also be removed from EU funding programmes such as Horizon Europe. Over the past seven years. Israel has received €1.24 billion under the horizon programme alone. By comparison, that is more than Ireland received as a full EU member. This is a power lever to pressure Israel. I called on the Government to oppose the renewal of the Horizon Europe membership two years ago, right after this House recognised the de facto annexation of Palestinian land. We alone do not control the EU but we have a voice and we need to use it. Will the Minister support these measures as an absolute minimum in respect of what we should be doing to pressure Israel into ending its ruthless destruction of Gaza and its population?

Deputy Cathal Berry: I very much welcome the opportunity to contribute and make a few comments on the readout from the most recent European Council meeting at the end of October in Brussels. I am just going to focus my comments on two main areas. The first is Ukraine and the second is the Middle East.

From a Ukrainian point of view, I am sure the Minister of State is probably aware that only in the past couple of hours, the European Commission has recommended that accession talks begin between Ukraine and the EU before the end of the year. That must go to the European Council for a final decision in December. I very much welcome the announcement by the Commission in recent hours.

I was recently in Ukraine for about a week and there is definitely a leaning towards the west from an economic point of view, a societal point of view and a cultural point of view. It is quite

similar to the journey Ireland itself took in the late 1960s and the early 1970s before we joined the Union. I am glad that Ireland is adopting a very facilitative and supportive position from that point of view.

On my recent trip, I came across some information that I was not expecting. A considerable amount of thinking in Ukraine at the moment is that they are trying to get their people back to Ukraine. We spoke to members of parliament and even President Zelenskyy's policy is that he wants people to return, in particular doctors, nurses and teachers, to contribute to Ukrainian society. They are of the view that, on average, there is a net return pretty much every week now. While Ireland was 100% right in bringing in and facilitating Ukrainian refugees 18 months ago, it is probably timely now to tweak the approach, look at the support package that is available and to incentivise people to return rather than to incentivise people to stay, where that is appropriate. The members of parliament with whom we discussed it with said it is very understandable for someone from the Donbas, Mariupol or Crimea, who have no place left to live, to move to the European Union by all means. However, there are people from Lviv and Kyiv who could certainly return if it is safe to do so.

I am not sure if the Minister for Children, Equality, Disability, Integration and Youth, Deputy Roderic O'Gorman, has been to Ukraine yet. Perhaps if he visited himself, and maybe had a discussion with his opposite number there, he might get a full understanding their objectives are from a resettlement point of view.

I fully accept that there is not unanimity in the Chamber with regard to this at all but the air defence umbrella around Kyiv at the moment is very good. Approximately 95% of projectiles are shot down. These could be drones, missiles, completely non-lethal and completely uncrewed vessels and vehicles. I recognise that the Taoiseach said earlier during this debate that €122 million is being provided by Ireland in non-lethal support through the European Peace Facility. My question is: should we consider including air defence in that? Radars are passive, and any equipment we provide is being used to shoot down inanimate objects. One cannot kill something that is not alive, and that is something we should certainly consider if we are looking to expand the support we can provide.

On the Middle East, I share the Chamber's concerns about the mounting death toll in the Middle East, and in Gaza in particular. I agree with the calls that have been made, particularly from a Hamas perspective. The hostages should be released. One issue that is not really mentioned is that Hamas should be called on to move their military stocks and equipment and their militants out of civilian areas, which in itself is a breach of humanitarian law, and obviously to stop firing missiles at Israel. From the Israeli perspective, obviously a ceasefire is vitally important, and as soon as possible, as is humanitarian access via a humanitarian corridor, and a stop to the bombing of civilian targets. It seems like a very straightforward proposal. I agree with the Taoiseach. I do not see either belligerent having any appetite for a ceasefire at the moment. If Israel unilaterally implemented a ceasefire, I suspect the rockets will continue to fly from Gaza. Similarly, if Hamas stopped firing rockets, I suspect the Israeli onslaught would continue as well.

It is on that note that I want to emphasise that I am very much in favour of the Israeli ambassador staying in Dublin and our ambassador staying in Tel Aviv. Diplomacy is needed at all times but particularly in times of conflict. The obvious question is what good are diplomats if, when they are needed most, we decide to expel them. I am very much in favour of keeping diplomatic channels open, particularly in this time of crisis.

In summary, I welcome the readout from the most recent European Council meeting, and I look forward to the next one in December. I hope that the Council will approve the recommendation of the Commission that accession talks between the EU and Ukraine should begin as soon as possible.

Deputy Joe McHugh: I want to acknowledge the accession status of Georgia. We have to be very vigilant because Russian aggression has not stopped. My colleague, Deputy Ó Murchú and I were out near South Ossetia. There was an innocent man killed by the Russian army while he was going to church on 6 November. We are pushing, supporting and encouraging democracy in Georgia, and that is the pathway and the journey the Georgians have been on. I want to acknowledge the Georgian ambassador, who has been working tirelessly. I think every Deputy, including the Ceann Comhairle, knows him personally at this stage. He and his colleagues have been working so hard on this and it is important to acknowledge that. I call on the Dáil and the Seanad to continue with their support.

The European Economic Community was set up as a peace project to reduce tensions and to, as much as possible, avoid war. At this time, when we see what is going on in the Middle East, the European Union, as it is now, has a role. It will require courage. We have only to look at our own country, our recent history, our own journey and pathway to peace. We know and understand what happens if there is no peace. There is tension, war, retaliation, hatred and intergenerational bitterness that carries on. What I call for today, ahead of any future EU meetings, is to instil a level of confidence in an already eroded democratic system where people have lost faith in democracy. This is an opportunity for the EU to take a stand. I acknowledge the Minister of State, Deputy Burke's own work, the Tánaiste's work in the Department of Foreign Affairs, and the Taoiseach's efforts as well, to try to bring some solution to the current nightmare in the Middle East. It is an absolute nightmare, where innocent people on the Israeli side were murdered and maimed, and where today, innocent people in Palestine - men, women and children - have also been killed.

We have to ensure that we have hope because the opposite of hope is despair. I have been listening to people, especially young people. I have visited a number of schools recently as well. There is a despair with regard to what is going on globally, and what is going on in Russia and its aggressive invasion of Ukraine. It is something that we have to grasp very seriously and ensure that we use all the machinery and mechanics of all the different institutions we have at a European Union level. Sometimes all of those institutions and that massive bureaucracy we have in Brussels and Strasbourg can be seen as a bureaucracy where people stand around talking all day, pushing for different and specific issues not related to the bigger issues. The bigger issue is peace. It will require courage and very bold intervention by the European Union. We had it in our own country with very courageous men such as David Trimble and John Hume, who took very courageous and bold positions but they brought peace. We know the benefits and rewards of peace. We know that the bitterness is intergenerational but, at the same time, we are looking at a new generation coming up in this country, where they do not have war or feuding, and they do not have to see the tensions, retaliations and bitterness that we faced when we were growing up.

My message today is that whatever we can do at a European level, we have to intervene very courageously and boldly to instil the confidence that is needed in the democratic process. At the end of the day, the EU stands on the shoulders of giants who worked together courageously to build a peace project and to avoid to the tensions and potential of war. Here we have Moldova, Ukraine and Georgia with candidate status. They are in a very unique position to promote peace

and democracy and to strengthen democracy. The European Union has a very important role to play in the Middle East because what will happen in the aftermath of what has gone over the past month will be that the bitterness and the tensions will continue, and then we will be into all sorts of problems for the next generation. We have to find a solution, and the only way we can find that solution is diplomatically.

Deputy Mattie McGrath: The Minister of State heard me here at pre-Council statements last week, and I begged and pleaded with him that we go to Europe, raise our voice and have our voice heard as a neutral country. We are a small country that has punched way above our size and our strength by being peaceful and neutral. Our neutrality has stood to us well. I mentioned our peacekeepers back in the Congo and I also mentioned Jadotville. I appeal again to the Minister of State to give the Government's recognition to the men and women with regard to that fight in Jadotville, and give them the respect they deserve.

In this case here, we are making all the noise about what is going on in Ukraine. We hitched our wagon to it completely. I heard the Tánaiste this morning on radio saying we were not politically neutral. He said that we are militarily neutral but not politically neutral and that, in his words, we opposed the aggression by Russia. I do not accept that. We are supposed to be fully neutral. We have diluted ourselves with some of the comments that have been made here.

3 o'clock

I condemned out of hand the Hamas savagery, but I equally condemn the savagery and the overkill now by Israel. However, we need to be peacekeepers out there and in Europe.

On the other issue of the whole influx of refugees and migrants and everything else, how come Poland and Hungary can stop and close their borders and we will not even look at that? We are giving out messages that we are open for anybody to come from all over the world, ar fud an domhain. It is time that we took a leaf out of Hungary's book and, indeed, Poland's, and decided that our own destiny and our own people must come first. We are all for cheering and welcoming people but when we are at capacity, we must stop the nonsense.

We have a huge issue at the moment in Cashel in County Tipperary. There are going to be Cashel's all over the country because we have undocumented people coming in and being forced on communities with no consultation, no engagement with people and no proper examination of the facilities, whereas large multi-million euro companies are buying up old buildings and putting people into terrible conditions and awful kinds of situations. That is not good enough. We must respect our tricolour and our peaceful role in Europe and be the peacekeepers to try to get peace in these countries that are at war and not back one side or the other.

Deputy Danny Healy-Rae: I too am glad to get the opportunity to talk about this very serious matter that is happening in the world today and especially in the Middle East. I say to the Minister of State that we must ensure that we continue to be neutral. Indeed, our voices must be heard at European level asking for peace and that the ceasefire happens there right away. It is very wrong that people, civilians and children, are being slaughtered there day after day and it is time to call a halt to that now.

The European Union's migration stance significantly impacts smaller countries like Ireland. We are paying an awful price now for migrants. We have our share taken and like I said to the Taoiseach yesterday, there is a point at which we must call a stop to this because we are impacting severely on our own communities. The decision has been made to bring 70 more people to

the Muckross Road in Killarney and people are up in arms. Elderly people, women and children are worried for their safety in this area and I said we have enough.

There is a request being made continuously that the Israeli ambassador be sent home. I have a different viewpoint. I ask that this Israeli ambassador be seen after here and be kept here. Ask her to ensure the safety and return of our people who are out there in the Middle East.

Deputy Mattie McGrath: Hear, hear.

Deputy Danny Healy-Rae: Whatever side they have been kidnapped by or whatever, it is the Israelis' remit to ensure the safety home of these people. They have the deciding of it. I ask the Minister of State to mind this lady here and tell her she is quite welcome here and ask her to ensure the safe return home of our people. It is of paramount importance to me that the people from Ireland who are out there come home safely and whatever way the Government manoeuvres it, tell her that she is safe here while our people are safe over there. Pressure should be put on her and the Israeli Government to ensure the safe passage home of our people who are stranded out there. I do not know why ever they went out there, but people go to different places and that I suppose is their business, but that is not a safe place for them to be. I appeal to this Government now to put pressure on the Israeli ambassador and the Israeli Government to ensure the safe passage home of our people.

An Cathaoirleach Gníomhach (Deputy Emer Higgins): Next we move to the Independent Group. Deputies Connolly and McNamara are sharing time and have two and a half minutes each.

Deputy Catherine Connolly: It is five minutes and five minutes, is it? I welcome the opportunity to participate in this debate. I note the Taoiseach's speech and I have praised the Taoiseach for showing leadership. I will restrict my praise at this point because I have just read his whole speech and he has given us an outline of what happened with the 27 member states and how they could not reach unity, which highlights, really, the importance of us making our voices heard. He goes on to utterly condemn Hamas for its brutal and provocative terrorist attack, which we all agree with. I absolutely condemn that. However, he goes on to say that "I have been equally clear that Israel's response must be in line with international humanitarian law" and this means it must be proportionate. It is not in compliance with international human law, and it is not proportionate, and there is no condemnation of that. If we are going to have credibility in the world as a neutral state, then we must have consistency. If there is no condemnation of what is an openly genocidal approach to Gaza with genocidal killing, then we are going to lose our credibility. I am most unhappy about that because our strength is in our neutrality and being able to speak truth to power. The Taoiseach goes on to sympathise with those who have lost lives, not in Gaza, mind you, so it is important to read the speech. He goes on to extend his "condolences to the family and friends of the heroic UN and other aid workers who have been killed" and so on, and I absolutely accept that. What is lacking, however, is extending sympathy to the people who have died in Gaza.

Let me give the figures again for the record, and I really feel uncomfortable giving figures in this manner when we are talking about human beings and children. Over 10,328 Palestinians have been killed in Gaza in one month and one day, including 4,200 children, boys and girls, 631 elderly people and 2,600 women. More than two thirds of Palestinians killed have been children and women. That is not a defensive army. One could not possibly call the army "defence forces" in Israel. That is a warmongering, vengeful army that is out of control and we

need to call it out for what it is. We have lost 89 UNRWA staff and 37 journalists and people in media. That has been done by Israel, which is going in to destroy Hamas and in doing so it is destroying the Gazan and Palestinian people. I do not know how we can hedge our bets on that. I do not know how we can use nuanced language. Genocide is genocide. Murder of children is utterly wrong and unacceptable and against all international law. Let us call that out and condemn it if we are going to have credibility.

During his speech, the Taoiseach pointed out the war of aggression by Russia against Ukraine. He had no nuanced language there. It was a very clear condemnation. How can we do that on one hand and stand idly by other than to show concern and horror, which he has shown, at the death without condemning it?

An Cathaoirleach Gníomhach (Deputy Emer Higgins): I thank the Deputy.

Deputy Catherine Connolly: We are here today, and it is time to put it in context. The action by Hamas, which I utterly condemn without reservation, did not happen in a vacuum. That has been repeatedly pointed out by various courageous people, no later than today in *The Irish Time*s by a former diplomat who has clearly pointed out that this attack, while condemning it, did not happen in a vacuum. I never thought I would be quoting a former Prime Minister of France, and I apologise for the pronunciation, Mr. Dominique de Villepin, who points out that-----

An Cathaoirleach Gníomhach (Deputy Emer Higgins): I am sorry to interrupt the Deputy. Is she sharing her time?

Deputy Catherine Connolly: Yes, five minutes.

An Cathaoirleach Gníomhach (Deputy Emer Higgins): It is two and a half minutes each, is it not?

Deputy Catherine Connolly: Five minutes.

Deputy Michael McNamara: I thought an Cathaoirleach Gníomhach said five minutes each.

An Cathaoirleach Gníomhach (Deputy Emer Higgins): It is five minutes between the Deputies.

Deputy Catherine Connolly: I have lost a bit of time over this.

Deputy Michael McNamara: The Cathaoirleach Gníomhach said five minutes each.

Deputy Catherine Connolly: Yes, five minutes each. Is it not?

An Cathaoirleach Gníomhach (Deputy Emer Higgins): It is five minutes between the Deputies, but Deputy Connolly may continue. I will allow the extra two and a half minutes.

Deputy Catherine Connolly: I am sorry; the time is gone so I do not know where I am. I had a full five minutes, had I?

An Cathaoirleach Gníomhach (Deputy Emer Higgins): No. The Deputy had two and a half minutes but-----

Deputy Catherine Connolly: Well, then, there was some mistake on our part. I am very sorry.

An Cathaoirleach Gníomhach (Deputy Emer Higgins): That is okay. That is no problem.

Deputy Catherine Connolly: There was a mistake on our part. I thought it was five minutes.

An Cathaoirleach Gníomhach (Deputy Emer Higgins): The Deputy may conclude briefly, and we will hand over to Deputy McNamara.

Deputy Catherine Connolly: I cannot use any more time or he will have no time left.

Deputy Michael McNamara: I thank the Deputy. The conclusions of the European Council meeting in my view highlight the fact that the European Union seems to be going very badly wrong. We might look at the communiqué and conclusions with regard to Ukraine, highlighting Russian aggression. The amount of damage the European Union has inflicted upon itself to punish Russia, or to seek to punish Russia, has been enormous, not just in Ireland but elsewhere across the European Union. It may well be that that is all worthwhile, and the position of the European Union is that we absolutely need to do this to highlight how important international law is and how seriously we take international law. That is a coherent position to take but then one moves forward a little in the conclusions and looks at what is said about the Middle East. There is very little mention of international law and no condemnation of the killing of civilians and the targeting of civilian infrastructure. That sort of duplicity simply undermines the EU's response, not just to the Ukrainian war but its international position on every conflict across the world, and it is losing credibility. We were clapping like seals in here when Ursula von der Leyen came. The woman is a warmonger. She was a warmonger then and she is a warmonger now. She is interested in selling arms. Israel is a great place to sell arms, as is the Middle East generally. Do not get me wrong, it is not just western firms that want to sell their arms there. There is the Iranian arms industry and the armaments industry across the world. The Middle East is a great theatre in which to sell them, be that to Hezbollah or any of the various security forces in the region. They are all good customers.

There is this claptrap about international law. We are reaching a nadir in respect for international law under this President of the Commission and this European Council and that needs to be highlighted. People can spot hypocrisy when they see it. We have people in this House calling on the one hand for Ukrainians to go home while, on the other, saying Ukraine should join the EU. Which is it? If Ukraine joins the EU Ukrainian people will be going nowhere because they will then have the same right to live here as all EU citizens have. I question the latest decision, which is not part of the European Council's conclusion but is part of the conclusions of the Commission, led by a warmonger, that accession negotiations should begin for Ukraine. We are talking about one of the most corrupt countries on the face of the planet. Are we seriously to believe that a country that was corrupt in 2019 has suddenly cleansed itself of all corruption while fighting a war on its eastern flank? With what state of Ukraine will we enter into accession negotiations? This is all about Ukraine's desire to join NATO of course. I understand, however, that to join either NATO or the EU a country needs to have agreed borders.

An Cathaoirleach Gníomhach (Deputy Emer Higgins): I thank the Deputy. He is over time.

Deputy Michael McNamara: Are we going to have a country without agreed borders join

the EU and have this country guarantee those borders with our soldiers and their lives? That is farcical. The EU is becoming completely devoid of any connection with reality or with what it claims to espouse-----

An Cathaoirleach Gníomhach (Deputy Emer Higgins): The Deputy is over time.

Deputy Michael McNamara: That will become unsustainable very quickly.

Deputy Violet-Anne Wynne: While I welcome that the Taoiseach condemned the actions of Hamas, as do I, he spoke yet again about how the Israeli response needs to be proportionate. That ship has truly sailed. Cutting off electricity and leaving babies in a neonatal intensive care unit to die before they can even get a chance to live is not proportionate. Genocide is not proportionate. Breaking international human rights law is not proportionate. The images of the absolute brutality and inhumanity the innocent children in particular are facing are not proportionate. Around 40 Irish citizens were not on the evacuation list from Gaza on two occasions, which is incredibly serious. Did the Taoiseach engage with European colleagues to seek support for smaller nations like Ireland that have been repeatedly left off the list?

Three weeks ago, I called on the Tánaiste and Minister for Foreign Affairs to summon the Israeli ambassador. Instead, I have been approached by constituents who pointed out that the ambassador had a front-row seat at the recent Fianna Fáil Ard-Fheis. That really is one for *Ireland's Own*. I also called for sanctions against Israel and was told we had ceded that competency to Europe. I would like to know whether the Taoiseach has raised the need for economic sanctions. We have seen in various media interviews that Israel does not seem to be bothered about morals and does not seem to care about international law. Maybe it would care if we hit it in the pocket. The motto of the EU is "United in diversity". After its recent showing, perhaps it should be changed to "United in complicity", "United in sitting back" or "United watching a genocide unfold".

An Cathaoirleach Gníomhach (Deputy Emer Higgins): We move to questions and answers.

Deputy Ruairí Ó Murchú: Will we have questions and answers before the Minister of State sums up?

An Cathaoirleach Gníomhach (Deputy Emer Higgins): Yes.

Deputy Ruairí Ó Murchú: I am in agreement with an awful lot of what has been said. I think all Members accept that war crimes are happening and that is what Israel is doing. This is an especially right-wing Israeli Government, which has attacked its own judiciary. I consider Benjamin Netanyahu a charlatan surrounded by supremacists. Horrific acts were carried out by Hamas but we do not know where the Israeli regime is going to stop. We fear how far it will go regarding ethnic cleansing and genocide. Some in the regime have been very clear about how they see the Palestinian people. Some have made clear they want to see a greater Israel. There has always been an element, even among Zionists, that was far more right-wing and militaristic and much more in favour of a greater Israel, as it is known. We could be in that position at this point.

I think we all accept that certain countries in the EU come from a different place as a result of the horrors that occurred during the Holocaust. I do not accept in any way, shape or form that past mistakes are a good enough cause to allow present mistakes or give any sort of okay to

genocide. At this stage, more than 10,000 Palestinians, many of them children, are dead. That is before we talk about the aid workers, the medics and all the people who have been brutally slaughtered by the Israeli regime.

What are we going to do? I have no difficulty with engaging with like-minded countries to put something on the agenda that will draw the world's attention to the fact that this is unacceptable. We know the various plays that were used to make a difference in South Africa. There were multiple elements involved but the financial pressures placed on the South African regime were a huge factor. The regime was made to feel, as it should have been, that apartheid was utterly unacceptable. Regular South African whites felt that on the international stage and it had an impact. Trading companies and others were told they could not operate outside the country, so the regime needed to jettison apartheid.

We need apartheid to be jettisoned in Israel. Beyond that, we need the slaughter to be called out for what it is. We need condemnation. What are our conversations with European and international partners? When will we make the necessary moves to recognise the state of Palestine? We can go ahead with the Illegal Israeli Settlements Divestment Bill because it relates to requiring the Ireland Strategic Investment Fund, ISIF, not to fund companies that are involved in illegal occupation. We need to push the boat out with the occupied territories Bill. We need to ensure our voice is heard. We all want a ceasefire and hostages released. Humanitarian aid is also needed because thousands of people facing absolute starvation and slaughter. We need to do more. We need to deal with those who will deal with us and if others will not deal with us, we have to take the first step on our own. It is as simple as that.

Deputy Brendan Howlin: Is the Minister of State going to answer questions?

An Cathaoirleach Gníomhach (Deputy Emer Higgins): Yes, he will do so for five minutes at the end of statements.

Deputy Brendan Howlin: I see. I think we are all of one mind that the first imperative, as I said repeatedly in my contribution, is to have a ceasefire to stop the killing right now. I am interested in hearing the Minister of State's view on that. It is clear the Taoiseach's efforts at the European Council to achieve a consensus calling for a ceasefire from the EU 27 have not worked. There are strongly held views in other countries. It is well and good for us to have a strongly held view and demand that others share that view. However, if they do not share it, no more than we accept their point of view, they are not accepting our point of view. The question then, in the absence of such consensus, which was laid bare by the General Assembly vote when 15 of the 27 EU member states abstained and some voted against the Jordanian resolution, is what actions are open to us?

Peace will come. Peace has to come and all wars end. The issue is how many innocent people will die before we reach that point. We need to have an impetus immediately - the French have made some efforts in this regard - to have a viable two-state solution reinstated and to build whatever world consensus we can to join whatever nations agree with us. The majority of nations in the United Nations certainly agree with us that we must have a viable Palestinian state and a viable and safe Israel if we are ever going to have peace in that part of the world. Will this Government, specifically the Taoiseach, the Tánaiste and Minister for Foreign Affairs and the Minister of State, Deputy Burke, lead that initiative to seek to broker the potential for an ultimate solution to this crisis? That is the only thing that can halt the ongoing and ever-recurring wars we are witnessing. What does the Minister of State believe is the best thing we can

do right now to bring about a ceasefire, bring humanitarian relief to the people of Gaza and, at the same time, stop what is now the ethnic cleansing of the occupied territories taking place in parallel with the assault on Gaza? Will he be frank and tell us what are the best steps available to us? We are all looking on in horror; we can decry it but are there concrete steps we can take?

I disagree with my friend and colleague, Deputy Ó Murchú, that this is like South Africa. This is potentially much bigger in that the escalation of war with the involvement of Hezbollah and all the neighbouring states could be absolutely catastrophic. We need to ensure that does not happen.

Deputy Richard Boyd Barrett: Does the Minister of State not think, and I also put this question to many in the Opposition, that it is time to re-evaluate the notion that Israel is some sort of normal state and re-evaluate the so-called two-state solution?

Deputy Brendan Howlin: What is the alternative?

Deputy Richard Boyd Barrett: Let us look at what we have and then I will say what the alternative is. Referring to the Palestinians, Israel's first Prime Minister David Ben-Gurion stated in 1948, and I am roughly paraphrasing him, that the only thing for the Arabs to do was leave. That is what they then did. In 1948, as part of establishing the state, 800,000 people were ethnically cleansed. Under international law, all of those people and their descendents, of whom there are millions now, have a right to return. Israel, under any guise, has no intention of vindicating that right. It has made that absolutely clear but it is a right under international law.

Are we committed to the Palestinian right to return which Palestinians have under international law? We should be. It is the only just thing to do but if we are committed to that, and that is what the Palestinians are committed to, then the two-state solution is a non-starter. So what is the alternative? Look to Ilan Pappé, for example, or Ghada Karmi, the fantastic Palestinian novelist - I do not know if the Minister of State has read her work. It has always been my view, and it used to be the view of the Palestinian Liberation Organisation, that we should have a single state where everybody has equal rights. Imagine that. How radical is that? Jew, Arab, Christian, people of no religion should live in the land that all these people share and they should have equal rights. There are lots of Jewish people who support that. Millions of Jewish people are on the streets at the moment across the world calling for exactly that. They do not support the Zionist project. In East Jerusalem, Orthodox Hasidic Jews, who are a small group, are themselves being attacked by the Zionists because they believe in that and because they stand for Palestine, one state in which Jews, Christians and Arabs are equal, as was the case for thousands of years until the Israeli state was set up.

It is worth people knowing the history. In 1936, Sir Ronald Storrs, the British governor general of Jerusalem, when asked why Britain was supporting the establishment of the Israeli state, stated the intention was to create "a little loyal Jewish Ulster" in the Middle East to guard against "a sea of potentially hostile Arabism". It was, in other words, a divide and rule project to set people of different religions against one another in order that Britain and western interests would control the region. That is the truth. That is what set Jew and Arab against one another. The solution to that is one supported by many Jewish people and Palestinian people. Historically, it was the Palestinian position and, to be honest, it is one held by the vast majority of Palestinians because they have seen that the two-state solution has been a disaster. I ask the Government to seriously consider that.

Palestinians who are Israeli citizens have asked me to raise their plight. As well as the horrors that are going on in Gaza and despite there being no Hamas there, more than 100 people have been killed in the West Bank in the past four weeks while the settlements continue. Palestinians living with Israeli passports in Israel are suffering brutal repression at the moment. Artists, academics and anybody who puts anything on social media expressing even sympathy with people being killed in Gaza are being arrested, sacked and imprisoned. It is absolutely horrendous. Israel is doing that to its own citizens inside Israel if they express sympathy over the deaths of tens of thousands of people. I ask the Government to raise that with the Israeli ambassador. It is doing that to its own citizens as we speak.

Deputy Catherine Connolly: I apologise for any confusion I may have caused earlier. I will try to stick to questions on this. What is the magical number of deaths in Gaza and Palestine before we call for an immediate ceasefire and condemn what Israel is doing? We have not actually condemned it at all. We keep saying it should be in compliance with humanitarian law and proportionate but clearly it is not. Will the Minister of State tell me what is the magical number?

What is the position in relation to Shannon? What inspections have been carried out as regards arms being transported through Shannon by America and other countries. Human Rights Watch has verified Israel's use of white phosphorous munitions in Lebanon and Gaza. That is clearly a violation of international humanitarian law. Will the Minister of State update us on what inspections or actions have been taken by the Government in relation to Gaza?

Prior to this war, the attack by Hamas and the warmongering by Israel in response, 80% of the people in the Gaza Strip were utterly reliant on goods and food coming in from outside. I understand up to 500 trucks were coming in each day. Now we are happy that a total of 500 trucks have gone in to Gaza since this started. What voice are we using on that?

What voice are we using in relation to the deaths and destruction that have been perpetuated in the name of democracy and self-defence? That is turning language on its head and, parallel with that, we have heard dehumanising language being used to describe the Palestinian people. I will not do Palestinians the indignity of repeating that appalling language. Will the Minister of State please tell me where the Government, Taoiseach and Tánaiste have dealt with that?

I also wish to ask about the UN and the special procedure when the veto is misused, as it has been misused by Russia in the past, by America on numerous occasions, and particularly since this war began. There is a special procedure called the uniting for peace initiative in accordance with Resolution No. 377 of 3 February 1950 to call for an emergency session of the General Assembly to discuss a permanent and sustainable ceasefire and the lifting of the blockade of Gaza.

I understand that 120 countries in the General Assembly have called for peace. If that is not an overwhelming majority, I do not know what is.

Deputy Chris Andrews: What number of children will have to be murdered by terrorist apartheid Israel before the Irish Government will push for a suspension of all EU trade deals with Israel? Given the horror and terror that are being inflicted daily on Palestinians, what is the number of deaths required before Ireland will speak out in a European context to ensure that Europe does not stand idly by while Palestinians are being slaughtered?

Minister of State at the Department of Foreign Affairs (Deputy Peter Burke): I thank Members for their contributions and the questions they have put forward in respect of the dif-

ficult situation that is unfolding before our eyes in the Middle East. It is horrific to see some of the pictures, scenes and videos coming from the Gaza Strip. It is an area that is exceptionally densely populated. It is just over 40 km long and 12 km wide at its widest part. Israel has been bombarding the area since the original attacks in early October. The scale of the attacks in an area that is so densely populated beggars belief. It beggars belief to see a response such as that. I fully believe that is not how we would expect a respectable democracy to operate. It is totally reprehensible to see the scale of the actions that have been perpetrated-----

Deputy Chris Andrews: On democracy.

Deputy Peter Burke: -----on vulnerable children and women throughout the Gaza Strip. It is totally unacceptable. We have to work through the UN, as we are doing, to try to achieve a ceasefire. We must also work through the European Union.

Deputy Howlin captured the situation well when he went through the result of the vote in the UN General Assembly and spoke about how some European countries have voted subsequently. That shows the scale of the challenge the Irish Government has at EU Council level in the work it is trying to do. People might remember that in 1980, Ireland was the first country in the EU to advocate a two-state solution. That position resulted in it becoming European policy, which shows and underscores that Ireland's influence has always been greater than its size. It is why we will continue to work and put forward our view that we need an immediate ceasefire. The corridors for humanitarian access need to be opened urgently and permanently to ensure the most vulnerable people and citizens get the support they need. We must also ensure that vital aid, for which this State has provided additional money, is provided to assist people in vulnerable areas. We will continue to advocate that.

People have asked about the middle ground, which is an important aspect. How do we get the middle ground through? How do we find an achievable solution into the future? That is going to be very difficult. We all now appreciate the scale of the hill that we must climb to try to achieve that. We are working through actors in the region. The Tánaiste had a series of meetings and calls to try to get through that voice expressing the need for a moderate and sustainable future for a very complex region. The situation is complicated by Hezbollah and Iran. Many actors in the region are, unfortunately, out for bad faith. It is going to be difficult to do what we want.

Other Deputies mentioned Horizon Europe and various aspects relating to the Single Market. We are all aware that those considerations are governed by qualified majority voting rules and we obviously cannot deviate unilaterally from the Single Market because it would leave us open to enforcement proceedings by the European Commission. Deputy Howlin pointed out how the voting block lies in that regard, if we match it to the votes in the UN General Assembly. That shows the challenge the Irish Government has. However, we are working as best we can. I have huge faith in the European project's ability to work to get a result. We will be a voice to try to achieve that.

An Cathaoirleach Gníomhach (Deputy Emer Higgins): The Minister of State now has five minutes to respond to the overall debate.

Deputy Chris Andrews: Will Ireland raise the issue of European trade deals?

Deputy Peter Burke: I thank Deputies for their statements and questions. I will now address further issues that were discussed at the October European Council meeting. A strategic

discussion on the situation in the Sahel was held during the European Council meeting in light of the continuing deterioration of the security and humanitarian situation in the region, aggravated by political instability. Leaders underlined the importance of stability there for the security and prosperity of the people living in the Sahel, as well as for the EU. The Council committed to continuing to support the Economic Community of West African States and other relevant regional partners and invited High Representative Borrell and the European Commission to present options for an EU response to the current situation. Leaders also called for the immediate release of President Bazoum and his family following the coup in Niger.

Tensions in northern Kosovo are still very high and leaders took the opportunity at the October European Council meeting to reassert deep concerns about the security situation there. The violent attack against Kosovo police in September was condemned once again and leaders called for the perpetrators to be apprehended and brought to justice. For this to happen, Serbia must co-operate fully. The EU continues to encourage all parties to de-escalate. Leaders called on Kosovo and Serbia to implement agreements reached in the EU-facilitated dialogue without delay or preconditions. Both sides must return to constructive collaboration within the framework of the Belgrade-Pristina dialogue and engage with the EU special representative to resolve the ongoing situation. New elections should be held in the north of Kosovo as soon as possible with the active participation of Kosovo Serbs.

The Council sought to remind Kosovo and Serbia that normalisation of relations is an essential condition on the European path and that they risk losing important opportunities in the absence of progress. Considering the ambition of all parties ultimately towards EU membership, leaders made a welcome commitment to continue to work closely with the western Balkans and support their reform efforts on their European paths.

Recognising the potentially devastating impacts of the recent military escalation by Azerbaijan in Nagorno-Karabakh, the European Council reaffirmed its continued support for advancing a sustainable and lasting peace between Armenia and Azerbaijan. Leaders noted that any peace must be based on the principles of recognition of sovereignty, the inviolability of borders and territorial integrity. Leaders underlined the importance of ensuring the rights and security of Karabakh Armenians, including those who wish to return to their homes. They supported efforts to facilitate dialogue between the sides and called on all parties to engage in good faith and to finalise the process by the end of this year. The Council also invited the High Representative and the European Commission to present options to leaders on how best to strengthen EU-Armenia relations. This Government is very concerned at the large exodus of ethnic Armenians from Nagorno-Karabakh, which has amounted to over 100,000 of the 120,000 pre-conflict local population. It is vital that we ensure the welfare and protection of the civilian population, most of whom are now effectively refugees. It is Azerbaijan's responsibility to secure the rights of the Karabakh Armenians, including the right to a voluntary, safe, dignified and sustainable return to Nagorno-Karabakh.

The Taoiseach met the Armenian Prime Minister in the margins of the European Political Community meeting in October and expressed Ireland's concern at the plight of Karabakh Armenians and outlined our support for the humanitarian effort. To date, the EU has announced €12.15 million in humanitarian funding to help those displaced by the conflict. This funding is part of a wider package to support Armenia, including through the EU4Peace programme, budget support and technical assistance. Ireland is providing help via the People in Need organisation and to the International Committee of the Red Cross, ICRC, and the United Nations High Commission for Refugees, UNHCR, both of which are active in the response.

Leaders had a brief discussion on the external dimension of migration. The situation continues to be very difficult for member states, with many seeing increased numbers of migrants arriving at a time when we are also hosting large numbers fleeing war in Ukraine. Leaders committed to strengthen co-operation with third countries through the most comprehensive agreements. The topic of migration is likely to be addressed again at the next European Council meeting.

The increased frequency and intensity of extreme weather events highlight the urgency of a global response to the climate emergency. In view of the upcoming 28th United Nations Climate Change Conference, COP28, in Dubai, leaders took stock of preparations for COP28. Leaders also gave broad support for the global renewables and energy efficiency pledge. The conference comes at a decisive moment for international climate action. Temperature records are being repeatedly broken and climate impacts felt in unprecedented wildfires, floods, storms and droughts worldwide. The UN's global stocktake report shows much more must be done to meet the goals of the landmark Paris Agreement. Adapting and building resilience to climate change impacts, addressing climate-induced loss and damage and fossil fuel phase-out will feature prominently. Other critical tasks will include getting the loss and damage fund established at COP28.

The past year has seen a fundamental change in our security environment. Certain incidents have led to a renewed focus on national security and the risk of terrorism, as well as maritime security. In that context, the European Council strongly condemned the recent terrorist attacks in France and Belgium which resulted in the killing and injuring of Swedish and French nationals. Leaders restated the EU's united and firm stance against terrorism. Leaders also called on EU institutions and member states to enhance internal security, including by strengthening law enforcement and judicial co-operation, information exchange through the full use of relevant databases and the protection of external borders. They also stressed the need for effective measures to strengthen the resilience and ensure the security of critical infrastructure. From Ireland's perspective, the Government is deeply concerned at the damage caused and echoes calls to develop effective measures to strengthen the security of critical infrastructure.

Cuireadh an Dáil ar fionraí ar 3.41 p.m. agus cuireadh tús leis arís ar 4.44 p.m.

Sitting suspended at 3.41 p.m. and resumed at 4.44 p.m.

Domestic, Sexual and Gender-Based Violence Agency Bill 2023: Report and Final Stages

Deputy Aodhán Ó Ríordáin: I move amendment No. 1:

In page 18, to delete lines 16 and 17 and substitute the following:

"**21.** (1) The Minister may, following consultation with the chief executive, appoint such and so many officers of the Minister as the Minister may determine to be members of staff of the Agency.".

It is great to engage on this again with the Minister. We had a discussion on this on Committee Stage when myself and Deputy Pa Daly had tabled similar amendments. The key to this is the insertion of the words "following consultation with the chief executive". We feel that the chief executive of this agency should have a consultative role *vis-à-vis* the Minister in terms

of appointing any new officers. The explanation given by the Minister is that this should be understood and that there are other written understandings around this but we feel that it should be made explicit in the legislation itself.

This does not just come from myself or Deputy Daly; it comes from those working in the sector who have been dealing with this issue for a prolonged period of time. When they engaged with members of the Opposition, they encouraged us to table amendments and this comes from a level of experience in dealing with the Department of Justice and with various Ministers. While they are very appreciative of the measures the Minister is introducing, they feel that this is an appropriate measure to insert. It would specify, within legislation, that consultation with the chief executive would be required.

Deputy Pa Daly: Briefly, to follow on from what Deputy Ó Ríordáin said, NGOs within the sector wanted the agency to have some more autonomy. We need accountability within the agency, so the Minister being directly responsible is not necessarily negative but we feel that this provides a good balance. We wish to support Deputy Ó Ríordáin's amendment.

Deputy Niamh Smyth: I fully support the work the Minister is doing on this Bill. It is immensely important. I want to highlight my own area. I am very conscious of the fact that a large amount of the work the Minister has been doing over the last number of years is around providing, developing and investing in women's refuges and safe homes for women and families who find themselves in a position where they need a safe haven and an environment in which they can be protected. What is also really important is that wraparound services are fully provided to compliment and encompass the safe environment that we are trying to create for women and families right across the country.

I am very mindful of the fact that a number of constituencies do not yet have these facilities but I am heartened and inspired by the work the Minister is doing in terms of supporting Tusla. One of the complaints over the years has been that when women and families find themselves in those awful situations, they often have to go from one Department to another to find the support that they need and to get the lift and the protection they need. I am really heartened to see that finally we are moving to a stage where this agency will be able to provide all of that. People will not have to go to the Departments of Social Protection and Housing, Heritage and Local Government or find social workers and so on. We will have a one-stop-shop that will provide the services and give women the confidence they need. The work that the Minister is doing here is sending a very clear message to women and children across the country who may be fearful of leaving a difficult situation, who may not have the wherewithal or the financial means to do so or who may not have the support they need within their immediate family to leave.

I will conclude by urging the Minister to continue with this work because it is hugely important. As I stated previously to her, Cavan-Monaghan is one of the areas that does not have a visible women's refuge. Unfortunately, women in need of such a refuge are sent to other counties and other emergency accommodation. I compliment the Minister on this piece of work.

Minister for Justice (Deputy Helen McEntee): I thank the Deputies for their contributions and Deputy Ó Ríordáin for tabling the amendment and raising this point. He referred to the organisations and individuals who have worked in this space for many decades. At every step of the way in the development of the zero tolerance strategy, but also this agency, I have tried to make sure their views, voices, concerns, experiences and overall ambition for the agency are taken on board. We have been able to achieve that.

I understand the ambition of the amendment is to ensure the head of the agency has a role in setting out who is working in the agency, the skills that are needed and the requirements overall. It is important to stress that, as I have stated previously, right across the justice sector there are examples of where the structure I am proposing in the Bill is already working and operating well. There are a variety of statutory and non-statutory agencies, including the Parole Board, the Office of the Inspector of Prisons, the International Protection Appeals Tribunal, the Probation Service, Forensic Science Ireland and the Office of the State Pathologist. There are also specialist State services outside the sector, such as the Workplace Relations Commission and Met Éireann, for example. In all those organisations there are long-standing and well-established consultative arrangements that already apply as a matter of course where my Department provides staff to agencies under this aegis. Each agency is supported by designated HR business partners. There is a recruitment partner from my Department and this allows for that relationship to be built between my Department and the specific agencies. It, in turn, helps to ensure staff are assigned and have the right skills and requirements, but also the heads of the various agencies have an opportunity to play a direct and substantial role when it comes to recruitment and selecting key staff, such as by applying selection criteria and job specifications, but also by participating on the interview boards. This is happening. It is not new or just in one agency; it has been happening across the board for several years and they have been working effectively and well.

In terms of anything further that would assist in this regard, on an administrative basis the management of specific recruitment campaigns has on several occasions been delegated or designated to the heads of the various agencies. This is done under the aegis of my Department. We will be happy to engage with the new CEO. I am pleased we are now whittling down the list of names and starting to go through the inverview process and things are progressing. The CEO could explore the possibility where specific recruitment competitions would be delegated to them under order by the Minister. There are a number of ways in which we can make it even more clear that the CEO will have responsibility and a role in the overall administration and deployment of staff within the agency.

I do not believe the amendment is necessary. The structures we have in place work well and allow the CEO to be very much involved in this. In recent weeks, I have spoken to several people who consider this to be an important amendment but my view is that what we have achieves what it is people want to see here, namely, a CEO with true power who will not be dictated to by my Department, me as Minister or anybody else who may be Minister in future. This structure is working well in various agencies and that shows it will achieve what we want it to achieve.

Amendment put and declared lost.

Deputy Aodhán Ó Ríordáin: I move amendment No. 2:

In page 31, between lines 17 and 18, to insert the following:

"(5) Nothing in this section authorises—

(a) a service provider,

(b) the Agency, or

(c) the Minister,

to process personal data (within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016) for purposes that are not compatible with the purposes for which the data were originally obtained.".

The amendment relates to data protection. Safe Ireland asked us to table it. It proposes to insert:

"(5) Nothing in this section authorises—

(a) a service provider,

(b) the Agency, or

(c) the Minister,

to process personal data (within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016) for purposes that are not compatible with the purposes for which the data were originally obtained.".

It relates to privacy and protection of data, which is an obvious concern in the context of the establishment of the agency.

Deputy Pa Daly: On Committee Stage, we moved an amendment to section 41 after concerns were raised with us regarding the safeguarding of personal data of victims and survivors in the context of any information request made by the agency to a service provider under that section. In fairness to the Minister, she said she would check out the point. She contacted us to say she had received advice from the Attorney General which stated the proposed amendment was unecessary as it was not intended the agency would process such data and section 41 did not provide a basis for it to do so. She stated she was satisfied, in the context of section 41 or any other provision, that had it been intended for the Bill to provide such a basis, it would have to have been explicitly provided for in the Bill. Stating in clear and accessible language that victims' personal data will be protected may encourage victims to seek out support services. Some of the NGOs involved, however, made the point that if the amendment is fully in line with the intention to protect such data, how can it affect the Department to include it in the Bill? Why not include it if it is not going to make any difference anyway? The benefit of the protection felt by victims or the feeling they would have that their data are being protected would outweigh any potential administrative inconvenience involved in making the changes. That is the feeling that came back from them and I wanted to put it to the Minister before we proceeded further.

Deputy Helen McEntee: I thank the Deputy for outlining the current position and what we discussed previously. It is a given that the processing of personal data by any party must be in accordance with GDPR and law, particularly the legal framework provided by GDPR. As the Deputy noted, the advice I have been given is that section 41 does not alter that in any way or affect the data privacy rights of any person. If it had been intended to provide such a basis in the legislation, that would have to be explicitly provided for in the Bill. I appreciate the view of some people that stating this does not do any harm, but it is already the law. If every Bill stated what is already a fact and in law, that would make legislation even more complex. The advice I have been given is that it is already clearly outlined that any processing of data must be done in accordance with the law. If the situation under the Bill were to be otherwise, we would have to explicitly provide for it in the Bill. Clearly, we have not done so.

We will ensure the agency works closely with the data protection officer, who will be appointed at the earliest stage possible in order that appropriate data protection policies and procedures are in place. That is another element of the Bill. A data protection officer will be appointed to ensure data protection legislation is upheld at every stage.

On a separate but related point, it is worth noting the existing funding agreements between Tusla and the relevant service providers strongly emphasise the need for service providers to be fully compliant with their data protection obligations. That is already in place within the arrangements that are currently *in situ*. As they transfer over to the agency, that will very much align with the new laws and agency. It is already stated in law. If every piece of legislation were to restate or clarify what is already the law, that would make legislation more complex. I am absolutely assured by the Data Protection Commissioner and by the Attorney General that this will not be allowed and is not contained in the legislation.

Amendment, by leave, withdrawn.

5 o'clock

Deputy Aodhán Ó Ríordáin: I move amendment No. 3:

In page 31, between lines 32 and 33, to insert the following:

"(4) Nothing in or under this Act, including a designation under this section, of itself operates to constitute a service provider to be a public body within the meaning of the Data Sharing and Governance Act 2019.".

This is a similar amendment around data protection. I presume the Minister will give us a similar answer. It relates to data protection and seeks to insert the following line: "Nothing in or under this Act, including a designation under this section, of itself operates to constitute a service provider to be a public body within the meaning of the Data Sharing and Governance Act 2019." There is concern about it that is understandable given the sensitivity of the nature of the agency that the Minister is establishing, which we support. The assurances she is giving give comfort to me and, I am sure, to Deputy Daly. Perhaps she can expand on them. I do not necessarily intend to press the amendment. If the Minister can give more assurances on the record of the House as to the intention that she has around data protection, it would give some comfort to those who have questions in this regard.

Minister for Justice(Deputy Helen McEntee): In the same regard, I do not think the amendment is necessary on the basis that there is no way that this Bill, as it currently stands and is drafted, could be interpreted as designating a service provider as a public body within the meaning of the 2019 Act. The only way that the Bill could actually have such an effect is that if it contained a specific provision amending the 2019 Act to state that, and to that effect. From the advice that I have received, if the Bill did intend to allow the Minister to designate a particular NGO as a public service body for the purpose of this Bill, the proper means of enabling this would have to be by way of a specific provision to that effect. We would have to specify it very much along the same lines as the previous amendments. I appreciate the intention behind the amendment to make sure that information that should not be shared is not shared. However, it has been made very clear to me that in order for that to happen, we would have to specify it in this Bill, and we have not done so for very obvious reasons.

Amendment, by leave, withdrawn.

Bill received for final consideration.

Question proposed: "That the Bill do now pass."

Deputy Helen McEntee: I sincerely thank all of my colleagues for their support in the passing of these Stages. This is extremely important legislation, not least because of what it means for the future. It will ensure that irrespective of who is in this Chamber and what year we are in, the issue of domestic, sexual and gender-based violence will remain firmly on the agenda. It will allow for the establishment of an agency for the first time whose sole focus and responsibility will be combating domestic, sexual and gender-based violence, working collectively with all of the wonderful organisations and support services that have been doing amazing work for many years. It places a particular focus on it and, above all, it puts the structures in place for the future to make sure that we continue to deal with what is an absolute epidemic not just in this country, but globally. Again, I thank colleagues for their support and, indeed, my own team and also those working in those space. Above all, I acknowledge victims and survivors of domestic and sexual abuse. It is their lived experience and it is because of them that we have this legislation here today.

Deputy Pa Daly: I thank the Department for everything and thank the Minister for her own good work on the legislation. Obviously, when she took on the role as Minister for Justice she recognised, as we all recognise, the lacuna in services in this regard and she is trying to do something about it. Credit is due to the Minister and her team for the work that they are putting into it. It is not really something to be scoring political points on. I credit them all for the work they are doing and the support that will follow when we can see that there is good progressive legislation going through, notwithstanding some of the concerns that have been expressed. It is our duty to put them to the Minister. When we have brought up particular points, she has responded in kind. We will support her on that.

Deputy Aodhán Ó Ríordáin: This is a huge achievement for the Minister. It speaks volumes of her ethics, values and what she is trying to achieve in her role. We, in the Labour Party, congratulate her. Far too many women, in particular, are being killed by men. Far too many women in Ireland are being assaulted and raped by men. Anybody who has a girl or a women in their life is horrified by the all-too-often news reports of another assault, rape or murder. At some point in the history of this country of ours, we have to shout, "Stop". The Minister is shouting, "Stop", and is making a difference in the role she has. I congratulate her on that. As Deputy Daly said, the party politics goes out the window when we are trying to collectively deal with this. In terms of the amendments we put down, we were genuinely trying to strengthen the Bill. They were an attempt to work collaboratively. What we want, as a body politic, is to speak with one voice when it comes to this issue. We pledge to work with the Minister constructively into the future.

Question put and agreed to.

Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Bill 2022: Report and Final Stages

An Leas-Cheann Comhairle: Amendments Nos. 1 to 3, inclusive, 23 to 30, inclusive, 37 to 42, inclusive, and 50 and 51 are related and will be discussed together.

Minister for Health (Deputy Stephen Donnelly): I move amendment No.1:

In page 7, to delete line 13 and substitute the following:

"the carrying out of post-mortem examinations in hospitals and other non-hospital settings and the regulation of such activity;".

We are making amendments to some of the terminology in the definitions in the Bill. This is to ensure consistency of terminology and definitions across the legislation and to assist with interpretation. Most of these amendments relate to Part 2, which deals with post mortems, providing consistency of terminology across this part and ensuring that the regulations to be introduced under this legislation apply to both coronial and non-coronial post-mortem examinations that take place in hospitals, and to better align provisions with clinical best practice. This was the policy intention on publication, and opportunities to refine this further in drafting have been identified in the interim. These amendments have no material impact on the legislation and the policy intent remains the same.

Another amendment in this grouping provides for the addition of the Chief State Pathologist to the list of people the Minister may consult with before making regulations under this Part of the legislation.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 2:

In page 12, to delete lines 31 to 33 and substitute the following:

"(iii) the seeking and obtaining of post-mortem consent in relation to any proposed post-mortem activity in respect of a relevant person in accordance with *Part 3*.".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 3:

In page 13, to delete lines 3 to 5 and substitute the following:

"(iii) seeking and obtaining of post-mortem consent in relation to any proposed post-mortem activity in respect of a relevant person in accordance with *Part 3*,".

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 4, 16, 17, 31 to 36, inclusive, 48, 49, 52, 53 and 65 are related and will be discussed together.

Deputy Stephen Donnelly: I move amendment No. 4:

In page 15, line 35, to delete "2005)," and substitute "2005), or".

These are technical amendments to correct a number of errors in the text. They have no material impact on the provisions of the Bill.

Deputy Róisín Shortall: I was at a conference and I have only just arrived back. Are the

amendments in this group all the Minister's amendments?

Deputy Stephen Donnelly: Yes.

Amendment agreed to.

Amendment No. 5 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 6 and 21 are related and will be discussed together.

Deputy Stephen Donnelly: I move amendment No. 6:

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

"Review of operation of Relevant Organ Donation Opt-Out Register

17. (1) The Minister shall, not later than 3 years after the commencement of this section, carry out a review of the operation of the Relevant Organ Donation Opt-Out Register.

(2) In carrying out a review under *subsection (1)*, the Minister may consult with such and so many persons and he or she considers appropriate.".

We are inserting a new section 17 which will provide for a review to be carried out examining the impact of the opt-out register on organ donation and transplantation in Ireland, three years after commencement of Part 2 of the Bill. This is an amendment I have added on Report Stage after a meeting with the Irish Kidney Association. I believe there are representatives of the Irish Kidney Association present and I will take the opportunity to acknowledge the extraordinary work it does. This amendment comes specifically from a meeting I had with representatives of the association recently, so we will review the operation of the opt-out register.

Deputy David Cullinane: That is good news and as the Minister knows we had very lengthy discussions about this on Committee Stage. We asked that the Minister work with the Irish Kidney Association but also take on board the views of the Opposition. That is really positive. Obviously we support the Bill and I think this will go through fairly quickly. We have tabled a number of amendments but it is very positive that there was that discussion and that this amendment is now being tabled.

Deputy Róisín Shortall: I welcome the Minister's decision in this regard. On the different opinions about opt-in and opt-out, does the Minister accept there are genuine issues there to be considered? Will all of those questions be considered in the review of the operation of the legislation? I wanted to check that with the Minister.

Deputy Stephen Donnelly: I thank the Deputy. I do not think anyone knows what is the right thing to do here. I know the committee discussed it at length and we discussed it on Committee Stage. I had a very useful discussion on this recently with the Irish Kidney Association as well. As we are all aware, it would like to see an opt-in as well as an opt-out register. What I am proposing to do is to stick with the opt-out register, the reason being that we want real clarity here. We will have very significant public communications on this as well so that people in the country know what we are doing and that essentially we will all now be signed up as organ donors unless somebody wants to opt out. I very much respect where the Irish Kidney Asso-

ciation is coming from. It has a lot of expertise in this and it is its view that it would like both. I told the Irish Kidney Association that we would stick with the current approach, which is an opt-out system. However we want to make sure we get this right, hence the review clause. As for Deputy Shortall's question, absolutely, we can look at how it has worked. We can look at whether, given several years of operation, it would be better to have an opt-in. I do not think we should ever rule out having both. We need to be very respectful of where the Irish Kidney Association is coming from, its expertise, and the lived experience of its members. We spoke about Spain, for example, which is referenced as one of the best. Spain does not have an opt-in system. Other countries do. Yes, we need to keep it under review and it will form active consideration within the review we are bringing in now.

Deputy Róisín Shortall: There is an issue about the messaging of all of this. A negative spin has been put on it by some media outlets, some individuals, and some organisations. That has partly created concern and doubt in people's minds. That is where the Irish Kidney Association is coming from on this. There is probably a bit of work to be done in terms of the messaging of this and the important role families have, ultimately. While the individual may have taken the decision it is ultimately the family who will make the final decision. That message has not got across clearly in the public awareness of this. I very much welcome the Minister's decision on this and thank him.

Amendment agreed to.

An Leas-Cheann Comhairle: I will now move to amendment No. 7 which has been discussed with amendment No. 5. No, it has not been, because amendment No. 5 was not moved.

Deputy Róisín Shortall: I move amendment No. 7:

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

"Transplantation and Donation Audit

17. The Minister shall by way of regulation direct the Executive to publish an annual audit of the activities of procurement organisations and transplantation centres which includes:

(a) The number of deaths in hospitals;

(b) The number of potential donors;

(c) The number of donors requested to donate;

(d) The number of donors assessed as being medically suitable for donation and where donation was not feasible, identifies the reasons;

(e) The responses of families or next of kin to organ donor requests, classified by reason;

(f) The number of organ retrievals, classified by the reason retrieval was not feasible; and

(g) The number of transplants, classified by the reason transplantation was not feasible.".

My amendment relates to an audit and, again, the Irish Kidney Association are very keen that we legislate for an annual published audit. The reason for that call is that there is a sense it would improve accountability and help to ensure that dedicated funding is not diverted. It would also help to identify missed organ donation opportunities. It strikes me as being good practice. In November 2021 an available organ was not transplanted due to a lack of resources in the Mater Hospital and we all remember that. In 2022 the National Office of Clinical Audit also recommended an annual audit, stating that, "a potential donor audit is a key driver of improvement in organ donation rates". Also, out of 72 countries worldwide, Ireland ranks 28th in terms of organ donation rates. Pre-pandemic, Ireland's rate was 18 per million of population compared to Spain, for example, at 49 per million of population. The first and only potential donor audit was carried out in 2009 and I do not know why we have not had an audit since then. The discipline and regularity of an audit helps to refocus attention on it and ensure funding is being spent in the right way. It is good practice and I hope the Minister will consider supporting the amendment.

An Leas-Cheann Comhairle: Does Deputy Cullinane wish to speak?

Deputy David Cullinane: No, that is okay.

Deputy Stephen Donnelly: I thank the Deputy. I share some of the concerns she has raised and indeed the Irish Kidney Association was also looking for this to be incorporated as an amendment. We had a good discussion on this on Committee Stage and I had a good discussion on this with the Irish Kidney Association. What I propose to do is not to bring it into the legislation as I do not think it needs to be in the legislation.

We can act on it quickly. The HSE's Organ Donation and Transplant Ireland publishes an annual report on organ donation and transplantation activity. I have asked my officials to engage with the Organ Donation and Transplant Ireland on expanding this report to include exactly the kind of information that Deputy Shortall and the advocacy groups have raised. This will include information on donation patterns, the reasons retrieval was not possible and the reasons transplantation was not possible, where appropriate - for example access to ICU, access to appropriate transportation, both for the patient, potentially, and for the organ. Separately, the National Office of Clinical Audit, NOCA, undertook a potential donor audit feasibility study which was published in March of last year. This developed into a larger potential donor audit survey which has just been published in the past few weeks. It was published in September. The report from this study will provide a much more in-depth understanding of exactly the issues we all are keen to get to the bottom of and that the Deputy has raised, for example, how the system of donation transplantation is working and where we need to see it improved. What I discussed with the Irish Kidney Association was that we would move this more robust or expansive report to an annual basis which is exactly what we are all trying to achieve here, as Deputy Shortall laid out in her contribution.

Deputy Róisín Shortall: The Minister is therefore on the record as saying there will be an expanded report, including all of those elements I listed in the amendment, and a clear commitment that it will be an annual report and that we will not have to wait a number of years to find out the progress of the programme. I am taking it that is what the Minister is saying on the record and we will come back to him if there is any slippage on that. On that basis, I am happy to withdraw that amendment.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 8 to 15, inclusive, are related and may be discussed together.

Deputy David Cullinane: I move amendment No. 8:

> In page 27, to delete lines 32 to 34 and substitute the following:
>
> "(b) the removal of the organ for the purpose of transplantation is for therapeutic benefit and no reward has been or is to be given, and there is no other alternative therapeutic method of comparable effectiveness;".

Amendments Nos. 8, 11 and 13 are similar and relate to the same issue. The amendments are in response to correspondence we received from a number of people who, having gone through transplants, raised concerns with us and asked us to table amendments. I will listen to the Minister's reply.

Deputy Róisín Shortall: I will speak to amendments Nos. 10 and 15 in the group. I agree we have been requested to consider future-proofing the legislation by providing for the possibility of a sharing or swap scheme. I am not qualified, and I do not think any of us is, to express a view on whether that is wise. On the face of it, however, it would seem to make sense, notwithstanding that we have a relatively small, albeit growing, population, that we may get to a point where we can have a sharing or swapping scheme. The current wording would not allow for swaps as the person who donates an organ is not solely concerned with the benefit of the recipient. Section 21(1)(c) and section 23(1)(c) will still ensure that there is not financial gain. The preclusion of financial gain is contained in some of the amendments but I understand financial gain is ruled out by the legislation in any event. The Irish Kidney Association is of the view that while the population is relatively small, as I said, it would be a good idea to plan for the future and consider the possibility of having such a scheme in future without the need for primary legislation.

Deputy Stephen Donnelly: I thank the Deputies for the amendments. I agree with both of them on the principle that, as regards the paired arrangements, these have to be voluntary and unpaid. The legislation prohibits coercion of any living donor and does not allow for payment or for any non-financial award to be made for the donation of organs or tissues and cells.

Section 12 outlines the principles for organ, tissue and cell donation. These include that donation must be voluntary and unpaid. It actually goes further by making it an offence to seek or offer financial or non-financial rewards by advertising the need for or the availability of organs or tissues and cells. Specifically, section 12(1) provides: "Subject to *subsection (3)*, any donation of an organ or tissues and cells from a deceased or living donor shall be voluntary and unpaid and any financial compensation or other like reward given in respect of a donation of an organ or tissues and cells shall render any consent provided null and void." The section allows for a living donor to receive expenses for loss of income and costs connected to the donation and it sets out the conditions for this. The Minister for Health has the authority to make regulations in respect of compensation under the scheme.

Further to this, sections 21(1)(c), 22(1)(c) and 23(1)(c) provide that a condition in relation to the donation of organs, tissues or cells by living adults and the donation of organs by non-directed altruistic donors is that "subject to *section 12* and any regulations made under that section, the donor has not and will not receive any financial compensation or other non-financial inducements for donating". As such, I hope colleagues will agree that the legislation is robust

and clear with regard to the principles of donation and the conditions around donation. While I agree with the intent of the amendments, they are robustly covered in the Bill.

In respect of Deputy Shortall's amendments Nos. 10 and 15, I examined this matter in detail to make sure that it was covered in the Bill. The clear advice I have from the officials is that the Bill captures circumstances where there are paired organ donations and, therefore, multiple recipients. Paired organ donations are an important part of the living donor programme in Ireland and there will be no change to this on foot of the Bill. The current provisions of the legislation enable the continuation of paired donation arrangements.

Deputy Róisín Shortall: That is not my understanding of the Bill. I cannot dig out the reference but maybe the Minister can provide a reference to where the Bill allows for such a sharing or pairing scheme. I understand it is quite specific in referring to the intended recipient, which means there would be just one donor to the recipient rather than a potential pairing or swapping arrangement.

Deputy Stephen Donnelly: If the Deputy gives me a moment, I will get the relevant note.

Deputy Róisín Shortall: I can assist the Minister as I see the reference now. Section 21(1)(b) states: "the removal of the organ for the purpose of transplantation is solely for the therapeutic benefit of the recipient and there is no other alternative therapeutic method of comparable effectiveness". It seems that this provision envisages only a one-to-one donation. That is my reading of the wording.

Deputy Stephen Donnelly: Organ Donation Transplant Ireland, ODTI, has confirmed that the paired donations, which the Deputy is seeking to protect, will be allowed and that any transplant will have a donor and recipient in the chain in this context.

Deputy Róisín Shortall: That is the pairing arrangement where there is a donor and a recipient. What I am saying is that we should future-proof the legislation to allow for a swapping arrangement where there may be more than two people involved.

Deputy Stephen Donnelly: The advice I have is that what the Deputy is proposing is not precluded, that can continue and there is nothing in the Bill that would stop that happening.

Deputy Róisín Shortall: I will not take up the time of the Dáil on this. I ask the Minister to send me a note because that is not my reading of it. It would seem to be quite explicit based on the existing wording. If there is a different interpretation, I would be interested in seeing it in writing.

An Leas-Cheann Comhairle: I have allowed latitude on this. This is Deputy Cullinane's amendment. How stands the amendment?

Deputy David Cullinane: I will press the amendment.

Amendment put and declared lost.

Amendment No. 9 not moved.

Deputy Róisín Shortall: I move amendment No. 10:

In page 27, line 33, after "recipient" to insert "or recipients in the case of an approved State sharing scheme,".

This amendment is quite explicit so I will press it and amendment No. 15.

Amendment put and declared lost.

Deputy David Cullinane: I move amendment No. 11:

In page 28, to delete lines 20 to 22 and substitute the following:

"(b) the removal of the organ for the purpose of transplantation is for therapeutic benefit and no reward has been or is to be given, and there is no other alternative therapeutic method of comparable effectiveness;".

Amendment put and declared lost.

Amendment No. 12 not moved.

Deputy David Cullinane: I move amendment No. 13:

In page 29, to delete lines 8 to 10 and substitute the following:

"(b) the removal of the organ for the purpose of transplantation is for therapeutic benefit and no reward has been or is to be given, and there is no other alternative therapeutic method of comparable effectiveness;".

Amendment put and declared lost.

Amendment No. 14 not moved.

Deputy Róisín Shortall: I move amendment No. 15:

In page 29, line 9, after "recipient" to insert "or recipients in the case of an approved State sharing scheme,".

Amendment put and declared lost.

Deputy Stephen Donnelly: I move amendment No. 16:

In page 30, line 35, to delete "*section 10* and any regulations made under that section" and substitute "*section 10*".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 17:

In page 31, lines 16 and 17, to delete "Minister for Public Expenditure and Reform" and substitute "Minister for Public Expenditure, National Development Plan Delivery and Reform".

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 18 and 19 will be discussed together.

Deputy Stephen Donnelly: I move amendment No. 18:

In page 32, to delete line 4 and substitute the following:

"(e) at least 2 shall be patient advocates and, of those 2, at least one may be a donor patient advocate.".

I am moving an amendment to section 27 so that there are two patient representatives on the independent panel for organ donation, at least one of whom may be a patient donor advocate. This doubles the number of patient advocates on the independent panel and is to ensure that there are members of the panel with personal experience of the organ donation process who can offer real insight into the subject and represent the most important people in this process. This arises from discussions with colleagues on Committee Stage. It was also a request of the Irish Kidney Association that there be a patient representative or representatives with experience on the donor or recipient side. This amendment aims to accommodate that within the Bill.

Deputy David Cullinane: I will withdraw amendment No. 19 on the basis of the Minister's clarification.

Amendment agreed to.

Deputy David Cullinane: I move amendment No. 19:

In page 32, between lines 4 and 5, to insert the following:

"(f) at least one shall be an adult member of donor families.".

Amendment, by leave, withdrawn.

Deputy David Cullinane: I move amendment No. 20:

In page 35, to delete lines 34 to 38, to delete pages 36 and 37, and in page 38, to delete lines 1 to 4, and substitute the following:

"CHAPTER 50

RELEVANT ORGAN DONATION REGISTER

Relevant Organ Donation Register

31. (1) The Executive shall, as soon as practicable after the commencement of this section, establish and maintain in such form as it considers appropriate, a register to be known as the Relevant Organ Donation Register (in this Part referred to as "the Register").

(2) The Executive shall make an entry in the Register of the details specified in *subsection (3)* of *section 32* in respect of an adult who has registered their wishes in relation to their relevant organs in accordance with that section.

(3) Where the Executive has made an entry in the Register, it shall contact the person in respect of whom the entry has been made, in the manner specified by the Executive, to confirm the details of the entry.

(4) Only the Executive may access the information contained in the Register and the contents of the Register shall not be available to the public.

(5) The Executive shall take such steps as it considers necessary to ensure that the particulars entered in the Register are accurate.

(6) The Executive may, for the purposes of maintaining the accuracy of the Register and, where it considers it appropriate to do so, amend or delete any particulars entered in the Register.

Application to register choice in relation to being relevant organ donor

32. (1) An adult (in this section referred to as the "applicant") may apply to the Executive to register their choice in relation to being an organ donor of their relevant organs and where they do so, the Executive shall register that choice on the Register.

(2) An application under subsection (1) shall—

(a) be in writing or online, and

(b) subject to *subsection (3)*, be in such form and manner as is specified by the Executive.

(3) When making an application under *subsection (1)*, an applicant shall provide the following information to the Executive:

(a) their forename, surname and any former surnames;

(b) their mother's birth surname;

(c) their address;

(d) their sex;

(e) their nationality and date and place of birth;

(f) their personal public service number (if any) (within the meaning of section 262 of the Social Welfare Consolidation Act 2005);

(g) where known, their individual health identifier (within the meaning of the Health Identifiers Act 2014);

(h) such other information as the Executive may, from time to time, reasonably specify for the purposes of maintaining the Register.

(4) A person may apply to the Executive to—

(a) amend their information on the Register provided in accordance with *subsection (3)*, or

(b) change their choice provided in accordance with *subsection (1)* and have their details amended in the Register.

(5) An application under *subsection (4)* shall—

(a) be in writing, and

(b) be in such form and manner as specified by the Executive.

(6) A registered decision on the Register by a person under *subsection (1)* shall remain on the Register for the lifetime of that person unless they change their choice in

accordance with *subsection (4)(b)*.

(7) A person shall not make—

(a) an application under *subsection (1)* to register any person other than themselves on the Register, or

(b) an application under *subsection (4)(a)* or *(b)* in respect of the information or choice contained on the Register relating to any person other than himself or herself, without that person's knowledge and consent.

(8) A person who contravenes *subsection (7)* shall be guilty of an offence.

Application to ascertain if choice is registered on Register

33. (1) A relevant professional shall, for the purpose of determining whether or not deemed consent applies in respect of a deceased person, apply to the Executive to ascertain whether or not the deceased person has registered their choice on being an organ donor in accordance with *section 32*.

(2) On receipt of an application under *subsection (1)*, the Executive shall, as soon as practicable, consult the Register and confirm whether or not the person the subject of the application has registered their choice on being an organ donor.

(3) An application under *subsection (1)* shall be made in such form and manner as may be specified by the Executive.

(4) Where a relevant professional has received information provided by the Executive in relation to a person in accordance with subsection (2), they may disclose such information to the designated family member—

(a) where the person the subject of the application has registered their choice in relation to organ donation on the Register in accordance with *section 32* and the designated family member has enquired about potential organ donation relating to the person concerned, or

(b) where the person the subject of the application has not registered their objection to organ donation on the Register in accordance with *section 32* and deemed consent applies to the proposed donation.

(5) A relevant professional shall not remove any relevant organ for the purposes of transplantation activities from a person where the person has registered their objection to organ donation on the Register in accordance with *section 32* and that objection has not been withdrawn at the time of the person's death."

Could the Minister respond first while I find my pages?

Deputy Stephen Donnelly: We discussed this briefly. It concerns the opt-out versus opt-in. I think amendment No. 20 is about opt-out and opt-in. The opt-out only register makes organ donation the clear default option and signals the move toward organ donation being the norm. I agree with the Deputy's earlier contribution that we need a really robust public communications campaign. This is a fundamental change to how we deal with organ donation in this country. We all hope it will accelerate the chances of organ donation for the 600 or so people on the

waiting list.

The opt-in register would not have the status of the opt-out register. We discussed this at some length. While I fully appreciate where it is coming from, we want this to be very clear and not have three different categories - opt-in, opt-out and neither. We want it to be very clear.

The success of this will depend to some extent on public communications. We must get that right so that everybody understands that we are all now organ donors. We are all opted in unless we decide to opt out. I believe this is the right approach but I want to be very cognisant and respectful of the views of people who have lived through this and advocacy groups and, therefore, this will be included very clearly in the review of the legislation. If in the future, having looked at the operation of the legislation and the scheme for a few years, the view is that an opt-in register should be included, it is not something we are not ruling out. For now, we want to proceed with a very clear change in philosophy to one where everyone essentially is an organ donor unless he or she chooses to opt out.

Deputy David Cullinane: We discussed this at great length on Committee Stage. The discussions the Minister has had with the Irish Kidney Association and his amendment pre-empted the amendments we moved. These are very lengthy amendments that were crafted by the association. The association's main ask was for an opt-in and an opt-out and absolute certainty that if a decision had to be made, the family could take comfort from the fact that the person's expressed wishes are clearly being delivered.

We had a lengthy over and back on this. If the Minister remembers what was agreed, it was that he would meet with Opposition Deputies and members of the Oireachtas Joint Committee on Health and we would try to agree an amendment to deal with this. I accept that we have to put the foundations in, get this right and start somewhere. The Irish Kidney Association provided comparisons with other countries, including Great Britain, in terms of what has worked there.

I will not labour the point. I have already acknowledged the Minister's engagement, which has given me the comfort I need that we can review this if this needs to be reviewed. That is the most important thing. I do not want to hold this Bill up. We want this Bill passed. We all accept that what is being done here is really important. If we do need to change and review how this is done, we can come back to it in the future. On that basis, I will not press the amendment to a vote.

Deputy Róisín Shortall: When the Minister explained the core of this a minute ago, he said that we must get the message across that we are all regarded as having opted in but the other part of that needs to be spelt out as well because it is the assumption of people being considered to have opted in that is of concern to some people. The other side of the new measure is that ultimately the family of the person concerned can opt out. The final decision is theirs. We need to keep on saying that. When we talk about opting in, we should say that it is ultimately the family who decides in the end. My amendment calls for a review or report on the operation of the measure after two years. The Minister has said three years. I think two years might have been better but I am not going to stand on ceremony in that regard.

An Leas-Cheann Comhairle: Does the Minister want to respond?

Deputy Stephen Donnelly: It is fine; I think we have covered it. We are all broadly in agreement. I acknowledge the very legitimate points Deputies have raised.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Is an Teachta Shortall pressing amendment No. 21?

Deputy Róisín Shortall: No. I would prefer two years but I am not pressing it. I accept the Minister's amendment, which is welcome.

Amendment No. 21 not moved.

Deputy David Cullinane: I move amendment No. 22:

In page 43, between lines 24 and 25, to insert the following:

"(2) By the substitution of the following regulation for Regulation 25:

"25 (1) The HSE shall—

(a) keep a record of and publish the annual activities of procurement organisations and transplantation centres, at hospital level, including aggregated numbers of living and deceased donors and the types and quantities of organs procured and transplanted, or otherwise disposed of in accordance with European Union and national provisions on the protection of personal data and statistical confidentiality, to include:

(i) Deaths in hospitals;

(ii) Number of potential donors;

(iii) Number of donors actually requested to donate;

(iv) Number of donors assessed as being medically suitable for donation with classification of reasons why donation is not feasible;

(v) Families or next of kin response to organ donor requests with classification of reasons;

(vi) Number of organ retrievals with classification of reasons why retrieval is not feasible;

(vii) Number of transplants with classification of reasons why transplantation is not feasible,

(b) draw up and make publicly accessible an annual report on activities referred to in paragraph (a), and

(c) establish and maintain an updated record of procurement organisations and transplantation centres.".".

Amendment put and declared lost.

Deputy Stephen Donnelly: I move amendment No. 23:

In page 44, to delete line 1 and substitute the following:

" "coronial post-mortem examination" means a post-mortem examination directed by or on behalf of a coroner under the Coroners Acts 1962 to 2023 in relation to a deceased person;".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 24:

In page 45, to delete lines 35 to 38 and substitute the following:

"38. (1) Subject to *subsection (2)*, this Part shall apply to post-mortem activities and coronial post-mortem examinations that take place on or after the commencement of this section in a hospital (whether public or private) and a reference in this Part to a "hospital" includes a reference—

(a) to a private hospital, and

(b) to a facility (howsoever described) other than a hospital or relevant facility, within the meaning of section 2 of the Act of 1962, where post-mortem activities are carried out in accordance with this Part by service providers (within the meaning of section 2 of the Health Act 2004), pursuant to section 38 of that Act.".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 25:

In page 46, to delete lines 4 to 7 and substitute the following:

"(b) subject to the operation as necessary of sections 33(2B), 33(2C), 33(2D), 33(3A), 33(3B), 33(3C), 33(3D), 33F, 33G, 33H, 33I, 33J, 33K, 33L, 33M, 33N and 33O of the Act of 1962, coronial post-mortem examinations.".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 26:

In page 46, to delete lines 10 to 13 and substitute the following:

"39. (1) Subject to *subsections (3)* and *(4)*, the Minister may make such regulations as he or she considers necessary or expedient for the management in the most respectful and appropriate manner possible of post-mortem activities and coronial post-mortem examinations that take place in a hospital.".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 27:

In page 46, to delete lines 16 to 27 and substitute the following:

"(a) procedures for the retention, storage, disposal or return of material removed from the body as part of the coronial or non-coronial post-mortem examination, where such action is consistent with guidelines but shall not include tissue samples

held on blocks or slides, trimmings or bodily fluids removed during the examination;

(b) the arrangements to be put in place by hospitals for—

(i) the management of authorisations (within the meaning of section 2 of the Act of 1962) under section 33F of that Act,

(ii) the designation of persons or classes or persons responsible for the management of such authorisations, and

(iii) the carrying out of the authorisations received from the coroner in that regard;

(c) incidents and particulars of incidents to be notified to the Authority;

(d) prescribing the retention periods for records and samples arising from non-coronial post-mortem activities, each of which periods (other than in the case of records and samples which are toxicology samples, trimmings or bodily fluids) shall not be less than 5 years;".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 28:

In page 46, to delete lines 30 to 33.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 29:

In page 46, between lines 38 and 39, to insert the following:

"(d) the Chief State Pathologist;".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 30:

In page 47, to delete lines 7 to 10.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 31:

In page 52, line 4, to delete "shall be retained" and substitute "shall".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 32:

In page 52, line 5, to delete "with" and substitute "be retained".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 33:

In page 52, line 6, to delete "the medical records" and substitute "with the medical records".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 34:

In page 52, lines 8 and 9, to delete "be retained in accordance" and substitute "in accordance".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 35:

In page 52, line 12, to delete "for such period" and substitute "be retained for such period".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 36:

In page 54, line 28, to delete "there is a risk" and substitute "where there is a risk".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 37:

In page 55, to delete line 28 and substitute the following:

"51. (1) A hospital at which post-mortem activities or coronial post-mortem examinations, as the case may be, take place or will take place shall, subject to *subsection (2)*, as soon".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 38:

In page 55, between lines 32 and 33, to insert the following:

"(2) A nominated person shall be an employee of the hospital concerned and shall be a suitably qualified person by reason of his or her training and experience to discharge the responsibilities of a nominated person.".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 39:

In page 55, line 34, to delete "activities" and substitute "activities or coronial post-mortem examinations".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 40:

In page 55, line 36, to delete "activities" and substitute "activities or coronial post-

mortem examinations".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 41:

In page 56, to delete lines 6 to 9 and substitute the following:

"(3) A hospital in which post-mortem activities or coronial post-mortem examinations take place or will take place shall inform the Authority of the name and particulars of the person nominated under *subsection (1)*.".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 42:

In page 56, to delete lines 14 to 16 and substitute the following:

"(5) A hospital at which post-mortem activities or coronial post-mortem examinations take place shall, notwithstanding the nomination by the hospital of a nominated person, at all times remain responsible for, and accountable to the Authority in respect of, compliance with this Part.".

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 43 to 47, inclusive, and 66 are related and may be discussed together, by agreement.

Deputy Stephen Donnelly: I move amendment No. 43:

In page 56, line 22, to delete "definition" and substitute "definitions".

We are making several amendments to section 52, which amends the Health Act 2007. These amendments are being made to expand HIQA's role to include the monitoring of regulations for post-mortem examinations that take place in locations other than hospitals, such as the Dublin city mortuary. HIQA already has a remit within the hospitals. The purpose of these amendments is to provide parity of regulation for the management and final treatment of material retained from post-mortem examinations in line with clinical practice and updated HSE national clinical guidelines for post-mortem examination services from 2023.

We are also inserting a new section to amend the Health Act 2004. This will expand the protected disclosure provisions to include disclosures made to HIQA relating to its role in monitoring compliance with regulations under the Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Bill 2022 and the Coroners Act 1962.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 44:

In page 56, to delete lines 23 and 24 and substitute the following:

" "Act of 1962" means the Coroners Act 1962;

"coronial post-mortem examination" has the same meaning as it has in *sec-*

tion 38 of the *Act of 2023*;

"non-coronial post-mortem examination" has the same meaning as it has in *section 38* of the *Act of 2023*;

"relevant facility" has the same meaning as it has in section 2 of the Act of 1962;

"relevant sections of the Act of 1962" means sections 33(2B), 33(2C), 33(2D), 33(3A), 33(3B), 33(3C), 33(3D), 33F, 33G, 33H, 33I, 33J, 33K, 33L, 33M, 33N and 33O;".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 45:

In page 56, to delete lines 25 to 27 and substitute the following:

"(b) in section 8(1)—

(i) in paragraph (n), to substitute "(S.I. No. 256 of 2018);" for "(S.I. No. 256 of 2018).", and

(ii) by the insertion of the following paragraphs after paragraph (n):

"(o) to monitor compliance with *Part 3* of the *Act of 2023* and any regulations made under that Part;

(p) to monitor compliance with the relevant sections of the Act of 1962 and with any regulations made by the Minister for Justice under section 331 of that Act.".".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 46:

In page 56, to delete lines 29 to 40, and in page 57, to delete lines 1 to 19 and substitute the following:

" "Provision of information to Authority for purposes of monitoring compliance with *Part 3* of *Act of 2023* and relevant sections of Act of 1962 in accordance with subsection (1)(o) and (1)(p) of section 8

12A. (1) A hospital, within the meaning of *section 38* of the *Act of 2023*, at which post-mortem activities or coronial post-mortem examinations take or will take place shall, as soon as practicable after the commencement of this section and in any event, not later than 3 months after such commencement, notify the Authority in writing of the following, namely:

(a) the name and particulars of the nominated person nominated in that behalf pursuant to *section 52* of the *Act of 2023*;

(b) in the case of a hospital where post-mortem activities or coronial post-mortem examinations take place or will take place, the name and ad-

dress of the hospital;

(c) in the case of a hospital where post-mortem activities or coronial post-mortem examinations take place or will take place, the details of post-mortem activities or coronial post-mortem examinations that take place or will take place on the premises.

(2) Where the hospital changes in a material way any of the matters notified under subsection (1), the hospital shall as soon as possible and, in any event, not later than 28 days after the material changes, inform the Authority in writing and provide it with details of the changes.

(3) Without prejudice to the generality of subsection (1), the Authority may require the Executive or the hospital at which the post-mortem activities or coronial post-mortem examinations take place or will take place to provide it within such reasonable period as the Authority may require with any information or statistics the Authority requires in order to determine the level of compliance by the Executive or hospital with *Part 3* of the *Act of 2023*.

(4) Where a person receives a request under subsection (3) from the Authority, he or she shall comply with such request.",".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 47:

In page 57, to delete lines 21 to 39, and in page 58, to delete lines 1 to 15 and substitute the following:

"(i) in subsection (1)(a), by the substitution of "section 8(1)(c)," for "section 8(1) (c), or",

(ii) by the insertion, in subsection (1), of the following paragraphs after paragraph (b):

"(c) monitoring compliance with *Part 3* of the *Act of 2023* in accordance with section 8(1)(o), or

(d) monitoring compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act,",

(iii) in subsection (2)(a), by the substitution of "section 8(1)(c)," for "section 8(1) (c), or", and (iv) by the insertion, in subsection (2), of the following paragraphs after paragraph (b):

"(c) monitoring compliance with *Part 3* of the *Act of 2023* in accordance with section 8(1)(o), or

(d) monitoring compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act.",

(e) in section 73—

(i) by the substitution of the following subsection for subsection (1):

"(1) If an authorised person considers it necessary or expedient for the purposes of—

(a) monitoring compliance with standards in accordance with section 8(1)(c),

(b) an investigation referred in in section 8(1)(d),

(c) monitoring compliance with *Part 3* of the *Act of 2023* in accordance with section 8(1)(o), or

(d) monitoring compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act,

the authorised person may enter and inspect at any time—

(i) any premises owned or controlled by the Executive, the Agency or a service provider,

(ii) any premises used or proposed to be used, for any purpose connected with the provision of services described in section 8(1) (b), or

(iii) any relevant facility.",

(ii) by the insertion of the following after subsection (3):

"(3A) If an authorised person considers it necessary or expedient for the purposes of monitoring compliance—

(a) with Part 3 of the Act of 2023 in accordance with section 8(1)(o), or

(b) with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act in accordance with section 8(1)(p),

the authorised person, at any time, may carry out the functions conferred on the authorised person under this section and sections 75 and 76 to the extent that the functions relate to any premises referred to in subsection (1).",

(iii) in subsection (4)—

(I) by the substitution of the following paragraph for paragraph (a):

"(a) inspect, take copies of or extracts from and remove from the premises any documents or records (including personal records) relating to the discharge of its functions by the Executive or the Agency or the discharge of the functions of the coroner in so far only as it relates to monitoring

compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act, or to the services provided by a service provider or at a designated centre,",

and

(II) in paragraph (c)(i), by the substitution of "section 8(1)(d), or monitoring compliance with *Part 3* of the *Act of 2023* in accordance with section 8(1)(o), or monitoring compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act" for "section 8(1)(d)",

(iv) in subsection (5)(b)—

(I) in subparagraph (i), by the substitution of "section 8(1)(d), or monitoring compliance with *Part 3* of the *Act of 2023* in accordance with section 8(1)(o) or monitoring compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act," for "section 8(1)(d)", and

(II) in subparagraph (ii), by the substitution of "investigation or to the monitoring of compliance with regulations or," for "investigation or,",

and

(v) in subsection (7)—

(I) in paragraph (a), by the substitution of "section 8(1)(c)," for "section 8(1)(c), or", and

(II) the insertion of the following paragraphs after paragraph (b):

"(c) monitoring compliance with *Part 3* of the *Act of 2023* in accordance with section 8(1)(o), or

(d) monitoring compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act,",

(f) in section 75—

(i) in subsection (1)(a), by the substitution of "section 8(1)(d) or monitoring compliance with *Part 3* of the *Act of 2023* in accordance with section 8(1)(o) or monitoring compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act" for "section 8(1)(d)", and

(ii) in subsection (2)(a)(i), by the substitution of "section 8(1)(d) or monitoring compliance with Part 3 of the Act of 2023 in accordance with section 8(1)(o) or monitoring compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act" for "section 8(1)(d)",

and

(g) in section 77A(2), to substitute the following paragraph for paragraph (a):

"(a) the monitoring of compliance with standards under section 8(1)(c), compliance with *Part 3* of the *Act of 2023* under section 8(1)(o) and compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act,".".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 48:

In page 58, line 37, to delete "within a period of 14 days from" and substitute "on and after".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 49:

In page 59, lines 16 and 17, to delete "district or circuit, as the case may be," and substitute "district".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 50:

In page 59, line 25, to delete "activities" and substitute "activities or coronial post-mortem examinations".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 51:

In page 60, line 4, to delete "activities" and substitute "activities or coronial post-mortem examinations".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 52:

In page 61, to delete lines 14 and 15.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 53:

In page 61, line 27, to delete "Court considers" and substitute "Court considers appropriate".

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 54 to 64, inclusive, are related, and may be discussed together.

Deputy Stephen Donnelly: I move amendment No. 54:

In page 61, between lines 29 and 30, to insert the following:

"Amendment of section 2 of Act of 1962

56. Section 2 of the Act of 1962 is amended by—

(a) the insertion of the following definitions:

" '*Act of 2023*' means the *Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Act 2023*;

'Authority' means the Health Information and Quality Authority;

'designated person' means—

(a) in relation to a hospital, the person designated in that behalf by the hospital concerned to receive and act in accordance with authorisations from family members of deceased persons under section 33F, and

(b) in relation to a relevant facility, the person designated in that behalf to receive and act in accordance with authorisations from family members of deceased persons under section 33F;

'Executive' means the Health Service Executive;

'healthcare professional' means—

(a) a registered medical practitioner,

(b) a registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011, or

(c) a member of one or more of the following designated professions within the meaning of section 3 of the Health and Social Care Professionals Act 2005, namely:

(i) medical scientist;

(ii) psychologist;

(iii) social care worker;

(iv) social worker;

(v) such other designated profession within the meaning of the said section as the Minister considers appropriate and may prescribe by regulations;

'hospital' has the same meaning as it has in *section 38* of the *Act of 2023*;

'operator' means, in relation to a relevant facility, the person who

has ultimate responsibility for the running of the relevant facility;

'register of relevant facilities' shall be construed in accordance with section 33J;

'relevant facility' means—

(a) the Dublin District Mortuary, or

(b) any other facility (howsoever described), other than a hospital, where post-mortem examinations take place in accordance with this Act and which is specified in the register of relevant facilities as being such place;

'relevant sections' means sections 33(2B), 33(2C), 33(2D), 33(3A), 33(3B), 33(3C), 33(3D), 33F, 33G, 33H, 33I, 33J, 33K, 33L, 33M, 33N and 33O;",

and

(b) by the substitution of the following definition for the definition of "stillborn child":

" 'stillborn child' has the same meaning as it has in the Act of 2004;".".

The purpose of this group of amendments to the Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Bill 2022 is to amend the Coroners Act 1962. It is doing this to align the relevant legislative provisions ultimately providing parity of regulation across coronial and non-coronial post-mortem examinations within hospitals and other settings. We are inserting a new section to the human tissue Bill to amend the Coroners Act to include definitions required to aid interpretation of other amendments that are being made to the Coroners Act. New definitions to be inserted into the Coroners Act 1962 include: "Act of 2023"; "designated person"; "hospital"; "operator"; "register of relevant facilities"; and "relevant facilities". The definition of a stillborn child is also being updated.

We are amending section 33 of the Coroners Act to align with section 44 of the human tissue Bill. This is to ensure that pathologists can continue to be supported by professionals such as anatomical pathology technicians or designated medical scientists in the conduct of their work. On foot of this amendment, there are a number of consequential amendments being made, including to numbering regarding what is included in the meaning of "technical or clinical assistance" and the deletion of section 33B of the Coroners Act 1962. We are further amending section 33 of the Coroners Act to clarify that coronial post-mortem examinations that take place in a hospital will be subject to regulation, under regulations to be introduced under the human tissue Bill. Meanwhile, coronial post-mortem examinations that take place in non-hospital sites will be subject to regulation under the regulations to be introduced by the Minister for Justice under the Coroners Act 1962.

In respect of the regulation of coronial post-mortem examinations, whether under the human tissue Bill or the Coroners Act 1962, we have further amended the relevant clause to expand responsibility for attained material, to ensure sufficient scope within the legislation to regulate this. We are deleting section 56(b) because we are no longer amending section 33(3)

of the Coroners Act. We are further making an amendment to substitute new text in section 33 of the Coroners Act for the existing amendment under section 56(c). The purpose of this is to more clearly set out the process to be followed for engaging with a family when a coronial post-mortem examination has been directed by a coroner. This also clearly sets out the information that must be provided to the family and at what stage of the process. Under this amendment, the family will be told if material has been retained as part of the post-mortem examination as soon as is possible after the examination. The amendment also provides for arrangements to be made for the burial, cremation or return of material when retention is no longer necessary and sets out the information that must be provided to a family when determining their wishes. Under this amendment, the coroner can delegate duties to mortuary or hospital staff where appropriate. The amendment has been drafted in consideration of the updated HSE national clinical guidelines for post-mortem examination services 2023 and in consultation with the chair of the review group that drafted these new guidelines.

Finally, we are amending section 57 by substituting in new text for the previous amendments. These new provisions are required to regulate coronial post-mortem examinations in both hospital and non-hospital sites, such as the Dublin city mortuary. The provisions correspond, where appropriate, with those in the human tissue Bill for management of non-coronial post-mortem examinations, while also recognising the statutory independence and legal obligations of the coroner. The amendments set out the actions to be taken by the designated person, the facility where the post-mortem examination has been carried out to give effect to the family's wishes for material retained from the post-mortem examination, the regulations that legally underpin activity, depending on the location of the post-mortem examination, the steps to be taken when there has been no direction from the family or other appropriate person and the steps to be followed when a designated person is not able to undertake his or her duties under the legislation. The amendments also give the Minister for Justice the powers to make regulations for the management of post-mortem examinations in non-hospital locations, and the Minister should be consulted in the drafting of these.

Deputy David Cullinane: We support all of the amendments. This is an important part of the Bill in terms of the issues that are at the centre of it. We know that the retention of organ parts, against the wishes or knowledge of family members, has been traumatic. So too has the disposal of organ parts without the consent of the family, and in some cases without even the knowledge of the family. These are important issues and I thank the Minister for bringing this Bill forward and for dealing with these issues.

I ask the Minister to give clarity on what the following amendment means because I am assuming it deals with one of the issues I have just talked about. It is amendment No. 57, which proposes:

> In page 61, to delete lines 38 to 40, and in page 62, to delete lines 1 and 2 and substitute the following:
>
> > "(2C) Where the post-mortem examination has been conducted in a hospital, any material removed from the body under a direction in subsection (1) shall be preserved, stored and recorded in accordance with regulations made in that regard by the Minister for Health under *section 40* of the *Act of 2023*.".

Are these future regulations that will come? Is that what is anticipated?

Deputy Stephen Donnelly: Yes.

Deputy David Cullinane: That is fine.

Deputy Róisín Shortall: I welcome these amendments, which are extremely important. It is an area that is extremely emotive and that can be traumatic for the family of the deceased individual, particularly where that individual is a baby or young child. It is important that there is regulation in this area. Sometimes people working in this area can view human tissue as something for research purposes and can overlook the fact that this is a part of an individual who is deceased and who was a loved and valued individual. To that extent, we have not always been good at maintaining adequate respect for human tissue samples in the past. I welcome the fact that this is being addressed in this Bill.

Deputy Stephen Donnelly: I thank colleagues for their support on this. I fully agree that things happened in the past which should never have happened. These amendments and this legislation will put that to bed. This puts the families front and centre in what they want in terms of mandated communications with them, right through the process, not just respecting their wishes but making sure their wishes are front and centre and that they are communicated with on an ongoing basis through this. I thank Deputies for their support. They are somewhat technical amendments but they speak to something very serious.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 55:

In page 61, between lines 32 and 33, to insert the following:

> " "(2A) A registered medical practitioner may, when carrying out a post-mortem examination in accordance with subsection (1), be assisted (whether by way of technical or clinical assistance) in carrying out such examination by an appropriately qualified healthcare professional or other person who, in the opinion of the registered medical practitioner carrying out or supervising the examination, is sufficiently qualified or has the relevant training or experience to provide such assistance.".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 56:

In page 61, line 33, to delete "(2A) A registered" and substitute "(2B) A registered".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 57:

In page 61, to delete lines 38 to 40, and in page 62, to delete lines 1 and 2 and substitute the following:

> "(2C) Where the post-mortem examination has been conducted in a hospital, any material removed from the body under a direction in subsection (1) shall be preserved, stored and recorded in accordance with regulations made in that regard by the Minister for Health under *section 40* of the *Act of 2023*.".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 58:

In page 62, to delete lines 3 to 8 and substitute the following:

> "(2D) Where the post-mortem examination has been conducted in a relevant facility, any material removed from the body under a direction in subsection (1) shall be preserved, stored and recorded, in accordance with regulations made in that regard by the Minister under section 33I.".".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 59:

In page 62, to delete lines 9 to 15.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 60:

In page 62, line 16, to delete "following subsection" and substitute "following subsections".

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 61:

In page 62, to delete lines 17 to 34 and substitute the following:

> " "(3A) In providing the information under subsection (3), a coroner shall notify or cause to be notified a family member of the deceased person, the subject of the information, that approval by the family member (in this Act referred to as an 'authorisation') will be sought in respect of the final management of certain material of the deceased person.
>
> (3B) Subsequent to the information being provided to a family member under subsection (3), the coroner shall further notify or cause to be notified the family member concerned that certain material has been retained for the purposes of the post-mortem examination.
>
> (3C) Where at any time following a post-mortem examination, a coroner on foot of receipt of confirmation from a registered medical practitioner directed to make that examination is satisfied that retention of material from the body of the deceased is no longer necessary, or where the provisions of section 33(4) apply, he or she shall notify or cause to be notified a family member of the deceased person of that fact.
>
> (3D) A notification under subsection (3C) shall inform the family member, the recipient of the notification of the following, namely:
>
> (a) that the coroner has requested the designated person in the hospital or relevant facility where the post-mortem examination took place to contact the family member;

(b) the contact details of the designated person;

(c) that the designated person will request an authorisation from the family member for the final management of certain material retained following that examination;

(d) the authorisation for final management of material shall provide for—

(i) the return of material removed from the body where such return is consistent with guidelines, but shall not include tissue samples held on slides or blocks or trimmings or bodily fluids removed during the post-mortem examination,

(ii) the disposal of the material, by the designated person in a hospital or relevant facility, or

(iii) the use, by the hospital or relevant facility, of the material to further clinical teaching, medical education or research prior to ultimate disposal.”,”.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 62:

In page 62, to delete lines 37 to 41 and substitute the following:

“(7) In this section, ‘technical or clinical assistance’, in relation to the carrying out of a post-mortem examination, includes the removal by a person providing the assistance, of a part of a body from the deceased adult, child or foetus, the subject of the examination concerned.”.”.

Amendment agreed to.

6 o’clock

Deputy Stephen Donnelly: I move amendment No. 63:

In page 62, after line 41, to insert the following:

“**Amendment of section 33B of Act of 1962**

57. Section 33B of the Act of 1962 is amended by the deletion of subsection (1).”.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 64:

In page 63, to delete lines 3 to 43, to delete page 64, and in page 65, to delete lines 1 to 7 and substitute the following:

“ “Authorisation for final management of material removed from body of deceased person

33F. (1) Where—

(a) a post-mortem examination of a deceased person has taken place in a hospital or relevant facility, and

(b) the designated person in the hospital or relevant facility has been requested by or on behalf of the coroner to request an authorisation from a family member of the deceased person, the subject of the post-mortem examination, the designated person in the hospital or relevant facility where the post-mortem examination took place shall request an authorisation from the family of the deceased person, the subject of the post-mortem examination, for the final management of certain material from the body of the deceased person which was retained following that examination.

(2) The designated person shall ensure, in so far as practicable, that the authorisation shall be provided in the terms referred to in section 33(3D)(d)(i), (ii) or (iii) in respect of the final management of the material concerned.

(3) When an authorisation is received by a designated person in respect of the final management of material, he or she shall, as soon as practicable—

(a) give effect to the authorisation,

(b) notify the coroner concerned that the authorisation has been so given effect, and

(c) make this information available to the family member of the deceased should it be so requested by the family member.

(4) Where no authorisation is received by the designated person under subsection (3) or where efforts to contact family members of the deceased have not proved successful, the designated person shall inform the coroner concerned of that fact and the coroner shall be authorised to direct the final management of the material concerned by the designated person.

(5) The final management of any material, other than material referred to in section 33(3D)(d)(i), removed from the body of a deceased person shall not be made where the coroner concerned is satisfied that such material may be required for evidential purposes in a relevant legal process and has notified the designated person in that regard.

(6) The management of any material stored—

(a) in a hospital shall be carried out in accordance with regulations made in that regard by the Minister for Health under *section 40* of the *Act of 2023*, or

(b) in any relevant facility shall be carried out in accordance

with regulations made in that regard by the Minister.

Provisions to apply when no authorisation received for final management of material removed from body of deceased person

33G. In a case to which section 33F(4) applies, the coroner shall direct that the final management of the material concerned be carried out by the designated person, or such other person as appears to the coroner to be appropriate in the hospital or relevant facility, as the case may be, where the material is stored, in accordance with section 33(3D)(d)(ii) or (iii) as is appropriate in the circumstances.

Provisions to apply when designated person not available or in position to receive or to act on authorisation for final management of material removed from body of deceased person

33H. (1) Where a coroner is notified or otherwise becomes aware that a designated person is not available or not otherwise in a position to receive or act in accordance with an authorisation for the final management of material removed from the body of a deceased person, the coroner shall—

(a) seek or confirm the authorisation of the family member in respect of the final management of certain material removed from the body of the deceased person, the subject of the authorisation, and

(b) direct the final management of the material in accordance with the authorisation received.

(2) When the coroner has completed the matters referred to in subsection (1), he or she shall endeavour in so far as is practicable to make this information available to the family member of the deceased should it be so requested.

Regulations in respect of management of material retained following coronial post-mortem examinations made in relevant facilities

33I. (1) Without prejudice to the generality of section 3, the Minister may make such regulations as he or she considers necessary or expedient for the purpose of proper management in the most respectful and appropriate manner possible of material retained in the course of coronial post-mortem examinations that are made in relevant facilities.

(2) In particular, but without prejudice to the generality of subsection (1), regulations under subsection (1) may provide for any or all of the following matters:

(a) procedures for the retention, storage and management of material removed from the body as part of the coronial post-mortem examination, where such action is consistent with any guidelines made in that regard;

(b) the arrangements to be put in place to facilitate receipt of notification of authorisations under section 33F(1), including the designation of persons or classes of persons to whom such notifications shall be given and the procedures for the carrying out of authorisations received in that regard;

(c) the return of any material referred to in paragraph (a) to a family member of the deceased person other than tissue samples held on slides or blocks or trimmings or bodily fluids removed during the examination;

(d) the form of notifications under sections 33(3B), 33(3C) and 33 (3D);

(e) the form of authorisations under 33F;

(f) the form of notification of details of relevant facilities under section 33J;

(g) any additional information as the Minister considers may reasonably be required for the purposes of the register of relevant facilities;

(h) the particulars of notification of incidents to be declared to the Authority;

(i) any other matters which are necessary or expedient for the purposes of giving effect to subsection (1).

(3) Before making regulations under subsection (1), the Minister shall consult such persons as he or she considers appropriate, including all or any of the following:

(a) a representative of the Coroners Society of Ireland;

(b) a pathologist from the Royal College of Physicians of Ireland, Faculty of Pathology;

(c) the Chief State Pathologist;

(d) the Executive;

(e) the Authority;

(f) the Minister for Health.

Register of relevant facilities

33J. (1) As soon as may be after the commencement of this section, the Minister shall—

(a) request in writing each coroner who is for the time being holding office to provide the Minister in such form and manner as may be prescribed and within such period as may be prescribed details of any

relevant facility where the coroner directs post-mortem examinations to be made in accordance with this Act, and

(b) establish and maintain in such form as he or she considers appropriate, a register of relevant facilities (in this Act referred to as the 'register of relevant facilities') to which the regulations under section 33I shall apply.

(2) Where a coroner receives a request in writing under subsection (1)(a),the coroner shall comply with that request.

(3) Notwithstanding the generality of subsection (1)(a), where, at any time, a coroner is of reasonable opinion that a facility (howsoever described) where he or she directs post-mortem examinations to be made in accordance with this Act is a relevant facility, he or she shall notify the Minister in writing of that opinion for the purpose of having that facility registered in the register of relevant facilities.

(4) The register of relevant facilities shall contain the following information, namely:

(a) the name of the relevant facility;

(b) the location of the relevant facility;

(c) the operator of the relevant facility;

(d) the chief executive officer (howsoever described) of the relevant facility;

(e) the nominated person in relation to the relevant facility;

(f) any additional information as the Minister considers may reasonably be required and as may be prescribed under section 33I.

(5) If a particular entered in the register of relevant facilities is incorrect, the coroner in respect of the relevant facility to which the particular relates shall, as soon as may be after becoming aware of its being incorrect, inform the Minister thereof accordingly.

(6) The Minister shall, at regular intervals as may be agreed between the Minister and the Authority and, in any event, when a material change is made to the register, provide a copy of the register to the Authority.

Nominated person

33K. (1) Subject to subsection (2), a relevant facility at which post-mortem examinations take place shall, as soon as practicable after the commencement of this section and, in any event, not later than 12 weeks after such commencement, nominate in writing at least one suitably qualified person for the purposes of the relevant sections (in this section referred to as a 'nominated person').

(2) A nominated person shall be an employee of the relevant facility concerned and shall be suitably qualified person by reason of his or her training and experience to discharge the responsibilities of a nominated person.

(3) A nominated person shall have the following responsibilities, namely:

(a) to notify, in accordance with any guidelines, the Authority of the post-mortem examinations that take place in the relevant facility in relation to which he or she is the nominated person.

(b) to ensure that an annual report of post-mortem examinations that take place in the relevant facility is compiled and submitted to the Authority;

(c) to maintain or cause to be maintained records in accordance with regulations under section 33I;

(d) without prejudice to the powers of the Authority under *Part 3* of the *Act of 2023* and section 8 of the Health Act 2007, to monitor compliance with the relevant sections and any regulations under section 33I and notify the Authority in writing when he or she becomes aware of any breach of a provision of those sections or regulations;

(e) to liaise with the Authority from time to time and when requested to do so by the Authority.

(4) The operator of a relevant facility at which post-mortem examinations take place shall, notwithstanding the nomination by the relevant facility of a nominated person, at all times remain responsible for, and accountable to the Authority in respect of, compliance with regulations under section 33I.

Authority to monitor compliance with relevant sections – authorised persons etc.

33L. (1) The Authority shall, pursuant to section 8(1)(p) of the Health Act 2007, monitor compliance with the relevant sections and any regulations made by the Minister under section 33I.

(2) An authorised person appointed under section 70 of the Health Act 2007 shall be deemed to be an authorised person for the purposes of this section.

(3) A relevant facility shall, as soon as practicable after the commencement of section 33K and, in any event, not later than 12 weeks after such commencement, notify the Authority in writing of the following, namely:

(a) the name and particulars of the nominated person nominated in that behalf pursuant to section 33K;

(b) the name and address of the premises at which the post-mortem examinations take place or are intended to take place;

(c) the post-mortem examinations which take place or are intended to take place on the premises.

(4) Where a relevant facility changes in a material way any of the matters notified under subsection (3), the relevant facility shall as soon as possible and, in any event, not later than 28 days after the material changes, inform the Authority in writing and provide it with details of the changes.

(5) Without prejudice to the generality of subsection (3), the Authority may require the coroner or relevant facility at which post-mortem examinations take place or will take place to provide it within such reasonable period as the Authority may require with any information or statistics the Authority requires in order to determine the level of compliance by the relevant facility with regulations under section 33I.

(6) Where a person receives a request under subsection (5) from the Authority, he or she shall comply with such request.

Compliance notices

33M. (1) Where an authorised person is of the opinion that there is non-compliance by a relevant facility with the relevant sections or any regulations made under section 33I, the authorised person may, following consultation with the Chief Executive Officer of the Authority or such other officer of the Authority so designated for that purpose, serve, or cause to be served, on the operator of the relevant facility concerned a notice (in this Act referred to as a 'compliance notice') in accordance with this section.

(2) A compliance notice shall be signed by the authorised person who is issuing the notice or the person referred to in subsection (1) whom he or she consulted with in relation to the notice concerned and shall—

(a) specify the requirement of the relevant sections or regulations under section 33I with which there has not been compliance,

(b) for the purposes of ensuring compliance by the relevant facility concerned, require the operator of the relevant facility by such date as is specified in the notice to do or refrain from doing such act or acts as is or are so specified in the notice, and

(c) contain information regarding the bringing of an appeal under section 33N against the notice, including information on the manner in which any such appeal shall be brought.

(3) A compliance notice shall, unless an appeal is brought under section 33N, come into operation on the expiry of 14 days from the date of service of the notice.

(4) Where a person on whom a compliance notice has been served

fails to comply with the notice at any time on or after the date on which the notice comes into operation, he or she shall be guilty of an offence and shall be liable on summary conviction to a class C fine or imprisonment for a term not exceeding one year or both.

(5) Summary proceedings for an offence under subsection (4) may be brought and prosecuted by the Authority.

Appeal of compliance notice

33N. (1) The operator of a relevant facility on whom a compliance notice has been served may within 14 days of service of the compliance notice appeal to the District Court in respect of the notice or any requirement therein.

(2) Where an appeal is brought under this section, the District Court may—

(a) confirm the compliance notice, or

(b) direct the authorised person to withdraw the compliance notice concerned.

(3) Where the District Court makes an order under subsection (2)(b), the compliance notice shall cease to have effect.

(4) Where the District Court confirms a compliance notice, the notice as so confirmed, shall come into operation on the expiry of 14 days of the date of confirmation or such later date as the court may determine.

(5) The jurisdiction conferred on the District Court under this section shall be exercised by a judge of that court for the time being assigned to the district court district in which the person on whom the compliance notice is served ordinarily resides or carries on any profession, business or occupation.

Prohibition orders

33O. (1) Where an authorised person is of the opinion that—

(a) there is a serious and material non-compliance with a requirement of the relevant sections or any regulations under section 33I, and

(b) there is—

(i) a need in the public interest to immediately cease any or all of the post-mortem examinations, the subject of the opinion concerned, or

(ii) a failure to comply with a compliance notice, the authorised person may, with the approval of the Chief Executive Officer of the Authority, or another officer of the Authority designated for that purpose, serve, or arrange to have served, on the

operator of the relevant facility, an order (in this Act referred to as a 'prohibition order') in accordance with subsection (2).

(2) A prohibition order shall be signed by the authorised person issuing it, or the person referred to in subsection (1) who approves the issuing of the prohibition order and shall—

(a) state that the authorised person is of the opinion that one or more of the grounds specified in subsection (1) for the serving of a prohibition order exists,

(b) specify the particular serious and material non-compliance, public interest need or failure, as the case may be, at issue,

(c) where relevant, identify the part or parts of the compliance notice with which there has not been compliance, and

(d) as appropriate, direct the operator of the relevant facility served with the order to cease, or arrange for the cessation of, any or all of the post-mortem activities specified in the order concerned.

(3) The approval referred to in subsection (1) or subsection (6), as the case may be, may be given orally or in writing and if given orally shall be recorded in writing as soon as practicable.

(4) A prohibition order shall take effect—

(a) where the prohibition order so declares, immediately upon receipt of the order by the person on whom it is served, or

(b) in any other case—

(i) where no appeal is taken against the prohibition order, on the expiration of the period during which such an appeal may be taken or the day specified in the prohibition order as the day on which it is to come into effect, whichever is the later, or

(ii) where an appeal is taken, on the day immediately following the day on which the prohibition order is confirmed on appeal or withdrawn or the day specified in the prohibition order as the date on which it is to come into effect, whichever is the later.

(5) The bringing of an appeal against a prohibition order which is to take effect in accordance with subsection (4)(a) shall not have the effect of suspending the operation of the prohibition order, but the appellant may apply to the District Court to have the operation of the prohibition order suspended until the appeal is disposed of and, on such application, the District Court may, if it thinks it proper to do so, direct that the operation of the prohibition order be suspended until the appeal is concluded.

(6) In the event of non-compliance or delay by the operator of a relevant facility on whom the prohibition order has been served, an authorised

person shall, with the approval of the Chief Executive Officer or another officer designated for that purpose by the Authority, take whatever steps are considered necessary to ensure compliance with the direction given under this section.

(7) The operator of a relevant facility on whom a prohibition order is served who is aggrieved by a prohibition order may, within the period of 7 days beginning on the day on which the prohibition order is served on him or her, appeal against the order to a judge of the District Court in the district court district in which the prohibition order was served on him or her and, in determining the appeal, the judge may—

(a) if he or she is satisfied that in the circumstances of the case it is reasonable to do so, confirm the prohibition order, with or without modification, or

(b) where he or she is not so satisfied of the matters referred to in paragraph (a), allow the appeal and cancel the prohibition order.

(8) Where on the hearing of an appeal under this subsection a prohibition order is confirmed, notwithstanding subsection (5), the judge of the District Court by whom the appeal is heard may, on the application of the appellant, suspend the operation of the prohibition order for such period as in the circumstances of the case the judge considers appropriate.

(9) A person who appeals against a prohibition order or who applies for a direction suspending the application of the prohibition order under subsection (5) shall at the same time notify the Authority of the appeal or the application and the grounds for the appeal or the application and the Authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.

(10) The Board of the Authority shall be notified at the next available meeting of the Board of the service of a prohibition order.

(11) The Chief Executive Officer of the Authority may, for stated reasons, revoke or vary a prohibition order made in accordance with this section and the Board shall be notified at the next available meeting of the Board of any such revocation or variation and the reasons therefore.

(12) The Chief Executive Officer of the Authority shall, in the public interest make such arrangements as he or she considers necessary or appropriate to bring the matter giving rise to a prohibition order to the attention of the public.

(13) (a) Where a prohibition order has been served and activities are carried on in contravention of the prohibition order, the High Court may, on the application to it in that behalf by the Authority, by order prohibit the continuance of the activities.

(b) An application to the High Court for an order under this para-

graph shall be by motion and the Court, when considering the matter, may make such interim or interlocutory order (if any) as it considers appropriate and the order by which an application under this paragraph is determined may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate.”.”.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 65:

In page 70, to delete lines 35 to 40, and in page 71, to delete lines 1 to 7 and substitute the following:

“(4) Upon receipt of an application for a licence under this section, the Medical Council shall—

(a) in the case of an applicant institution in respect of which more than 2 years has elapsed since an inspection was last carried out on the institution,

(b) where the applicant institution is making an application to become a licensed institution for the first time, or

(c) where the Medical Council with good reason considers it appropriate to do so,

cause an inspection to be undertaken of one or more premises which is or are identified in the application as being the premises at which anatomical examinations will be undertaken by the licensed institution if the licence is granted and prepare a written report following such inspection.”.

Amendment agreed to.

Deputy Stephen Donnelly: I move amendment No. 66:

In page 103, between lines 4 and 5, to insert the following:

“Amendment of Health Act 2004

100. The Health Act 2004 is amended, in section 55G, by the substitution of the following paragraph for paragraph (a):

“(a) an authorised person appointed by the Health Information and Quality Authority in accordance with section 70 of the Health Act 2007 to—

(i) monitor compliance with standards in accordance with section 8 (1)(c) of the Health Act 2007,

(ii) undertake an investigation under section 9 of the Health Act 2007,

(iii) monitor compliance, under section 8(1)(o) of the Health Act 2007, with *Part 3* of the *Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display)*

Act 2023, or

(iv) monitor compliance, under section 8(1)(p) of the Health Act 2007, with the relevant sections (within the meaning of the Health Act 2007) of the Coroners Act 1962 and regulations made by the Minister for Justice under section 33I of that Act,”.”.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

Minister for Health (Deputy Stephen Donnelly): I thank colleagues for their contribution this evening and for the broad support across the House for this important legislation. It is legislation that has been long promised and long fought for, both by people here within the Oireachtas and obviously by patients and patient advocacy groups as well. Thanks to getting the Bill through this evening we are close to the end of the Bill and we will progress now to the Seanad in the coming weeks. This will deliver significant advantages for patients, which is ultimately what the organ donation part of this Bill is about. Already in the first nine months of this year 217 transplants have taken place from 80 deceased and 22 living donors. We know Covid had a big impact on the number of transplants going on and it is very welcome to see our numbers are going back up again. At any point in time around 600 people are on active waiting lists for an organ donation and this legislation will continue to bring those numbers down.

I thank the Irish Kidney Association and all of the representative groups - there are other fantastic groups as well - for all of the great work they do every day on behalf of patients. I know some are here in the Gallery for the debate this evening. As we discussed earlier on, I met with the Irish Kidney Association a few weeks ago and several of the amendments to the legislation have been incorporated from its requests and further to discussion on Committee Stage with colleagues.

I would like to flag some amendments which we will be bringing forward in the Seanad. The amendments will ensure alignment between this legislation and changes to the concept of capacity brought in by the commencement of sections of the Assisted Decision-Making (Capacity) (Amendment) Act 2022.

I conclude by again thanking all of those who have contributed to the development and the passage of this Bill to date. That includes a lot of healthcare professionals who have been very involved in this. It includes patient advocacy groups, legal experts, Members of the Dáil and Seanad, officials from my own Department and the Department of Justice. It is a weighty and technical piece of legislation. It is one that it is great to see that it is supported strongly around the House. I think we all agree it is going to make a big difference to organ donation, and it is also going to make a big difference to post mortems and the other aspects contained within the Bill. I thank everyone for the very considerable work that has gone into getting us where we are this evening.

Deputy David Cullinane: I too thank the Irish Kidney Association for the support it has given all of us and for the input and advice it has given us. I hope that the Bill is strengthened because of its input. I hope that when the Bill is passed it really does make a difference on a

whole range of fronts. Obviously organ donation is really important and it is coincidental that the Irish Kidney Association was actually in the audiovisual room today giving a presentation with others and healthcare professionals, including the HSE lead in this area as well, in relation to kidney disease. Organ transplants are one part of that but it is the one that we hope we can avoid for people. A lot of the discussion was on prevention, treatment and raising awareness in relation to symptoms and so on. That is an area where we have to do an awful lot more work. I obviously support that element of the Bill in regard to organ donation and the objective of what we are trying to do. I welcome the amendment that the Minister has moved in consultation with the Irish Kidney Association. I am sure we will be back debating the effectiveness of the Bill once it comes into operation. I hope we all want it to succeed.

The very sensitive issue the Minister spoke about is also a very important part of this Bill, which is the retention and disposal of organ parts, particularly of children. We know that there were a lot of problems in many parts of the country. I have met many families here in Leinster House and over Zoom when we had Covid. I know how traumatic it was for them to learn that body parts of their children who were deceased were incinerated or sent abroad in the manner that happened. The amendments that we have now made to this Bill and what we are bringing in is really welcome. A lot of work has gone into this so I commend the Minister and his officials. We have been waiting for this Bill for a long time on a whole range of fronts. I commend the Minister on the work he has done in this area.

Deputy Róisín Shortall: I join with others in commending and thanking everybody involved in the production of this legislation, which is very weighty. There is no doubt about that, and a huge amount of work went into it. I also acknowledge the contribution of the Irish Kidney Association and indeed other groups and individuals that have assisted in improving the initial draft of this legislation.

I welcome the fact that we are moving to a new opt-out system and that legal certainty is being brought to it. I welcome the Minister's commitment to look at this further based on the operation of the legislation over the next three years.

The other point I would make is that we all hope that this is going to result in a substantial additional number of organs being available in order to save people's lives. That is what it is all about. That can only happen if the current supports that are available in hospitals and for the speedy transportation of organs and the availability of hospital beds, especially acute hospital beds, are adequately resourced. The law is one thing but the resources are another thing. I urge the Minister to ensure that those resources are prioritised. I thank everyone who was involved in this.

Question put and agreed to.

Public Health (Tobacco Products and Nicotine Inhaling Products) Bill 2023: Report and Final Stages

Deputy David Cullinane: I move amendment No. 1:

In page 9, between lines 27 and 28, to insert the following:

"Review of operation of Act, Act of 2002 and Act of 2015

9. The Minister shall, within 24 months after the passing of this Act, carry out a review of the operation of this Act, the Act of 2002, and the Act of 2015, to also examine:

(a) the regulation of flavouring, packaging, and advertisement of nicotine inhaling products;

(b) the regulation of disposable tobacco products and nicotine inhaling products;

(c) the evidence base for calculating licence fees, the appropriateness of fees which have been set, and potential methodologies for calculating such fees;

(d) issues arising from the implementation of the Acts and attempts to circumvent the Acts, such as proxy purchasing;

(e) the pricing of tobacco products and nicotine inhaling products, including bulk purchasing, and options for standardising tobacco unit prices;

(f) regulating or prohibiting tobacco price lists.".

I move this amendment for a number of reasons. Primarily, the reason I went for this type of amendment was that like with the previous Bill, I take the view that we have a very good starting point. I very much welcome what the vaping Bill does. We had very lengthy discussion at the pre-legislative scrutiny stage. We did an awful lot of pre-legislative scrutiny on this Bill. There were lots of different stakeholders and people who obviously wanted to have their say, including the Irish Cancer Society and many others as well. Obviously there were a lot of people who had a very keen interest in this. We all want the same thing. We all want people to move away from cigarettes. We want people to smoke less, live longer and all of that. If possible, we do not want people vaping or smoking. That is what we all want in an ideal world. At the same time, there were issues that needed to be addressed and I think a lot of them are addressed in the Bill. However, some are not. I assume the Minister is not going to accept our amendments to some of these areas anyway but at the very least I was hoping he would agree with what I feel would be a better way to approach it. Because of a discussion we had on a previous Bill where we talked about the length of time a review might take, we went for 24 months in this amendment. The logic of it is that some of the areas that we talked about should be subject to a review. They include the regulation of flavouring, packaging and advertisements. Flavouring was one of those issues that got a lot of attention. Deputy Shortall has tabled an amendment, which I will support. My view is that it needs to be looked at it. It was very clear to me in the pre-legislative scrutiny process that there is a strong body of opinion that flavoured vaping is directed at children.

I understand that when we try to come at this from the point of view of banning advertising and all of that, that will play some part in it. I know we discussed this in the past but maybe the Minister could give us an indication as to whether the Department has done more research in this area. What is being cited to us is research coming from the European Union and from other OECD countries that have looked at very similar proposals. They are also looking at the patterns and the research that underpins why children are vaping in the first place, and what the attraction is. We all know the types of flavours that are out there. To any reasonable person, it seems that it is directed at children and trying to get people into vaping. Vaping, as some would suggest from the industry, is a step down from cigarettes, and that is the reason there is

flavouring.

It is something that certainly needs to be reviewed. There is an amendment that I will support but at the very least I think we have to be committing to looking at this again in the future. That is similarly the case with regard to the banning of disposable vapes, if it has not already been done; the calculation of fees, once these are established; and the pricing of tobacco products, with particular regard to bulk purchasing. One can see a number of other areas as well. Rather than putting individual amendments down on all of those, my preferred option was that we would pass this Bill and make sure that it does what it does. Then in the future, within 24 months, we would have more time to look at all those issues where there was not agreement, when maybe more research will be done and we can come to more informed decisions, and whether it is this Government or the next Government, they can be looked at again.

Deputy Róisín Shortall: I understand the intent of this, and I agree with the intent but I am concerned about the timescale involved in this. I do not think we have 24 months. The whole issue of vaping among young people has really escalated in the last year or two, and particularly in the last six months. This issue is now coming up at residents' association and community meetings. I am sure everybody is hearing that. It is coming up, first of all, from an environmental perspective. We know that where opinion polling has been done on this, there is huge concern about the environmental impacts of the waste material from disposable vapes being strewn all around streets, parks, green spaces and so on. There is a real difficulty with the disposal of those products because they contain plastic, metal and batteries. There is a very significant environmental impact, and that is one aspect of it.

The other aspect of it, which is of course more important, is that we know vaping is now a gateway to smoking for young people. I was looking at the figures recently with regard to smoking rates for young adults, and they remain steady. They are not reducing at all. Vaping started off as a means of helping people to kick the habit of smoking, and it has become something very different. I do not think we have 24 months to wait and I think we need to act on this much quicker than that. I will speak to my own amendment in a few moments.

Minister for Health (Deputy Stephen Donnelly): Deputy Cullinane, I think, missed the excitement on Committee Stage.

Deputy David Cullinane: I did.

Deputy Stephen Donnelly: I think he was not available and his colleague came in. There was a lively exchange. The result is that Deputy Shortall's amendment is staying in the Bill. We are not seeking to remove it. It was Deputy Shortall's amendment and it was voted through on Committee Stage. We are proposing to leave it in there. Deputy Shortall has made the point that she feels 24 months is too long. The advice I have is that 12 months might be a bit short but it does not matter. We are leaving it in there. We now have a review clause in that came from the Select Committee on Health, so there will be a review done after 12 months.

If we step back for a minute, we need to understand very clearly what this Bill is going to do, and why we need to get it in very quickly. I know I will have colleagues' support on that. Then I want to speak to the second Bill that we are now drafting, on which a public consultation is starting and which is very cognisant of the excellent work done by the Joint Oireachtas Committee on Health in the prelegislative scrutiny for this Bill.

This Bill is essentially doing three things. It is introducing very strict licensing and increased

regulation of the retailers of tobacco and nicotine inhaling products. We have all focused on the vaping side of this but in fact, there are important measures in here for smoking and tobacco as well. First, it introduces strict licensing and increased regulation of retailing of tobacco and vaping. Second, it introduces new restrictions on the sale of both types of product - tobacco and vaping - and restrictions on the advertising of vapes and nicotine inhaling products. Third, it provides additional enforcement powers to the environmental health service for the previous tobacco control Acts. While we have all focused on the vaping part of this, it is both tobacco and nicotine inhaling products that this is moving on.

On the licensing system, a licence will be required for the sale of tobacco and nicotine inhaling products, which includes any element of an e-cigarette, including the liquids. It will have an annual licence that will be required for every premises. The licence fee will be set by the Minister for Health. The minimum licence period should be 12 months. Applications must provide a tax clearance certificate. There are various other pieces to that, and offences are provided.

The piece that we have focused on most, for very good reason, is the second objective of the Bill, which is new restrictions on sale and advertising. The sale of nicotine inhaling products to children is prohibited. That, to me, is the single most important thing we are doing this evening. We all probably agree on that. The sale of both tobacco and vapes by a child is prohibited, except in very limited circumstances. The sale of both types of products by self-service, for example vending machines, is being prohibited. The sale of cigarettes and vapes through vending machines will be prohibited. The sale of both types of products at events for children is prohibited. Advertising of nicotine inhaling products around schools and public transport is prohibited, and advertising of nicotine inhaling products in cinemas is restricted as well. The third part, which we have spent less time on, is around the enforcement tools. We have compliance, prohibition and fixed payment notices. That is what this Bill is doing.

I get the sense that there is very strong agreement around the House that we have to go much further than this with regard to vapes. To that effect, we are drafting new legislation. We are using the report we got from the Joint Committee on Health. We are doing a public consultation, and we are going to move very quickly on point-of-sale advertising. We have to get rid of this situation where people walk into a petrol station or a retailer and they are bombarded with all of these vaping products. We want to look at the colourings, and the fact that these are clearly, to my mind - I think there is broad agreement on this as well - being targeted at children. We are going to look at flavourings. We need to vastly reduce flavourings, and there are options that are just one flavour. In some countries, they have just two flavours, so we are looking at that. Critically, I wanted to include a full ban on single-use, disposable vapes as well.

Not all but many of the issues that Deputy Cullinane is covering in his review will actually be contained within this second Bill, which we are going to bring in very quickly. We have some excellent input from the Joint Committee on Health, and we will do our public consultation. We will draft a Bill. We will then notify the EU. There is a notice period that has to be gone through. We need the draft Bill to do that notification, and then we will push on. In that second Bill, we might well include a review clause on foot of Deputy Shortall's amendment, which is now included in this, and to the effect of Deputy Cullinane's proposed amendment here. That is how I propose we proceed.

Deputy David Cullinane: I certainly do not want to re-enact the drama of that meeting of the Select Committee on Health that I was not at. I had a health appointment that day but my understanding of the confusion was that there was a parallel Bill that was being talked about

that the committee was not aware of. There was some discussion about whether it got it. If I understand what the Minister is saying - I was not at that committee hearing - that parallel Bill would look at point-of-sale advertising, colourings, flavourings, etc. When is it likely that Bill will progress? What is its status? When is that likely to be ready to come before the Oireachtas?

The Minister talked about the flavouring. He mentioned that in other countries there are a smaller number of flavours as opposed to just one. Is that something that is being considered? Are we look at reducing the number of flavours as opposed to just having one? I would certainly support, for environmental and other obvious reasons, a full ban on single-use products. That would be beneficial. Could I get more clarity on when the Minister thinks that Bill will be progressed? It is obviously not ideal that we have parallel Bills. We have a Bill that goes some of the way and a parallel Bill. I am not sure how we ended up in that space. Be that as it may, however, the Minister might answer my question on flavouring. What options are being looked at and what is the Minister's preference in terms of the discussions that are taking place?

Deputy Stephen Donnelly: The public consultation will conclude at the end of this year. We will then move very quickly to drafting. I would like to have a draft for colleagues to look at in March. We have to notify the EU then. There are several months' work involved in that, and then we will move through the House very quickly.

I do not want to pre-empt what comes out of the public consultation, but I am on the record, as I think we all are on this, as saying that we need to be very restrictive. I am deeply concerned, as I know colleagues are, about what is a very intentional and cynical targeting of children. This is the tobacco industry coming in the back door in the context of targeting children.

On Deputy Shortall's point, we have seen a really concerning increase in the number of teenagers vaping. We have clear public health advice on the damage that could be doing both in terms of vaping and also the potential to progress to smoking, which, we know, causes at all manner of damage. As a result, my view is that we should be very restrictive. We should ban single-use vapes outright for health and environmental reasons. We should be very restrictive when it comes to flavourings. Let us look at what is working or not working in other countries. My officials have already done work on that, which they can certainly share with the committee.

In terms of packaging, it is complex. We have already had conversations within the Department. It is complex regarding how we can control that in terms of being in the Single Market and how exactly we do it. We are looking at that as well. Then, as I said, one of the issues for me on which we have to move is the point of sale whereby people are just bombarded with all these carefully designed, very attractive colours and packaging when they are going to get their bread, pay for their petrol or whatever it might be.

An Ceann Comhairle: Is the amendment being pressed?

Deputy David Cullinane: No.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendment No. 2 in the name of Deputy Shortall arises out of committee proceedings.

Deputy Róisín Shortall: I move amendment No. 2:

In page 10, between lines 3 and 4, to insert the following:

"*PART 2*

REGULATION OF NICOTINE INHALING PRODUCTS

11. (1) The Minister shall, within 6 months of the passing of this Act, notify the European

Commission under Article 24(3) of Directive 2014/40/EU of his intention to regulate each of the following:

(a) the sale of disposable nicotine inhaling products;

(b) the flavouring of nicotine inhaling products;

(c) the packaging of nicotine inhaling products;

(d) the advertising of nicotine inhaling products.

(2) The Minister may by regulation, subject to the approval of the European Commission under Article 24(3) of Directive 2014/40/EU, regulate any of the provisions of *subsection (1).".*

We all understand the threat and challenge caused by the availability of vaping and the speed with which it has caught on as an activity in its own right, and one that is very attractive to young people because it is being marketed specifically to attract them. It is being marketed in a way that it is disposable, colourful and has sweet-like flavour. It is seen as a fairly cool thing to do among young people. We see the evidence of that all around us. We know this is a phenomenon that is not only very prevalent in this country but right across Europe and further afield. It is contributing to a reversal of the progress we have been making with regard to reducing smoking rates. What is the reason for any delay in acting on this?

Two years ago, we started the pre-legislative scrutiny process. We had briefing from the officials at the Joint Committee on Health. We engaged in extensive consultation and debate on these issues with a whole lot of different interests. We also know that much public opinion has been gauged through various surveys and opinion polls with regard to the public attitude to vaping. There is real concern on the part of parents in particular about the fact that this is now an activity that is very widespread among young people. We know now the whole idea is that what is happening with many of the vaping companies is that they are being taken over by tobacco companies because those companies know this is the route to getting more young people to start smoking. Vapes are not used to prevent people smoking in the main. For more seasoned smokers, let us say, there is a use there. There is no justification for vapes to be disposable. There is no justification for them to be brightly coloured or have particular flavours that mimic flavours of sweets or other flavours that are attractive to young people.

The Joint Committee on Health looked at this in considerable detail and produced a report for the Minister that contains 22 recommendations. The report was sent to him in July of 2022. As a member of the health committee, I have to ask, were we wasting our time in doing that work? What was that about? We were charged with doing pre-legislative scrutiny with regard to legislating to regulate vaping. We sent off the detailed report to the Minister and he came back to us having ignored the vast majority of the recommendations. He produced a Bill, which, in itself, is welcome insofar as it goes, but it is very limited. It precludes the sale of vapes to under-18s. There are major questions about the enforcement of that because there are huge questions about the enforcement of the sale of cigarettes and, indeed, alcohol, gambling

and various other things.

We are not good at enforcement. The only justification the Minister has put forward is that he said we are required to notify Europe in terms of any proposed changes to the sale of tobacco products. That is fair enough. However, the Minister had ample time since July 2022 to notify Europe of his intentions to do that and, first of all, produce a comprehensive Bill that deals with all aspects of it - the many and emerging aspects - and provide that notification to Europe to give six months' notice of his intention to legislate. I do not know why he did not do that. I do not know why or when he and his officials were working on a vaping Bill. He did not then have a proper Bill covering all aspects of the matter. He had plenty of notice and plenty of time to do that. I find it very hard to understand why he did not do that. We did our work on the health committee.

It seems that the Minister was not inclined to take on board the recommendations that were made very clearly on the basis of the evidence that was brought before the joint committee. There is any amount of evidence from the Irish Cancer Society, which made a very strong case to the committee regarding flavours, for example, and made the point that this would not hinder adults from using vapes, but it would discourage young people. My amendment is an enabling measure. It states:

> The Minister shall, within 6 months of the passing of this Act, notify the European Commission under Article 24(3) of Directive 2014/40/EU [which he is required to do] of his intention to regulate each of the following:
>
> (a) the sale of disposable nicotine inhaling products;
>
> (b) the flavouring of nicotine inhaling products;
>
> (c) the packaging ... [and there is a template there with regard to the packaging of cigarettes];
>
> (d) the advertising of nicotine inhaling products.
>
> The Minister may by regulation, subject to the approval of the European Commission under Article 24(3) of Directive 2014/40/EU, regulate any of the provisions of *subsection (1).".*

I have identified the four key areas, namely, disposable vapes, flavourings, packaging and advertising, in the amendment, so this does not force the Minister's hand but rather enables him to legislate by statutory order, having given notice to the Commission. I urge the Minister strongly to take this on board. He has told us he is preparing legislation. Let us not have a further delay of six months after that. This puts the gun to the Minister's head to a certain extent, but he knows what is needed and there cannot be any further delay to doing what is necessary.

Deputy Stephen Donnelly: I thank the Deputy very much. I acknowledge again the very detailed and valuable work the health committee did in pre-legislative scrutiny on this. There are 22 recommendations in the committee's report. While very important, 11 of the 22 are not really legislative recommendations. For example, commissioning further research, increasing funding for quit services, communicating the harms of e-cigarettes, etc., are all good and amendments I agree with, though not relevant to legislation. There are thus 11 recommendations left from the committee and it is important to say six of those 11 recommendations are

contained in this Bill. The charge I think is being made is we have somehow ignored the committee's work, so to be clear, of the 11 recommendations in the report - it was an excellent report - that are relevant to legislation, over half of them are in this Bill and more of them will be contained in the next Bill.

I cannot accept this particular amendment for a few reasons. To be fair to the Deputy, I think the intent is to move the next process, namely, the second piece of legislation, along very quickly. While I agree with that, there are technical issues specific to this amendment, though I fully agree with the intent behind it. The first is the timing procedure for notifying the Commission. It is under Directive (EU) 2015/1535, which is also known as the technical standards directive. What we send to the Commission is the draft law, when it is in a position where we can still amend it, and we do not have that yet. As soon as we have that draft law we will send it to the EU, as we did this Bill. Deputy Cullinane asked when we might have that draft to look at and we are saying around March of next year, so not that long. The second reason I cannot accept amendment No. 2, though I fully accept the intent of it, is the proposed section 11(2) appears to be an enabling provision to allow for the regulation of issues relating to nicotine-inhaling products and again these would have to be notified at an EU level under the technical standards directive. That would have the consequence, unintended I know, of delaying this Bill.

We are probably all agreed we want this Bill in before Christmas. I certainly do and am sure colleagues do as well, so let us crack on. Let us get this Bill done, make it illegal to sell vapes to children and bring in all the other provisions we went through earlier. The second Bill is again cognisant of the health committee's work and includes the recommendations from it. We are going with that and it is not something that is sort of fadó fadó, as this is something the public consultation has happened on. Pre-legislative scrutiny is essentially already done and we will move to heads of Bill immediately once the public consultation is completed.

Deputy Róisín Shortall: I do not deny that what the Minister has done in this Bill is welcome, insofar as it goes, but it does not even half do the job. This is primarily about banning the sale of vapes to those aged under 18 years. We all hope that will work, but there are so many other aspects to this. Those aspects have been pointed out by many different organisations and by the health committee. They were pointed out to the Minister 16 or 17 months ago, as I said, yet he did not take them on board. He is now saying he is going to do it at some point. He might have draft legislation in March and then notify the Commission, which will take another six months. We are then into September or October of next year and I just wonder who will be Minister for Health at that stage and who will be in government at that stage. It is very much kicking the can down the road, and that is how it is seen. The Minister has an opportunity now to state very clearly what he intends to do by accepting this amendment that allows him to notify the Commission of his intention to do something. He has told us work is under way, so on the basis of that draft, as soon as possible, within six months he should be notifying the Commission. If it approves what the Minister intends doing, then this amendment would enable him to implement those changes regarding disposable vapes, flavourings, packaging and advertising and he could do that by statutory instrument. If the Minister is committed to doing this as quickly as possible, then we do not know why there has been a 17-month delay as that is rather unfortunate when this is such a pressing issue. I urge the Minister to accept this amendment and speed up and short-circuit the whole process.

Deputy Stephen Donnelly: I think the Deputy and I are broadly in agreement on what needs to happen. The EU process is not about notifying the EU of our intention to legislate. We must notify it that we are legislating and that this is the draft legislation so it can look at it.

We are going to do that as soon as we have the draft legislation. I expect we will all be broadly agreed on what we are doing with that legislation. We are certainly drawing from the committee's work on that. It is the draft law that is notified, not the intention, and the clear advice I have is the unintended consequence of this amendment would be a delay to the Bill before us. While we can argue about the second Bill and the timing, and we all want this done as quickly as possible, I hope we are all agreed we want this Bill in law before Christmas. For that reason I cannot accept the amendment, because the advice I have is the proposed section 11(2) would have the unintended consequence of delaying the Bill for several months.

Amendment put:

The Dáil divided: Tá, 49; Níl, 67; Staon, 0.		
Tá	***Níl***	***Staon***
Andrews, Chris.	***Brophy, Colm.***	
Bacik, Ivana.	***Browne, James.***	
Barry, Mick.	***Bruton, Richard.***	
Berry, Cathal.	***Burke, Colm.***	
Boyd Barrett, Richard.	***Butler, Mary.***	
Brady, John.	***Cahill, Jackie.***	
Browne, Martin.	***Cannon, Ciarán.***	
Buckley, Pat.	***Chambers, Jack.***	
Carthy, Matt.	***Collins, Niall.***	
Clarke, Sorca.	***Costello, Patrick.***	
Connolly, Catherine.	***Cowen, Barry.***	
Conway-Walsh, Rose.	***Creed, Michael.***	
Crowe, Seán.	***Crowe, Cathal.***	
Cullinane, David.	***Devlin, Cormac.***	
Daly, Pa.	***Dillon, Alan.***	
Doherty, Pearse.	***Donnelly, Stephen.***	
Donnelly, Paul.	***Duffy, Francis Noel.***	
Ellis, Dessie.	***Durkan, Bernard J.***	
Funchion, Kathleen.	***English, Damien.***	
Gannon, Gary.	***Farrell, Alan.***	
Guirke, Johnny.	***Feighan, Frankie.***	
Healy-Rae, Danny.	***Flaherty, Joe.***	
Howlin, Brendan.	***Flanagan, Charles.***	
Kenny, Martin.	***Fleming, Sean.***	
Kerrane, Claire.	***Foley, Norma.***	
Mac Lochlainn, Pádraig.	***Griffin, Brendan.***	
McGrath, Mattie.	***Harris, Simon.***	
McNamara, Michael.	***Haughey, Seán.***	
Munster, Imelda.	***Healy-Rae, Michael.***	
Murphy, Catherine.	***Higgins, Emer.***	
Mythen, Johnny.	***Humphreys, Heather.***	
Nolan, Carol.	***Kehoe, Paul.***	

O'Callaghan, Cian.	***Lahart, John.***	
O'Reilly, Louise.	***Leddin, Brian.***	
O'Rourke, Darren.	***Madigan, Josepha.***	
Ó Broin, Eoin.	***Martin, Catherine.***	
Ó Laoghaire, Donnchadh.	***Matthews, Steven.***	
Ó Murchú, Ruairí.	***McAuliffe, Paul.***	
Ó Snodaigh, Aengus.	***McConalogue, Charlie.***	
Quinlivan, Maurice.	***McEntee, Helen.***	
Ryan, Patricia.	***McGrath, Michael.***	
Shanahan, Matt.	***McGuinness, John.***	
Shortall, Róisín.	***McHugh, Joe.***	
Smith, Duncan.	***Moynihan, Aindrias.***	
Stanley, Brian.	***Moynihan, Michael.***	
Tóibín, Peadar.	***Murnane O'Connor, Jennifer.***	
Tully, Pauline.	***Naughton, Hildegarde.***	
Whitmore, Jennifer.	***Noonan, Malcolm.***	
Wynne, Violet-Anne.	***O'Brien, Darragh.***	
	O'Brien, Joe.	
	O'Callaghan, Jim.	
	O'Dea, Willie.	
	O'Donnell, Kieran.	
	O'Dowd, Fergus.	
	O'Gorman, Roderic.	
	O'Sullivan, Christopher.	
	O'Sullivan, Pádraig.	
	Ó Cathasaigh, Marc.	
	Ó Cuív, Éamon.	
	Phelan, John Paul.	
	Rabbitte, Anne.	
	Richmond, Neale.	
	Ring, Michael.	
	Ryan, Eamon.	
	Smith, Brendan.	
	Smyth, Niamh.	
	Stanton, David.	

Tellers: Tá, Deputies Róisín Shortall and Cian O'Callaghan; Níl, Deputies Hildegarde Naughton and Cormac Devlin.

Amendment declared lost.

An Ceann Comhairle: For the information and convenience of Members, I advise them that consideration of the Public Health (Tobacco Products and Nicotine Inhaling Products) Bill must finish by 7.07 p.m. at the latest, at which time we will go straight into the voting block. There is one amendment remaining.

Deputy David Cullinane: I move amendment No. 3:

In page 27, to delete lines 35 and 36 and substitute the following:

"(a) in such a manner and form as may be prescribed by regulations made by the Minister, which shall ensure that, where permitted, communications directed at consumers which include tobacco prices shall list such products in alphabetical order and shall not show any product or price in a manner that is more or less prominent to any other on the communication, including but not limited to such matters as text size, text colour, text shade and font used,".

This amendment relates to the tobacco price lists. Where flavouring is advertised, the fonts are often bigger. That is not in keeping with the spirit of the Bill. I know from talking to the Minister privately that this is more of an enforcement issue. If possible, perhaps the Minister could provide me with a note on what those issues are. If he does so, I would be happy to withdraw the amendment.

Deputy Stephen Donnelly: I thank the Deputy and fully agree with his intent. The issue is that there is a belief that a small number of retailers are using the pricing list as a proxy for advertising. It is covered in other legislation. It is an enforcement question. I am happy to provide the Deputy with a note in that regard.

Amendment, by leave, withdrawn.

Bill received for final consideration and passed.

Teachtaireacht ón Seanad - Message from Seanad

An Ceann Comhairle: Seanad Éireann has passed the Electricity Costs (Emergency Measures) Domestic Accounts Bill 2023 without amendment.

7 o'clock

Housing: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Eoin Ó Broin on Tuesday, 7 November 2023:

That Dáil Éireann:

condemns Budget 2024 for:

— providing no additional voted capital expenditure on 2023 levels;

— not increasing the Government's inadequate social and affordable housing targets;

— excluding reforms of the public spending code to speed up the delivery of social or affordable housing;

— including no new measures to tackle dereliction and vacancy;

— including no new measures to reduce the levels of homelessness; and

— extending policies that push up house prices out to 2025;

notes that under the current Government:

— house prices have increased 28 per cent, costing on average €70,000 more;

— rents have increased by 25 per cent costing on average €3,700 more per year;

— homelessness, including child homelessness, has increased by 47 per cent;

— social housing output has been 33 per cent below target, leaving a shortfall of 8,527 homes from 2020 to 2022;

— just 1,401 social homes of a target of 9,100 were delivered by June 2023;

— zero affordable homes were delivered in 2020 or 2021;

— just 1,007 affordable homes were delivered in 2022, 50 per cent behind target;

— only 123 affordable homes of a target of 3,500 were delivered by June 2023;

— over €1 billion of voted capital expenditure for social and affordable homes went unspent from 2020 to 2022;

— over €1 billion of general Government capital expenditure, including voted capital expenditure, Approved Housing Bodies borrowing and Land Development Agency funding, went unspent in 2022; and

— at the end of September 2023, less than half of the allocated €4 billion general Government expenditure for housing was spent;

further notes, with concern, that the lack of affordable housing is:

— undermining public services including education, healthcare, social care and the Gardaí;

— impacting on investment, competitiveness and jobs in the private sector;

— forcing an entire generation with good education and job prospects to emigrate; and

— driving increased levels of adult and child homelessness; and

calls on the Government to:

— immediately increase the voted capital expenditure allocation for the Department of Housing, Local Government and Heritage for 2024, to increase social and affordable housing targets to at least 21,000 in 2024, including 13,000 social homes, 4,000 affordable purchase homes and 4,000 affordable rental homes;

— urgently reform the public spending code in order to increase and accelerate social and affordable housing delivery;

— ensure that at least 4,000 vacant and derelict homes are brought back into use in 2024;

— introduce a three-year ban on rent increases and transform and expand the current renters credit to ensure it provides a full month's rent back into every private renters pocket through a refundable tax credit; and

— include an emergency response to address the escalating homelessness crisis including a doubling of housing first tenancies and the provision of 1,000 social homes to end homelessness for over 55's in a single year and reduce child homelessness.

Debate resumed on amendment No. 2:

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

"notes that:

— Budget 2024 delivered a record €5.1 billion in capital investment in housing made up of €2.6 billion in exchequer funding, €978 million for the Land Development Agency (LDA) and €1.5 billion for Housing Finance Agency (HFA) funding;

— the capital funding being provided for housing in 2024, coupled with LDA and HFA investment, is the highest ever in the history of the State;

— a review and refresh of Housing for All targets is underway, including for social and affordable housing, with revised targets to be agreed and published in 2024, having regard to the Census 2022 data published in Autumn this year, and updated population and structural housing demand projections being developed by the Economic and Social Research Institute for the National Planning Framework revision;

— numerous initiatives are already underway to address vacancy and dereliction, underpinned by the Vacant Homes Action Plan 2023-2026 which was launched earlier this year, and which will revitalise towns and cities while also providing additional homes;

— the recent expansion of the Vacant Property Refurbishment Grant, the changes to the Vacant Property Tax made in Budget 2024, and the new local authority-led Compulsory Purchase Orders Activation Programme is resulting in a significant increase of vacant homes coming back into use and an increase in the supply of homes for rent or purchase;

— building on the enhanced tenancy protections introduced by this Government, the Department of Housing, Local Government and Heritage is close to concluding a comprehensive review of the private rental sector, which takes into account the significant

regulatory changes over the past several years;

— the extension of Rent Pressure Zones where rents are capped at 2 per cent, the increase in the rent tax credit to €750 in Budget 2024, and the introduction of other legislative requirements to support renters;

— the increase in the thresholds for access to Cost Rental homes, which was increased from €53k net to €66k net in Dublin and €59k outside Dublin, in July 2023;

— interventions such as the Tenant in Situ Scheme are making a real impact in providing secure, long-term homes and preventing homelessness, and to date in 2023 over 1,000 social housing acquisitions have been completed with a further 1,600 at various stages of the assessment and conveyance process;

— the Cost Rental Tenant in Situ Scheme (CRTiS) was introduced on 1st April, 2023, for tenants in private rental homes who are not eligible for social housing supports but who are at risk of homelessness, and the Housing Agency are engaging with more than 130 landlords with a view to the purchase of those homes;

— the increase in homelessness is a serious concern and remains a top priority for the Government, and that resources and funding are not an obstacle to the urgent efforts required; and

— Budget 2024 provides funding of over €242 million, an increase of 12.6 per cent on this year, for the delivery of homeless services;

further notes that the Public Spending Code is in the process of being reformed to the updated Infrastructure Guidelines and will be published shortly, and several changes to the Capital Appraisal Guidelines have already been implemented through Circular 06/2023 issued by the Department of Public Expenditure, National Development Plan Delivery and Reform;

acknowledges that increased supply is key to meeting demand and moderating house prices, and welcomes that:

— annual house price inflation, as measured by the Central Statistics Office Residential Property Price Index, has moderated significantly in 2023, falling from 15.1 per cent in March 2022 to less than 1 per cent in August 2023;

— first-time buyer mortgage approvals reached a new 12-month high, with 30,184 mortgages approved in the 12 months ending September 2023, some 61 per cent of all mortgage drawdowns approved; and

— almost 30,000 new homes were built in 2022, an increase of 45 per cent on 2021, and 5,250 homes or 21 per cent higher than the Housing for All target of 24,600;

recognises that considerable progress has been made since Housing for All (September 2021) was published, including:

— increased social and affordable housing supply, with 10,263 social homes delivered in 2022, representing an 11.9 per cent increase on 2021 figures, when 9,169 social homes were provided, and this represents the highest annual output of social homes in

decades and the highest level of delivery of new-build housing since 1975;

— from a standing start, 1,757 affordable homes delivered in 2022, the first full year of affordable housing delivery in a generation, and that a very ambitious programme of affordable housing is now in place, and this momentum is continuing as the pipeline of affordable housing develops further by local authorities, by Approved Housing Bodies (AHBs) and by the LDA;

— funding of over €370 million has been approved to date to assist in the delivery of over 4,300 affordable homes from 2022 to 2027, from 72 schemes across 20 local authorities under the Affordable Housing Fund;

— funding of over €600 million for AHBs under the Cost Rental Equity Loan has been approved to date, to assist in the delivery of over 3,000 Cost Rental homes from 2022 to 2027;

— as of Q3 2023, the First Home Scheme had 2,598 approvals, and a total of 6,376 potential buyers had registered their interest in the scheme, with over 3,900 new expressions of interest so far in 2023;

— the significant increase in new home commencements, which is continuing with almost 24,000 homes commenced between January and September this year, up 14 per cent on last year; and

— more than 22,400 homes have been built to end-September 2023, with the Housing for All targets or 29,000 and 33,450 expected to be met, if not exceeded, in 2023 and 2024 respectively; and

agrees that continued implementation of Housing for All represents the most appropriate response to deal with the housing challenges which Ireland is now facing.”.

-(Minister for Housing, Local Government and Heritage)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the motion on housing. On Tuesday, 7 November 2023, on the question, “That the amendment to the motion be agreed to”, a division was claimed and in accordance with Standing Order 80(2), that division must be taken now.

Amendment put:

The Dáil divided: Tá, 67; Níl, 53; Staon, 0.		
Tá	***Níl***	***Staon***
Brophy, Colm.	***Andrews, Chris.***	
Browne, James.	***Bacik, Ivana.***	
Bruton, Richard.	***Barry, Mick.***	
Burke, Colm.	***Berry, Cathal.***	
Butler, Mary.	***Boyd Barrett, Richard.***	
Cahill, Jackie.	***Brady, John.***	
Cannon, Ciarán.	***Browne, Martin.***	
Chambers, Jack.	***Buckley, Pat.***	

Collins, Niall.	***Carthy, Matt.***	
Costello, Patrick.	***Clarke, Sorca.***	
Cowen, Barry.	***Collins, Joan.***	
Creed, Michael.	***Conway-Walsh, Rose.***	
Crowe, Cathal.	***Crowe, Seán.***	
Devlin, Cormac.	***Cullinane, David.***	
Dillon, Alan.	***Daly, Pa.***	
Donnelly, Stephen.	***Doherty, Pearse.***	
Duffy, Francis Noel.	***Donnelly, Paul.***	
Durkan, Bernard J.	***Ellis, Dessie.***	
English, Damien.	***Funchion, Kathleen.***	
Farrell, Alan.	***Gannon, Gary.***	
Feighan, Frankie.	***Guirke, Johnny.***	
Flaherty, Joe.	***Healy-Rae, Danny.***	
Flanagan, Charles.	***Healy-Rae, Michael.***	
Fleming, Sean.	***Howlin, Brendan.***	
Foley, Norma.	***Kelly, Alan.***	
Griffin, Brendan.	***Kenny, Martin.***	
Harris, Simon.	***Kerrane, Claire.***	
Haughey, Seán.	***Mac Lochlainn, Pádraig.***	
Higgins, Emer.	***McGrath, Mattie.***	
Humphreys, Heather.	***McNamara, Michael.***	
Kehoe, Paul.	***Munster, Imelda.***	
Lahart, John.	***Murphy, Catherine.***	
Leddin, Brian.	***Murphy, Paul.***	
Madigan, Josepha.	***Mythen, Johnny.***	
Martin, Catherine.	***Nash, Ged.***	
Matthews, Steven.	***Nolan, Carol.***	
McAuliffe, Paul.	***O'Callaghan, Cian.***	
McConalogue, Charlie.	***O'Reilly, Louise.***	
McEntee, Helen.	***O'Rourke, Darren.***	
McGrath, Michael.	***Ó Broin, Eoin.***	
McGuinness, John.	***Ó Laoghaire, Donnchadh.***	
McHugh, Joe.	***Ó Murchú, Ruairí.***	
Moynihan, Aindrias.	***Ó Snodaigh, Aengus.***	
Moynihan, Michael.	***Quinlivan, Maurice.***	
Murnane O'Connor, Jennifer.	***Ryan, Patricia.***	
Naughton, Hildegarde.	***Shanahan, Matt.***	
Noonan, Malcolm.	***Shortall, Róisín.***	
O'Brien, Darragh.	***Smith, Duncan.***	
O'Brien, Joe.	***Stanley, Brian.***	
O'Callaghan, Jim.	***Tóibín, Peadar.***	

O'Dea, Willie.	***Tully, Pauline.***	
O'Donnell, Kieran.	***Whitmore, Jennifer.***	
O'Dowd, Fergus.	***Wynne, Violet-Anne.***	
O'Gorman, Roderic.		
O'Sullivan, Christopher.		
O'Sullivan, Pádraig.		
Ó Cathasaigh, Marc.		
Ó Cuív, Éamon.		
Phelan, John Paul.		
Rabbitte, Anne.		
Richmond, Neale.		
Ring, Michael.		
Ryan, Eamon.		
Smith, Brendan.		
Smyth, Niamh.		
Smyth, Ossian.		
Stanton, David.		

Tellers: Tá, Deputies Hildegarde Naughton and Cormac Devlin; Níl, Deputies Pádraig Mac Lochlainn and Aengus Ó Snodaigh.

Amendment declared carried.

Amendment No. 1 not moved.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 67; Níl, 53; Staon, 0.		
Tá	***Níl***	***Staon***
Brophy, Colm.	***Andrews, Chris.***	
Browne, James.	***Bacik, Ivana.***	
Bruton, Richard.	***Barry, Mick.***	
Burke, Colm.	***Berry, Cathal.***	
Butler, Mary.	***Boyd Barrett, Richard.***	
Cahill, Jackie.	***Brady, John.***	
Cannon, Ciarán.	***Browne, Martin.***	
Chambers, Jack.	***Buckley, Pat.***	
Collins, Niall.	***Carthy, Matt.***	
Costello, Patrick.	***Clarke, Sorca.***	
Cowen, Barry.	***Collins, Joan.***	
Creed, Michael.	***Conway-Walsh, Rose.***	

Crowe, Cathal.	***Crowe, Seán.***	
Devlin, Cormac.	***Cullinane, David.***	
Dillon, Alan.	***Daly, Pa.***	
Donnelly, Stephen.	***Doherty, Pearse.***	
Duffy, Francis Noel.	***Donnelly, Paul.***	
Durkan, Bernard J.	***Ellis, Dessie.***	
English, Damien.	***Funchion, Kathleen.***	
Farrell, Alan.	***Gannon, Gary.***	
Feighan, Frankie.	***Guirke, Johnny.***	
Flaherty, Joe.	***Healy-Rae, Danny.***	
Flanagan, Charles.	***Healy-Rae, Michael.***	
Fleming, Sean.	***Howlin, Brendan.***	
Foley, Norma.	***Kelly, Alan.***	
Griffin, Brendan.	***Kenny, Martin.***	
Harris, Simon.	***Kerrane, Claire.***	
Haughey, Seán.	***Mac Lochlainn, Pádraig.***	
Higgins, Emer.	***McGrath, Mattie.***	
Humphreys, Heather.	***McNamara, Michael.***	
Kehoe, Paul.	***Munster, Imelda.***	
Lahart, John.	***Murphy, Catherine.***	
Leddin, Brian.	***Murphy, Paul.***	
Madigan, Josepha.	***Mythen, Johnny.***	
Martin, Catherine.	***Nash, Ged.***	
Matthews, Steven.	***Nolan, Carol.***	
McAuliffe, Paul.	***O'Callaghan, Cian.***	
McConalogue, Charlie.	***O'Reilly, Louise.***	
McEntee, Helen.	***O'Rourke, Darren.***	
McGrath, Michael.	***Ó Broin, Eoin.***	
McGuinness, John.	***Ó Laoghaire, Donnchadh.***	
McHugh, Joe.	***Ó Murchú, Ruairí.***	
Moynihan, Aindrias.	***Ó Snodaigh, Aengus.***	
Moynihan, Michael.	***Quinlivan, Maurice.***	
Murnane O'Connor, Jennifer.	***Ryan, Patricia.***	
Naughton, Hildegarde.	***Shanahan, Matt.***	
Noonan, Malcolm.	***Shortall, Róisín.***	
O'Brien, Darragh.	***Smith, Duncan.***	
O'Brien, Joe.	***Stanley, Brian.***	
O'Callaghan, Jim.	***Tóibín, Peadar.***	
O'Dea, Willie.	***Tully, Pauline.***	
O'Donnell, Kieran.	***Whitmore, Jennifer.***	
O'Dowd, Fergus.	***Wynne, Violet-Anne.***	
O'Gorman, Roderic.		

O'Sullivan, Christopher.		
O'Sullivan, Pádraig.		
Ó Cathasaigh, Marc.		
Ó Cuív, Éamon.		
Phelan, John Paul.		
Rabbitte, Anne.		
Richmond, Neale.		
Ring, Michael.		
Ryan, Eamon.		
Smith, Brendan.		
Smyth, Niamh.		
Smyth, Ossian.		
Stanton, David.		

Tellers: Tá, Deputies Hildegarde Naughton and Cormac Devlin; Níl, Deputies Pádraig Mac Lochlainn and Aengus Ó Snodaigh.

Question declared carried.

Home Care Workers and Home Support Scheme: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Duncan Smith on Wednesday, 8 November 2023:

That Dáil Éireann:

acknowledges that:

— there is still no statutory right to home help or legislative underpinning for the home support scheme despite long standing commitments to act;

— the delayed referendum to replace Article 41.2 of *Bunreacht na hÉireann*, if passed, will finally insert language that recognises and values care within the home and the wider community; and

— the Commission on Care for Older Persons is due to finally get underway in January 2024, and while Ireland has a growing population, it also has an ageing demographic profile requiring increased resourcing of elder care;

recognises that:

— the State has a central role in providing care for people in the community and in their home, but there is growing healthcare privatisation through the outsourcing of

more and more care, diagnostics, treatments, employment and services instead of investing in the permanent capacity of our public health service;

— over 60 per cent of State-funded home care is provided by private and voluntary providers, but there is no requirement for these contractors to engage in collective bargaining, despite a long-standing recruitment crisis in the sector; and

— home carers directly employed by the Health Service Executive (HSE) as Health Care Support Assistants (HCSAs) have better pay, and stronger terms and conditions compared to those working for private providers, creating a two-tier workforce and pay disparity for people doing the same job;

notes that:

— the health budget for 2023 originally funded over 23.9 million hours of home support in the HSE National Service Plan 2023, with a total budget of €723 million, but this was cut to 22 million hours in July in order to fund an increased rate of €31 per hour for providers, a so-called "living wage" floor of €13.10 per hour for workers and payment for travel time;

— Budget 2024 provides again for only 22 million home support hours, and allocated just an extra €2.8 million in funding for inflationary pressures, a 0.4 per cent increase;

— as of the end of June 2023, 10.55 million home support hours were delivered nationally to 53,579 people with a further 6,020 people assessed and waiting for a carer to be assigned, but no data is collected on how long people must wait;

— before the new tender 40,000 people over the previous year received care through private providers charged to the HSE at a rate of €26.50 per hour, while workers still had no predictable income;

— under the new HSE Home Support Authorisation Scheme 2023, the day rate for providers is now €31 per hour, but payments to workers are not indexed to increases in the Living Wage, which is now at €14.80 per hour;

— in the public service a HCSA can start on more than €16 per hour rising to over €20 on their salary scale, while privately employed home carers are paid €13.10 per hour, with providers funded at a rate more than twice that;

— the HSE, in October, abandoned a cost saving plan that would have cut 15 minutes from an hour of private home help, reducing it to just 45 minutes; and

— it is a year since the publication of the Report of the Strategic Workforce Advisory Group on Home Carers and Nursing Home Health Care Assistants and while some recommendations have been partially acted on, there is no fully resourced implementation plan;

further notes that:

— the failure to fully resource the home support service and waiting lists for homecare packages leads to discharge delays in acute hospitals, and at the end of June there were nearly 500 delayed transfer of care patients;

— there is a postcode lottery when it comes to home care waiting lists, and evidence that those in rural areas wait longer due to a lack of mileage and travel costs for carers;

— social welfare rules create disincentives for part time work by home carers, reducing the hours they can work;

— the lack of progress on employment terms and conditions, including travel expenses, a competency framework, recognition of training, and a pension scheme, are further barriers to recruitment; and

— there has been a shocking inconsistency in the payment of the Covid-19 Pandemic Special Recognition Payment to home carers and other healthcare workers; and

calls for:

— the adequate funding of our health service, the immediate reversal of the recruitment embargo on health workers, and a commitment not to block the hiring of public service HCSAs;

— restoration of the 1.9 million hours of home help support cut in July 2023, and no cuts to the duration of home support hours;

— a guarantee that home carers are paid, at a minimum, the new Living Wage rate of €14.80, and payment to be provided for mileage expenses and travel time between care locations, along with guaranteed hours and continuity of income for HCSAs;

— a commitment in outsourced State contracts that private home care providers engage in collective bargaining with recognised trade unions, and the introduction of a Joint Labour Committee for workers in the private care sector to set employment standards;

— a published and resourced implementation plan for the recommendations of the Strategic Workforce Advisory Group report, to deliver on the recruitment needed to clear the current waiting list for home care and support before Christmas, and sufficient resources to be put in place to address the winter health crisis;

— annual targets to increase the proportion of home support hours provided directly by the HSE, in order to achieve a publicly provided service;

— the collection of data by the HSE on how long people are waiting for home care and the adequacy of the hours granted;

— the payment of the Covid-19 Pandemic Special Recognition Payment to those home and family carers, and all those other health workers in Health Information and Quality Authority registered settings excluded to date;

— an end to the payment disparity between home support for older people, and those with disabilities; and

— a commitment to the referendum to recognise care work in 2024.

Debate resumed on amendment No. 1:

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

"recognises and notes:

— the invaluable work carried out by Home Care Support Assistants;

— that the Home Support Service is a core service for older people and is highly valued by service users;

— improving access to home support is a priority for the Government, with €723 million allocated in Budget 2023, up €228 million since 2021;

— delivery of home support hours in communities is increasing, in line with enhanced investment;

— almost 20.8 million hours of home support was provided across the country in 2022, and this is 3 million more hours than were delivered in 2020;

— as of 31st August, 2023, over 14.3 million hours have been provided this year to date, and this is almost 600,000 hours more compared to the same period last year;

— addressing the shortage of care workers in Ireland is an urgent priority for the Government, with an implementation group established to implement the report of the Strategic Workforce Advisory Group on Home Carers and Nursing Home Health Care Assistants, in areas including pay and conditions of employment;

— a new tender for Home Support Services has been in place since August 2023, and this provides for a revised, increased rate to ensure that home support workers are paid appropriately, and to help address some of the key issues impacting the waiting lists and recruitment and retention;

— the Programme for Government: Our Shared Future commits to introduce a statutory scheme to support people to live in their own homes, which will provide equitable access to high quality, regulated home care;

— the heads of Bill are currently being drafted by the Department of Health, with a view to bringing the heads of Bill to Government for approval before the end of the year, and primary legislation has been prioritised for drafting in the Autumn Legislative Programme and the Department is engaging with key stakeholders;

— the draft regulations are at an advanced stage, informed by a public consultation, and legal advice and engagement with key stakeholders will assist with final revisions to regulations for providers of Home Support Services in 2023;

— the Health Information and Quality Authority is in the process of developing standards for home care and Home Support Services, which are in the early stages of development; and

— the new system of regulation for home support will ensure that the public can be confident that the services provided are of a high standard and will bring Ireland in line with best international practice.".

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

"recognises and notes:

— the invaluable work carried out by Home Care Support Assistants;

— that the Home Support Service is a core service for older people and is highly valued by service users;

— improving access to home support is a priority for the Government, with €723 million allocated in Budget 2023, up €228 million since 2021;

— delivery of home support hours in communities is increasing, in line with enhanced investment;

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— as of 31st August, 2023, over 14.3 million hours have been provided this year to date, and this is almost 600,000 hours more compared to the same period last year;

— addressing the shortage of care workers in Ireland is an urgent priority for the Government, with an implementation group established to implement the report of the Strategic Workforce Advisory Group on Home Carers and Nursing Home Health Care Assistants, in areas including pay and conditions of employment;

— a new tender for Home Support Services has been in place since August 2023, and this provides for a revised, increased rate to ensure that home support workers are paid appropriately, and to help address some of the key issues impacting the waiting lists and recruitment and retention;

— the Programme for Government: Our Shared Future commits to introduce a statutory scheme to support people to live in their own homes, which will provide equitable access to high quality, regulated home care;

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— the draft regulations are at an advanced stage, informed by a public consultation, and legal advice and engagement with key stakeholders will assist with final revisions to regulations for providers of Home Support Services in 2023;

— the Health Information and Quality Authority is in the process of developing standards for home care and Home Support Services, which are in the early stages of development; and

— the new system of regulation for home support will ensure that the public can be confident that the services provided are of a high standard and will bring Ireland in line with best international practice.".

-(Minister of State at the Department of Health, Deputy Mary Butler)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the

motion on home care workers and home support scheme. On Wednesday, 8 November 2023, on the question, "That the amendment to the motion be agreed to", a division was claimed and in accordance with Standing Order 80(2), that division must be taken now.

Amendment put:

The Dáil divided: Tá, 66; Níl, 54; Staon, 0.		
Tá	***Níl***	***Staon***
Brophy, Colm.	***Andrews, Chris.***	
Browne, James.	***Bacik, Ivana.***	
Bruton, Richard.	***Barry, Mick.***	
Burke, Colm.	***Berry, Cathal.***	
Butler, Mary.	***Boyd Barrett, Richard.***	
Cahill, Jackie.	***Brady, John.***	
Cannon, Ciarán.	***Browne, Martin.***	
Chambers, Jack.	***Buckley, Pat.***	
Collins, Niall.	***Carthy, Matt.***	
Costello, Patrick.	***Clarke, Sorca.***	
Cowen, Barry.	***Collins, Joan.***	
Creed, Michael.	***Conway-Walsh, Rose.***	
Crowe, Cathal.	***Crowe, Seán.***	
Devlin, Cormac.	***Cullinane, David.***	
Dillon, Alan.	***Daly, Pa.***	
Donnelly, Stephen.	***Doherty, Pearse.***	
Duffy, Francis Noel.	***Donnelly, Paul.***	
Durkan, Bernard J.	***Ellis, Dessie.***	
Farrell, Alan.	***Funchion, Kathleen.***	
Feighan, Frankie.	***Gannon, Gary.***	
Flaherty, Joe.	***Guirke, Johnny.***	
Flanagan, Charles.	***Healy-Rae, Danny.***	
Fleming, Sean.	***Healy-Rae, Michael.***	
Foley, Norma.	***Howlin, Brendan.***	
Griffin, Brendan.	***Kelly, Alan.***	
Harris, Simon.	***Kenny, Martin.***	
Haughey, Seán.	***Kerrane, Claire.***	
Higgins, Emer.	***Mac Lochlainn, Pádraig.***	
Humphreys, Heather.	***McGrath, Mattie.***	
Kehoe, Paul.	***McNamara, Michael.***	
Lahart, John.	***Munster, Imelda.***	
Leddin, Brian.	***Murphy, Catherine.***	
Madigan, Josepha.	***Murphy, Paul.***	
Martin, Catherine.	***Mythen, Johnny.***	
Matthews, Steven.	***Nash, Ged.***	
McAuliffe, Paul.	***Nolan, Carol.***	

McConalogue, Charlie.	***O'Callaghan, Cian.***	
McEntee, Helen.	***O'Reilly, Louise.***	
McGrath, Michael.	***O'Rourke, Darren.***	
McGuinness, John.	***Ó Broin, Eoin.***	
McHugh, Joe.	***Ó Laoghaire, Donnchadh.***	
Moynihan, Aindrias.	***Ó Murchú, Ruairí.***	
Moynihan, Michael.	***Ó Ríordáin, Aodhán.***	
Murnane O'Connor, Jennifer.	***Ó Snodaigh, Aengus.***	
Naughton, Hildegarde.	***Quinlivan, Maurice.***	
Noonan, Malcolm.	***Ryan, Patricia.***	
O'Brien, Darragh.	***Shanahan, Matt.***	
O'Brien, Joe.	***Shortall, Róisín.***	
O'Callaghan, Jim.	***Smith, Duncan.***	
O'Dea, Willie.	***Stanley, Brian.***	
O'Donnell, Kieran.	***Tóibín, Peadar.***	
O'Dowd, Fergus.	***Tully, Pauline.***	
O'Gorman, Roderic.	***Whitmore, Jennifer.***	
O'Sullivan, Christopher.	***Wynne, Violet-Anne.***	
O'Sullivan, Pádraig.		
Ó Cathasaigh, Marc.		
Ó Cuív, Éamon.		
Phelan, John Paul.		
Rabbitte, Anne.		
Richmond, Neale.		
Ring, Michael.		
Ryan, Eamon.		
Smith, Brendan.		
Smyth, Niamh.		
Smyth, Ossian.		
Stanton, David.		

Tellers: Tá, Deputies Hildegarde Naughton and Cormac Devlin; Níl, Deputies Duncan Smith and Ged Nash.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to".

The Dáil divided: Tá, 67; Níl, 53; Staon, 0.

Tá	Níl	Staon
Brophy, Colm.	Andrews, Chris.	
Browne, James.	Bacik, Ivana.	
Bruton, Richard.	Barry, Mick.	
Burke, Colm.	Berry, Cathal.	
Butler, Mary.	Boyd Barrett, Richard.	
Cahill, Jackie.	Brady, John.	
Cannon, Ciarán.	Browne, Martin.	
Chambers, Jack.	Buckley, Pat.	
Collins, Niall.	Carthy, Matt.	
Costello, Patrick.	Clarke, Sorca.	
Cowen, Barry.	Collins, Joan.	
Creed, Michael.	Conway-Walsh, Rose.	
Crowe, Cathal.	Crowe, Seán.	
Devlin, Cormac.	Cullinane, David.	
Dillon, Alan.	Daly, Pa.	
Donnelly, Stephen.	Doherty, Pearse.	
Duffy, Francis Noel.	Donnelly, Paul.	
Durkan, Bernard J.	Ellis, Dessie.	
English, Damien.	Funchion, Kathleen.	
Farrell, Alan.	Gannon, Gary.	
Feighan, Frankie.	Guirke, Johnny.	
Flaherty, Joe.	Healy-Rae, Danny.	
Flanagan, Charles.	Healy-Rae, Michael.	
Fleming, Sean.	Howlin, Brendan.	
Foley, Norma.	Kelly, Alan.	
Griffin, Brendan.	Kenny, Martin.	
Harris, Simon.	Kerrane, Claire.	
Haughey, Seán.	Mac Lochlainn, Pádraig.	
Higgins, Emer.	McGrath, Mattie.	
Humphreys, Heather.	McNamara, Michael.	
Kehoe, Paul.	Munster, Imelda.	
Lahart, John.	Murphy, Paul.	
Leddin, Brian.	Mythen, Johnny.	
Madigan, Josepha.	Nash, Ged.	
Martin, Catherine.	Nolan, Carol.	
Matthews, Steven.	O'Callaghan, Cian.	
McAuliffe, Paul.	O'Reilly, Louise.	
McConalogue, Charlie.	O'Rourke, Darren.	
McEntee, Helen.	Ó Broin, Eoin.	
McGrath, Michael.	Ó Laoghaire, Donnchadh.	
McGuinness, John.	Ó Murchú, Ruairí.	
McHugh, Joe.	Ó Ríordáin, Aodhán.	

Moynihan, Aindrias.	***Ó Snodaigh, Aengus.***	
Moynihan, Michael.	***Quinlivan, Maurice.***	
Murnane O'Connor, Jennifer.	***Ryan, Patricia.***	
Naughton, Hildegarde.	***Shanahan, Matt.***	
Noonan, Malcolm.	***Shortall, Róisín.***	
O'Brien, Darragh.	***Smith, Duncan.***	
O'Brien, Joe.	***Stanley, Brian.***	
O'Callaghan, Jim.	***Tóibín, Peadar.***	
O'Dea, Willie.	***Tully, Pauline.***	
O'Donnell, Kieran.	***Whitmore, Jennifer.***	
O'Dowd, Fergus.	***Wynne, Violet-Anne.***	
O'Gorman, Roderic.		
O'Sullivan, Christopher.		
O'Sullivan, Pádraig.		
Ó Cathasaigh, Marc.		
Ó Cuív, Éamon.		
Phelan, John Paul.		
Rabbitte, Anne.		
Richmond, Neale.		
Ring, Michael.		
Ryan, Eamon.		
Smith, Brendan.		
Smyth, Niamh.		
Smyth, Ossian.		
Stanton, David.		

Tellers: Tá, Deputies Hildegarde Naughton and Cormac Devlin; Níl, Deputies Duncan Smith and Ged Nash.

Question declared carried.

Cuireadh an Dáil ar athló ar 7.30 p.m. go dtí 9 a.m., Déardaoin, an 9 Samhain 2023.

The Dáil adjourned at 7.30 p.m. until 9 a.m. on Thursday, 9 November 2023.