



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Céadaoin, 09 Aibreán 2014*

*Wednesday, 09 April 2014*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.*  
***Reflection and Prayer.***

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### **Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Thomas Byrne that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Justice and Equality to set out the procedures in place to prevent the fraudulent probating of wills and the probating of fraudulent wills.

I have also received notice from Senator Michael D’Arcy of the following matter:

The need for the Minister for Health to outline how the notional interest rate is calculated by the HSE on savings as part of the means test for medical card applicants.

I have also received notice from Senator Trevor Ó Clochartaigh of the following matter:

The need for the Minister for the Agriculture, Food and the Marine to outline his Department’s plans for the development of Rossaveal as a deep water harbour.

I have also received notice from Senator Mary Moran of the following matter:

The need for the Minister for the Environment, Community and Local Government to address the situation of a person (details supplied) who has been made homeless due to a lack of social housing provision and available accommodation for those in receipt of rent allowance in Dundalk, County Louth.

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for Social Protection to review the current procedure which applies in the payment of maternity benefit for those who are self-employed and in particular the current practice where benefit is not paid when the child is born in the first six months of the year.

I regard the matters raised by Senators Byrne, D’Arcy, Ó Clochartaigh and Moran as suit-

able for discussion on the Adjournment and they will be taken at the conclusion of business. Senator Burke may give notice on another day of the matter he wishes to raise.

### **Order of Business**

**Senator Maurice Cummins:** The Order of Business is No. 1, Employment Equality (Amendment) (No.2) Bill 2013 - Committee Stage, to be taken at 11.45 a.m. and to be adjourned at 1 p.m. if not previously concluded; No. 44, motion No. 10 re long-term care for the elderly, to be taken at 2 p.m. and to conclude not later than 4 p.m.; and No. 2, statements on the 2020 Strategy on the Irish Language (resumed), to be taken at 4 p.m. and to conclude no later than 4.45 p.m., if not previously concluded, with contributions from all Senators not to exceed five minutes and the Minister to be called on to reply no later than 4.35 p.m.

**Senator Darragh O'Brien:** Last Monday in Dublin it may have come to the Leader's attention that hundreds of members of the Dublin Fire Brigade and their supporters marched on City Hall in support of the Dublin Fire Brigade ambulance service. All of us should acknowledge the fantastic work that service does in complementing the work of the HSE ambulance crews in the city and county of Dublin. It is the longest-standing ambulance service in the country. The people of Dublin and those who work in the aforementioned service are greatly concerned about the review of the Dublin Fire Brigade ambulance service commissioned by Dublin City Council and the HSE. We understood after the protest on Monday that the HSE intended to suspend the review and I would have welcomed such a suspension because the terms of reference of that review indicated that the main aim was to subsume the Dublin Fire Brigade ambulance service into the HSE. I believe, as does my party, that this would be a retrograde step. The hundreds of people who marched in Dublin on Monday, along with the thousands of supporters who have signed petitions, also believe that it would be a retrograde step. I am most disappointed to learn through a statement from the HSE Dublin north east that the review has not been suspended and that the HSE and Dublin City Council intend to proceed with it once they have completed their national capacity review of the ambulance services across the city and county.

What is the Government's position on the Dublin Fire Brigade ambulance service in Dublin? Does the Government support that service? Why is it that neither the Minister for Health - who is Dublin based and should know the service well - nor any of the Ministers of State at his Department has made any statement on this or on the current controversy relating to the ambulance service? Why are they remaining silent? Does the Government support the retention of the Dublin Fire Brigade ambulance service in the city and county of Dublin? The people who work in that service deserve to know the answer to that question. With that in mind, I am tabling an amendment to the Order of Business this morning to call on the Minister for Health or a Minister of State at his Department to come to this House for one hour to make a statement and to take questions on whether the Government supports the retention of the Dublin Fire Brigade ambulance service in the city and county of Dublin.

**Senator Ivana Bacik:** Anyone who watched the recent "Prime Time Investigates" documentary on the ambulance service would have great concerns about inefficiencies in our ambulance service nationally and would be convinced of the need to ensure the best service is available to patients across the country. That is hugely important. Whatever is the best mechanism

for delivering that service is the important point. I do not think there is any imminent threat, as Senator O'Brien has suggested, to the current structure of the Dublin service. That was made clear recently by the HSE.

I wish to refer to the state visit of President Michael D. Higgins to Britain. I found it extremely moving, as I am sure my colleagues did, to watch the reports of the speeches given by both the Queen of England and our President and to see real steps being made in fostering warmer relations between the two islands. President Michael D. Higgins paid his respects at the memorial to Lord Louis Mountbatten and the Queen acknowledged in her speech later the discrimination suffered by Irish people in Britain in the past. She also indicated the willingness of the British royal family to participate in the 1916 commemorations. We are seeing major steps forward in terms of the resolution of conflict in the North.

I also welcome the fact that today we will be having the Committee Stage debate on the Employment Equality (Amendment) (No.2) Bill which I introduced this time last year on behalf of the Labour Party Senator's group as a Private Members' Bill. I thank the Leader for ensuring that we are seeing Private Members' Bills, such as the Building Control (Carbon Monoxide Detection) Bill from Senator Fergal Quinn yesterday, being brought forward and receiving Government support. The only issue is that this can often take too long. It has been a year since the Second Stage debate on the Bill. We will have the Committee Stage debate today and I very much hope that we can conclude that debate before Easter and move on very swiftly thereafter to Report Stage of this important Bill which seeks to end any potential discrimination against LGBT teachers, in particular, in religious-run schools. It also seeks to end any discrimination against employees generally in religious-run hospitals and educational institutions. It is a very important Bill which has been widely welcomed by various stakeholders in the teaching professions in particular. I know the Departments of Education and Skills and Justice and Defence have also been very supportive of the legislation. I look forward to a good debate on the Bill on Committee Stage today.

**Senator David Norris:** I join my colleague Senator O'Brien in expressing concern about the situation regarding the Dublin Fire Brigade ambulance service. I have had occasion to use the service myself and found it extremely efficient and professional. That cannot be said of ambulance services throughout the country. I do not think that we should diminish our ambulance service in any way but should bring the rest of the service around the country up to the standards of the Dublin Fire Brigade service, which has been in existence for over 100 years. It has served the people of this city extraordinarily well and I have signed the aforementioned petition.

Regarding the royal visit, I am delighted that it continues to be a tremendous success. We are lucky to have somebody of the intellectual distinction of Michael D. Higgins as our President representing us in Britain. It is a gruelling programme, involving the President addressing both Houses of Parliament, which he did with great distinction, and speaking to the world's leading scientific organisation, the Royal Society.

We must also remember the extraordinary role played by the royal family. One of the things that is necessary is to imagine the situation of the other side. It is extraordinarily generous of the royal family to indicate that they will be here for the celebrations, if one can call them that, of 1916. I take a different view from almost everyone else in this House on this. I have never said, despite libellous comments in one of Mr. Murdoch's newspapers, that the leaders of 1916 were terrorists. They certainly were not - they were idealists. They clearly demonstrated that

they were not terrorists by cancelling the rising when civilian casualties rose. Had they been terrorists, they would have been delighted at that and would have used it for political purposes. I believe they were misguided. The rising had the tragic impact of subverting the direction in which we were going. We would have got every single thing that was gotten under Redmond at the end of the war. I think, because they wanted to put themselves into the history books, that there was an element of vaingloriousness about the actions of those in 1916. If that had not happened, what would have been endorsed would not have been the violent tradition, which is very much a minority. It would have been the glorious tradition that goes back to Grattan's Parliament, through O'Connell, Parnell and Redmond. That would have been very important and I see no additional gains.

If viewed from the other side, this was in the middle of a war for life and death. It was seen by many people, including a majority of people on this island, as a stab in the back and treachery. It was horribly badly handled by the English, but that is the tragic fact. We need to start to understand the other person's point of view.

Unfortunately I will not be able to take part on today's resumed debate on the Irish language because I took part on the previous day. The reason the debate has been extended is that so many people wanted to speak and every one of us made an attempt to speak in Irish, which is quite unlike what happened in the other House, the bullying House that tried to bully us into extinction, where the debate collapsed because with all its nationalism, it did not have enough Irish speakers in the place.

Can something be done about the former semi-State companies that offer so-called bundles of this, that and the other? We suffered from the toxic bundles, which brought the economic collapse. We now have other trickery by organisations such as Eircom, whose employees are cold calling people every evening between 7 o'clock and 9 o'clock. I try to husband my resources because I am not terribly well. I have to get out of bed two or three times every night because some little squirt is ringing me to try to sell me these bundles. Unsolicited cold calling and bundles should be banned. They are anti-social and they are a disgrace.

**Senator Michael Comiskey:** Sheep were in Kildare Street again yesterday evening for the launch of the World Sheep Shearing Championships to be held in Wexford from 17 to 25 May. This event will bring about 300 entrants from throughout the world and will bring approximately 40,000 visitors to the south east. This is very good from a tourism point of view and is most welcome.

**Senator Mary M. White:** I second Senator Darragh O'Brien's amendment.

It is with great pleasure that I acknowledge last night's historic event in Windsor Castle, which will undoubtedly pave the way for further momentous events. The biggest beneficiaries of the event will be the younger generation, including the young people from Sallynoggin College of Further Education and their teachers, Lillian Doyle and Siobhán Murphy, led by an iconic young man, Ben Stafford, who is my intern. They are sitting in the Gallery today. These young people and their colleagues are great ambassadors for the youth of Ireland and will share in the bounty of this peace process for years to come.

In the words of President Higgins, his momentous visit to Windsor Castle shows that we are finally walking towards a brighter future, remembering our past but no longer allowing it to ensnare our present. This is the greatest gift we can give to succeeding generations. All citizens,

young and old, have a contribution to make to society. Their age does not matter; what counts is the passion and commitment they have for their work and for other people. I acknowledge the age of three of the most momentous people working in our society today. President Higgins will be 73 shortly; the revolutionary Pope Francis is 77; and Queen Elizabeth is 87. That speaks for itself. None of these iconic figures allows age to impact on their work. They realise that passion and commitment are all that matter. As John Fitzgerald Kennedy said in his inauguration address: "Ask not what your country can do for you, ask what you can do for your country." This applies to those of all ages.

I acknowledge the presence in the Gallery of Miriam McHale, who has the courage to stand for election in the city.

I am very pleased that the Deputy First Minister in the North is on the front page of *The Daily Telegraph* today. It shows how far we have come that the Queen of England invited the Deputy First Minister, Mr. Martin McGuinness, MLA. The first time I met Deputy Adams was at dinner with the former President, Mrs. McAleese, many years ago when I was chairwoman of the Gaisce awards. We have come full circle. I acknowledge Deputy Ó Cuív, who is a hero as far as I am concerned. He and I are part of the cross-party group visiting prisoners in the North, trying to maintain the peace and look after their interests. If the prisoners are not treated humanely, it will arouse passions outside.

**Senator Michael Mullins:** While I will not support Senator Darragh O'Brien's amendment to the Order of Business, following the recent "Prime Time" programme on the ambulance service, it would be appropriate for us to have a discussion on the ambulance service at some date. Some elements of the programme may have been inaccurate or exaggerated. To put people's minds at ease and for us all to become aware of what is happening in the ambulance service, it would be appropriate for us to discuss it in the House.

We all welcome the signs of increased economic activity, especially in our larger cities. In rural areas, however, the green shoots are rather slow to appear. Every town has many empty retail units. I would like to have a debate in the next term on how we might revitalise our small towns. The Members of this House have many ideas on what could be done to bring some economic activity back to our town centres, which have taken such a hammering in recent years. Perhaps the Minister for the Environment, Community and Local Government or the Minister for Jobs, Enterprise and Innovation could participate in that debate.

**Senator Sean D. Barrett:** Referring to the Grant Thornton report, today's edition of *The Irish Times* carries the headline: "A failure to attract international students at the root of third level crisis, says report". Attracting foreign students is very difficult to do. A major effort to attract foreign students to the United Kingdom brings in about 11% of the student fees. There are problems given that India has devalued its currency heavily and in the United States this is seen as the Pacific generation. On several occasions, plane-loads of people from the Department of Education and Skills, other bodies and universities have gone to China on this measure, but it is not easily done.

In Ireland, there is the added issue that because we have an increasing number of young people, there is a danger of displacement and the sons and daughters of Irish taxpayers may have less opportunity to attend if we go down that route.

Another concern is the statement in the report: "Effective change management or manage-



ment of the ‘people side’ of change will therefore be crucial for institutions considering adopting any of the options proposed.” After almost a decade of so-called change management, we need to get back to basics, which means communicating the knowledge from the lecturer to 40, 50 or up to 400 young people in the class. There are too many layers of management and I would not support another one.

*11 o’clock* With the two Bills the Minister is preparing and the Bill we had last week, we are moving towards a situation when we can have an informed debate on the future of third level education. We must be careful to avoid some of the problems that have arisen in the United Kingdom, where the student loan programme is insolvent and some 40% of graduates will never earn enough to repay the average £9,000 per year cost of their third level education. A great deal of discussion is required, which I hope will be facilitated during the debates on the two forthcoming Bills and the one already before the House. Such a discussion is timely in the context of the conference taking place in the autumn, organised by the university heads, to discuss whether current funding models are sustainable. I certainly would caution against increased managerialism. In my view, it is the problem, not the solution.

### **Business of Seanad**

**An Cathaoirleach:** Before proceeding with the Order of Business, I welcome Councillor Mary Greene and her group of students from the Convent of Mercy in Carrick-on-Suir. Councillor Greene has been a regular visitor to the Public Gallery with student groups over the years. I understand she is not going forward for election on this occasion. We wish her well in the future.

**Senator Denis Landy:** I thank the Cathaoirleach for allowing me to welcome the group from my own town of Carrick-on-Suir, which includes the girls from Scoil Mhuire, Councillor Greene and other members of the school staff. As Councillor Greene will not be standing in the forthcoming elections, I take this opportunity to thank her for all her work in the community of Rathgormack, which is the neighbouring community to mine.

### **Order of Business (Resumed)**

**Senator Denis Landy:** We have had several discussions in the past week on sport, but there is a need to deal specifically with the scourge of doping in sport. Anyone who has an interest in the greyhound industry will be aware that six greyhounds, some of them competition winners, which participated in the most recent national coursing festival tested positive for banned substances. This is a totally unacceptable situation, with genuine dog breeders and enthusiasts having to put their animals up against dogs which have been doped. I had a discussion recently with the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Tom Hayes, on the greyhound industry, track racing and the difficulties in regard to doping. This latest revelation brings coursing centre stage as an additional cause for concern.

Will the Leader ask the Minister of State to extend the terms of reference of the independent

report he has commissioned on the greyhound industry to include coursing? All these revelations are doing substantial damage to the image of the Irish greyhound industry nationally and internationally. This disreputable activity cannot be allowed to continue. It is costing breeders, owners and others involved in the industry millions of euro. The report commissioned by the Minister of State is due for publication in a couple of months, which leaves plenty of time for coursing to be included in its remit.

**Senator Trevor Ó Clochartaigh:** Ba mhaith liom tagairt a dhéanamh d'alt a bhí sa *Daily Mail* inné ag Brenda Power. I take this opportunity to convey my abhorrence at this article concerning the Traveller community. It was totally ill-informed, inaccurate and biased, and possibly bordering on racist. Many people are very offended by what was written and I hope the relevant authorities will deal with it in a timely manner. A statement should go out from the Seanad that this type of journalism is not acceptable in Ireland.

I am disappointed that the Minister for Finance, Deputy Michael Noonan, has indicated his satisfaction that the banks are meeting the Central Bank's mortgage arrears resolution targets. My colleague, Deputy Pearse Doherty, put it to the Minister yesterday that the banks are only meeting those targets through wholesale legal actions, but the Minister did not change his tune. At yesterday's meeting of the Joint Committee on Finance, Public Expenditure and Reform, Ulster Bank representatives defended their use of legal proceedings in more than 4,000 cases, which make up almost half of that bank's proposals under the targets set by the Minister and the Central Bank. Ulster Bank knows it can get away with this because of the Minister's Pontius Pilate attitude. I expect the other three banks will tell the same tale today and Thursday, notwithstanding the latest data which show that six years into the crisis and excluding legal threats, the banks have made a sustainable offer to only one third of mortgage holders in distress. These data are coming from the banks themselves.

The Minister has stated on numerous occasions that he does not accept that legal action constitutes a sustainable solution and that he has communicated this assertion to the banks. The reality, however, is that he is hiding behind the Central Bank. The latter accepts the banks' figures and the inclusion of legal letters and the removal of people from their homes as sustainable solutions. That is simply not good enough. It is not acceptable for the Minister to hide behind the Central Bank in the midst of a mortgage arrears crisis. He should be leading the way, not hiding behind the Central Bank or civil servants. Will the Leader agree to a debate on this issue in the near future?

**Senator Cáit Keane:** Ar scáth a chéile a mhairimid. Is é sin a dúirt ár nUachtarán. We certainly do live in one another's shadows but we also live together and depend on one another. Both speeches last night, by the Queen and the President, did us proud. It was great to hear the Queen indicating a royal willingness to participate in the commemorations of 1916. We look forward to that. The Taoiseach is meeting the British Prime Minister, Mr. David Cameron, this morning to discuss the possibility of a joint trade mission abroad. Looking at the trade figures, it is absolutely the case that ar scáth a chéile a mhairimid.

Senator Ó Clochartaigh stole my thunder in raising the article by Brenda Power in the *Daily Mail* yesterday, but I am very glad he did so. In conjunction with the news that John Joe Nevin, who has done us all so proud, has had both his legs broken, it is a sad day for Travellers and for boxing. John Joe apparently went into the middle of an affray and we see what transpired. Travellers have their own pride and their own troubles. At the British-Irish Parliamentary Assembly this term, we will be producing a report on issues affecting the Traveller community



throughout the island of Ireland, which has involved taking evidence from Traveller communities in the North and in London. We will be reporting on that at the end of the term.

Will the Leader agree to have that report brought before the House for discussion? It goes without saying that everyone, settled and Traveller, has to take responsibility for themselves, but the article by Brenda Power focused on ethnicity. In particular, I condemn the language that was used. Every responsible person has problems with what some Travellers do, just as we have problems with what some settled people do. People are not all the same. Pavee Point today condemned outright the language used in the article. It is time we debated this subject and I ask that we do so after the BIPA report is published, which report should include recommendations in this regard.

**Senator Brian Ó Domhnaill:** Spiralling energy costs are affecting households throughout the country. In fact, recent figures from the Sustainable Energy Authority of Ireland reveal that electricity prices in this country are now 4% higher than the European average. In some cases, indeed, they have jumped to more than 14% above the EU average. The Commission for Energy Regulation is responsible for controlling energy prices. Not only does that body appear to be above question, but the Government has given it additional powers to decide on the cost of water for every household in the country. This is an organisation that has everything but the genuine concerns of the consumer at heart.

I have called on previous occasions for either the Minister or the CEO of ComReg to be brought before this House to explain why it is increasing the cost of energy to consumers at a time when taxes are rising and wages are reduced. At the same time, the Government itself, through a public service obligation, is charging every household in the country a flat rate on every electricity bill, the benefit of which goes directly to wind farm developers to pay them for when they are not making money. In the past three years, the Government has allowed €140 million collected from households in the country to be transferred in this way. It is absolutely disgraceful. Last night, the Minister of State, Deputy Paschal Donohoe, when responding to an Adjournment matter, tried to defend the indefensible on behalf of the Government, developers who are making money at the expense of ordinary consumers. The Minister, Deputy Pat Rabbitte, needs to get a life and a grip of his Department and to stop being in cahoots with the developers who are making billions out of wind energy. While the Leader is not responsible, I appeal to him to invite the Minister in to the House to advise us as to why he is standing idly by when money is being transferred to those who do not need it while it is taken from those who cannot afford to give any more.

**Senator Colm Burke:** I wish to raise an issue I raised yesterday on the present difficulty in filling consultant vacancies. It appears there is now a difficulty in filling general practitioner trainee vacancies. We need to have a debate on the cost of education. The cost of medical education here is approximately €90 million per annum, yet about 60% of that investment is gone out of the country within 12 months of people graduating from college. I note this morning that Ireland is one of the largest contributors to the United Kingdom in providing trained general practitioners. In the past four years, we have provided 1,049 trained general practitioners to the English health system which is at a cost to the Irish taxpayer. It is great that people are able to get jobs and that they have been provided with superb training here, but it is time we looked at the whole cost of education in this area, given that we cannot fill medical positions here, even though we are providing the education and the follow-up training. It is time we had a serious debate on the cost issues and how we are to move forward in the next ten to 20 years. I ask the Leader to provide time for a debate in this area.

**Senator Jim Walsh:** I ask the Leader for an early debate with the Minister for Finance on the sell-off of the IBRC loan book and also, perhaps, others that may be pending. The Minister has been sure-footed but on this issue he has completely missed the point and, in my opinion, has abandoned those hard-pressed mortgagors who need support. We were all elected to support citizens who are in difficulty, regardless of those difficulties. I would like to think the Minister will address the issue to ensure it is not left to the discretion of the banks as to whether mortgage holders will be treated fairly and properly in accordance with the code of practice.

I wish to make a comment on President Higgins' visit to the UK and, in particular, his meeting with the British Prime Minister, Mr. David Cameron, today. The President has a long tradition of adherence to and championing of human rights issues. I hope that today he will avail of the opportunity privately with the British Prime Minister to raise the issue of the victims of the Troubles, particularly those killed in the Dublin and Monaghan bombings, in Belturbet and various other atrocities that occurred here which involved British security forces and which, in all probability, involved people in high political office who were aware, if not of the specifics of these atrocities, of the general approach by the security forces in these matters. There is also the issue of, say, Pat Finucane and the agreement between the two sovereign states for a public inquiry into his murder, which everyone accepts involved collusion at a high level. The British Government has failed to meet its commitment in that regard. If we are to have good relations with our neighbouring island, I believe the President should use the opportunity to raise the issue. It is good to see progression in that area. It must be based on a solid foundation and mutual respect. Issues of the past and the legacies of these issues must be addressed and dealt with once and for all, and that includes partition.

**Senator Catherine Noone:** I welcome the launch today by the Food Safety Authority of Ireland's Menu-Cal. Certainly calorie counting is not the answer to obesity but it is widely accepted that it can have a positive effect. On the one hand, the restaurant representative bodies say this will be expensive for them and that it will, ultimately, be ineffective. On the other, it is clear from research that 96% of people want to see calories displayed on menus. I would have a certain sympathy for restaurants, particularly, those who change their menus every day. I have no doubt it is a habit that would be very useful for restaurants because by controlling portion sizes and being more mindful of what goes into the meals they present to consumers, it would lead to a reduction in waste. Research in America found that when calories were signalled on menus, for example, in hamburger joints, people consumed 152 fewer calories in those joints and 70% less when it came to sandwich bars. If we were to transport those figures to Ireland, there would have a positive effect on obesity levels and type 2 diabetes problems.

Ultimately, it comes down to the fact that when food and drinks are prepared outside the home, the consumer does not know what goes into the food. While calorie counting may be a somewhat crude measure when it comes to overall health, it certainly would be a helpful measure in addressing the obesity crisis which will get worse if measures such as this are not adhered to and put in place. Currently, it is a voluntary opt-in service but I hope people will buy into it and that it will not be necessary for the Minister to make it compulsory. With regard to my question for the Leader, I have called for a debate on obesity at some stage with the Minister. A more positive debate might be one on health and the promotion of health in terms of alcohol, obesity and many other items.

**An Cathaoirleach:** Did Senator Martin Conway indicate that he wishes to speak?

**Senator Martin Conway:** I thank the Cathaoirleach for allowing me to speak at such short

notice. Today happens to be national job shadow day. There are a number of participants in the national job shadow day in the House. One was supposed to be in my office job shadowing me. I have met a number of them. It is a useful initiative from an organisation that had its roots in Mayo in the Irish supported employment association. If nothing else, job shadow day highlights the need for equality in terms of access to employment and job opportunities across a wide spectrum. Too often, people with disabilities are seen more for their disability as opposed to their varying abilities. People with disabilities thrive when they get the opportunity in companies here and internationally. Job shadow day is designed to raise awareness. I welcome all the participants in Leinster House on job shadow day and the thousands of participants throughout the country who are taking part in this unique day which raises the profile. I ask the Leader if, at some stage, we could have a specific debate on job opportunities for people with disabilities and how to break down the barriers.

**Senator Maurice Cummins:** Senator Darragh O'Brien raised the question of the Dublin fire brigade and ambulance service. When the Government came to office in 2011, no targets were set for the ambulance service. The Minister for Health, Deputy James Reilly, has raised the bar annually in respect of response times, and for 2014 a new target has been set for 80% of life-threatening calls to be responded to in under 19 minutes. In 2013, the target was 68% to 70%.

Emergency ambulance services in Dublin city and county are provided by Dublin Fire Brigade by arrangement between Dublin City Council and the Health Service Executive. The National Ambulance Service is working to modernise and reconfigure its services to ensure emergency pre-hospital care is delivered in an appropriate and timely manner. In particular, a single national control system to improve the control and dispatch performance of ambulances, for which members of the House have been calling over the past number of years, is being developed and will be introduced in 2015.

In light of the new control and dispatch system, the HSE's chief operating officer and the Dublin city manager commissioned a joint review of the Dublin Fire Brigade ambulance service. The focus of the review is to identify a model of service provision that ensures optimal provision of emergency ambulance services in Dublin. The review was expected to be completed in early summer. However, the timescale has now been revised to allow for the results of the national ambulance capacity review to inform the recommendations of the Dublin Fire Brigade review. The purpose of the capacity review, which is now under way and is expected to be completed by the end of this year, is to determine the level of use of resourcing required in terms of staff, vehicles, skills and distribution, for a safe and effective ambulance service now and into the future.

I can assure members that work in this regard is ongoing. In regard to the response of Fine Gael and the Labour Party, our response is that we want the best possible ambulance service for the people of Dublin and countrywide.

Senator Bacik and others spoke about the Presidential visit. I am sure the event last night was wonderful and that the remainder of the visit will be well received by all. The President, in terms of his speech last night, was a credit to us.

**Senators:** Hear, hear.

**Senator Maurice Cummins:** Senator Bacik also spoke about the Employment Equality

(Amendment) (No. 2) Bill 2013, with which we will be dealing following the Order of Business. As members will have noted, we have dealt over the past number of weeks in this House with a number of Private Members' Bills. I hope to progress these Bills and to schedule as many motions as possible for discussion over the coming months in an effort to clear the Order Paper.

I note Senator Norris's comments in regard to constitutional nationalism versus the armed struggle. The Senator made some interesting points in that regard and also raised the issue of unsolicited cold calls from companies, which are very annoying for many people.

Senator Comiskey welcomed the World Sheep Shearing Championships in Wexford and the benefits that will accrue for tourism in Wexford and the south-east as a result.

Senator Mary White also spoke of the benefits of the Presidential visit and outlined that age is no barrier to success. Senator Mullins also called for a debate on the ambulance service. I will try to have the Minister in the House for that debate as soon as the review has been completed.

Senator Barrett spoke about the future of third level education. As mentioned by the Senator, there are currently two or three Bills in this regard in the ether. Perhaps when these Bills are being dealt with we can have a comprehensive debate on the issue of third level education and its future.

Senator Landy spoke about the greyhound industry and the doping of six dogs in a recent national coursing event. We had a debate on the greyhound industry in recent weeks. However, I will bring the Senator's point that the issue of coursing be included in the review to the attention of the Minister.

Senators Ó Clochartaigh and Keane referred to a recent article in the media regarding Travellers. As I have not read the article, I do not propose to comment on it. However, I take on board the points made by both Senators. Also, I am a member of the British Irish Parliamentary Association sub-committee dealing with the issue of Travellers in all jurisdictions. I would like to put on record our thanks to Pavee Point and others representing the Traveller and Roma communities for their help and co-operation during the recent visit by the sub-committee to Dublin.

Senator Ó Domhnaill spoke about electricity prices, which he stated are 4% higher than the EU average. In this regard, the Senator asked that the Commissioner for Energy Regulation be asked to come into the House. I understand the regulator recently appeared before a committee, which is the appropriate place for a debate on energy. It is important there is competition in the electricity marketplace.

Senator Colm Burke spoke about the need to fill vacant consultant and trainee general practitioner positions. In this regard, he referred to the more than 1,000 Irish trained general practitioners who went to work in the UK last year and called for a debate on the cost of education and follow up training for GPs. I will try to arrange that debate.

Senator Walsh spoke about the sale of the IBRC loan book, which issue we discussed at length on the Order of Business over a number of weeks. The code of conduct is in place. I understand that the purchasers of the loan book have signed up to the procedures in that code of conduct. The Senator also spoke about the possibility of the President raising particular issues while in the UK. The issues raised by the Senator are outside the remit of the President.

However, the Senator can be assured that the Government has raised them and will continue to raise them with the UK Government.

Senator Noone spoke about Menu-Cal and called for a debate on the promotion of good health and obesity. We had such a debate recently by way of a Private Members' motion. However, it is a matter that must be kept under constant review.

Senator Conway referred to today being national jobshadow day and the need to raise the awareness of job opportunities for people with disabilities. I hope that the person jobshadowing the Senator is not also jobshadowing any other Senator or Deputy from Clare.

**An Cathaoirleach:** Senator Darragh O'Brien has moved an amendment to the Order of Business, "That a one hour debate to clarify whether the Government supports the retention of the Dublin Fire Brigade ambulance service in the city and county of Dublin be taken today." Is the amendment being pressed?

**Senator Darragh O'Brien:** Yes.

Amendment put:

The Seanad divided: Tá, 15; Níl, 24.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Cullinane, David.	Burke, Colm.
Daly, Mark.	Coghlan, Eamonn.
Heffernan, James.	Comiskey, Michael.
Mooney, Paschal.	Conway, Martin.
Norris, David.	Cummins, Maurice.
O'Brien, Darragh.	D'Arcy, Michael.
O'Sullivan, Ned.	Gilroy, John.
Ó Clochartaigh, Trevor.	Hayden, Aideen.
Ó Domhnaill, Brian.	Henry, Imelda.
Power, Averil.	Keane, Cáit.
Quinn, Feargal.	Kelly, John.
Reilly, Kathryn.	Landy, Denis.
Walsh, Jim.	Moloney, Marie.
Wilson, Diarmuid.	Moran, Mary.
	Mullins, Michael.
	Naughton, Hildegard.
	Noone, Catherine.
	O'Donnell, Marie-Louise.
	O'Keeffe, Susan.
	O'Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.
	Zappone, Katherine.

Tellers: Tá, Senators Ned O’Sullivan and Diarmuid Wilson; Níl, Senators Aideen Hayden and Michael Mullins.

Amendment declared lost.

Question, “That the Order of Business be agreed to”, put and declared carried.

### **Employment Equality (Amendment) (No. 2) Bill 2013: Committee Stage**

**Acting Chairman (Senator Pat O’Neill):** I welcome the Minister of the State, Deputy Lynch, to the House.

**Senator David Norris:** Before we start and without any intention of rudeness to the Minister of State, who I welcome to the House, I did not see any lists of amendments on the table.

**Acting Chairman (Senator Pat O’Neill):** They were there this morning.

**Senator David Norris:** They are there now. Is that the case?

**Acting Chairman (Senator Pat O’Neill):** I will wait until you come back, Senator Norris.

Section 1 agreed to.

#### **NEW SECTION**

**Acting Chairman (Senator Pat O’Neill):** Amendments Nos. 1 to 3, inclusive, are related and may be discussed together by agreement.

**Senator Katherine Zappone:** I move amendment No. 1:

In page 3, before section 2, to insert the following new section:

“2.—Section 6 of the Employment Equality Act 1998 is amended by substituting the following for subsection (2)(e):

“(e) that one has a different religion or belief from the other, or that one has a religion or belief and the other has not (in this Act referred to as the ‘religion or belief’ ground.”.”.

Can you remind me which amendments are grouped because I do not have a list of the groupings.

**Acting Chairman (Senator Pat O’Neill):** Amendments Nos. 1 to 3, inclusive, are grouped.

**Senator Katherine Zappone:** I welcome the Minister of State to the House. I wish to



make some introductory remarks before I get to my first amendment. I am heartened to see that the Government has agreed to bring the Bill sponsored by Senator Bacik *et al* to Committee Stage. Time continues to pass and yet there is still a part of our employment equality legislation, namely, section 37 of the Act, which can be used in an unjust way to discriminate against people in light of their identity. It is good that we are in the House to debate the matter now.

On two previous occasions, the debate on Senator Power's Bill and Second Stage of this Bill, I argued that section 37(1)(b) of the Employment Equality Act should be deleted and that only in this way can we, as law-makers, offer absolute assurance to Irish employees working within religious institutions - most of which deliver public services, which is the critical point and the point several of my amendments are trying to address - that their private life is not relevant to their employment.

As we are all aware, the Minister for Justice and Equality, Deputy Shatter, introduced a Bill in the Dáil yesterday evening to provide for the merger of the Equality Authority and the Irish Human Rights Commission. This is a good example of where a human rights issue, that is, the right to privacy, provides us with an appropriate framework to consider equality concerns, in this case, equal treatment in light of people's identity. This bodes well for the kind of things that the new commission could help us with.

I have argued that the section should be deleted on the basis that an institution's right to protect its religious ethos is already protected in law. My question was: while the Supreme Court may have found section 37(1)(b) to be compatible with the Constitution, does the Constitution require an exemption to our equality laws of this nature? Does the Constitution require the additional protections of religious ethos found in section 37(1)(b)? The Bill is attempting to add additional restrictions to that exemption, but does it require it? While the Bill might allow for it, does it require it? I am keen to have these questions answered.

It is helpful that we are at a point where the Bill provides additional restrictions, especially out of concern for lesbian, gay bisexual or transgender, LGBT, teachers, nurses and administrators. Again, no one, because of a characteristic of his or her identity, including religion or belief, ought to be discriminated against in the context of employment, unless it has to do with a genuine occupational requirement of the job. This principle is behind many of my amendments and what the EU framework directive requires of us. It relates to the power of an enforceable human right to a private life.

My first amendment proposes to amend the Employment Equality Act and I see it as opportunity to bring this measure into the Bill. It will bring the definition of "religion" and the religion ground into full compliance with the framework directive by redefining it to include "religion or belief". This is a term employed in the directive. Although the directive does not define the term, use of the disjunctive "religion or belief" suggests that protection should be extended to belief systems that do not stem from a religious doctrine. Since both the preamble to the directive and the EU charter express respect for principles of the European Convention on Human Rights, the term "religion or belief" should be read consistently with Article 9 of the European Convention on Human Rights. As it stands, the term used under the religion ground in the Employment Equality Act is "religious belief", which is too narrow and does not comply with the directive as it may not cover philosophical beliefs such as humanism or atheism. Atheist Ireland raised similar points in its briefing document which notes there are general principles of European law which give equal recognition to religious and non-confessional philosophical beliefs.

Amendment No. 3 is necessary to redefine the “religion” ground to mean “religion or belief”. Acceptance by the Minister of amendment No. 1 would require a change in the language used in section 2(1)(a) and (b) to make the ground more inclusive, as defined by European law. It is noteworthy that the drafters of the Bill included the term “religion or belief” in section 2(1)(b) and, as such, extended the religion ground to include “belief”. On the basis that the word “belief” is used in the paragraph to which I referred, it should also be used elsewhere in the Bill. The amendment provides an opportunity to change the definition of this ground in the Employment Equality Act.

**Senator David Norris:** I am glad we have come to this point and while I congratulate Senator Bacik on introducing amending legislation, the Bill before us does not go far enough. I remember the entire debate on the principal legislation. Former Senator Joe O’Toole and I strongly opposed section 37, which was included, I am ashamed to note, at the request of all the Christian churches, including my church. The Church of Ireland was as deeply implicated in the matter as the Catholic Church. I believe the churches were motivated by the fear that, in circumstances in which they were a minority, their religious ethos would be diminished or evaporate. This is an unnecessary fear. If one has faith, one should believe one’s religion is capable of surviving.

In my imperfect way, I am a deeply religious person and regular church attender. I never received any religious instruction of the slightest value throughout my entire educational career. Such instruction was regarded as a total nonsense and took place occasionally for perhaps one hour per week. Most of the time, the clergy did not turn up for instruction and when they did they got us to read *Lady Chatterley’s Lover* and similar books to broaden our minds. We did not learn anything.

Religious instruction is the responsibility of parents - if they want to continue a religious tradition - and is much more valuable when it comes from parents. It is from my mother, aunt and grandmother - my father was dead - that I got my love of the church.

While there are reasonable circumstances in which a person with a religious belief can be favoured, this Bill goes much too far. It would be bad for all concerned, for example, if a committed atheist were required to teach religion. Children are not fools and would know immediately that their teacher did not believe what he or she was teaching. To require an atheist to teach religion would, therefore, do violence to the children and the conscience of the person who was required to teach something that went against his or her beliefs. Such an approach is wrong. I am sure any flexible school will be able to find a proper, practical and pragmatic solution to this problem. It is not one that requires discrimination to be enshrined in law. While the Bill introduced by Senator Bacik moves a considerable way in the right direction, it continues to allow for discrimination.

I remind the House of a fine speech made many years ago - it may be 20 years ago now - by the then Minister for Justice, Ms Máire Geoghegan-Quinn, in response to an attempt by the Opposition to introduce a nasty set of amendments aimed at inserting in legislation a discriminatory age of consent for gay people. In fairness to the Fine Gael Party, a revolt in the ranks resulted in the proposals being filibustered in the Dáil by party Deputies, including the current Minister for Justice and Equality, Deputy Alan Shatter, a man whom I do not always praise. They did a good job in talking out the amendments. While I may not remember her words entirely accurately, the sentiment the then Minister expressed when the Bill was introduced in the Seanad burned into my conscience because they expressed a golden rule. Ms Geoghegan-Quinn noted

that she had been asked to accept amendments which would provide for discrimination, stating that, as a Minister for Justice, she would only introduce a measure of discrimination against an Irish citizen if clear, cogent and factual reasons for such discrimination were produced for her in the House. As such reasons had not been produced, she would not, she said, introduce the proposed measure. This was a very important statement because it demonstrated that the issue is not sexuality but the principle of those moments where discrimination is required.

I have received an unusual flurry of communications on this issue from people who are concerned about their jobs and the extraordinary and outrageous decision taken in the *Flynn v. Power* case which related to the dismissal of Ms Eileen Flynn simply because she was pregnant and was living with a person who was not her husband. I also remember a case involving, I believe, two history professors in NUI Maynooth who were discharged because they left the priesthood. The decision in that shocking case was upheld in the Supreme Court. I would be very concerned if such cases were to continue.

While I am not an atheist, I believe that the rights of all citizens should be protected. Under this Bill, if one is gay and an atheist, one may be protected to some extent as a gay person but one would not be protected as an atheist. Atheists have a right of conscience and their position should be regarded as a form of belief because atheism is a belief in that involves, for example, the belief that there is no God and the universal is a nonsensical mistake, an accident that took place at the time of the big bang and so forth. While I do not agree with those views, people are perfectly entitled to hold such a principled position, which, while not particularly scientific, is a form of belief. I will table a Report Stage amendment to provide that atheism be treated as a belief.

The Bill, as it stands, negates the whole point of equality law by making some types of equality more equal than others. As I stated, a gay, atheist teacher could be fired on the basis of his or her belief but not on the basis of his or her sexuality.

The position in respect of European Union directive 2000/78/EC is inaccurate because Article 4 does not require but merely allows member states to permit discrimination in certain circumstances. Article 8 explicitly allows member states to introduce or maintain provisions which are more favourable to the protection of the principle of equal treatment than those laid down in the directive. In other words, we have considerable room for manoeuvre and are not required by the European Union to do what is done in the Bill. On the contrary, we are almost encouraged to be more open and liberal.

Some years ago, the Supreme Court examined this section of the Act and found that the legislation provided for a reasonable balance of the different rights involved, including, chiefly, the rights to earn a living and to freedom of religion and association. It found that the 1996 Bill was not repugnant to the Constitution, which is a very interesting phrase. Nowhere in the Supreme Court judgment is it suggested that such a provision is required by the Constitution. The Seanad, as a calm and reflective House, should consider these subtle distinctions. Institutions that are State funded should not be allowed to discriminate on the grounds of religion or belief. The State should not fund religious discrimination against its citizens. Further, institutions that are not State funded should be subject to restrictions of the type the Bill places on State funded bodies.

As I stated, it is a violation of conscience to require an atheist to teach religion. It is both absurd and an example of very bad teaching practice. I understand the Minister of State is a

teacher. Is that correct?

*12 o'clock*

**Deputy Kathleen Lynch:** No.

**Senator David Norris:** Well I was a teacher and I know something about the subject. Regardless of whether she was a teacher, the Minister of State is a woman of imagination and vision so she can understand what is involved. In the context of the matter under discussion, I am aware that what is envisaged would be very bad practice. Obviously, it would be absurd to try to force the Church of Ireland and the Roman Catholic Church to employ atheists or Mormons as clerics. That would be daft and the job specification would militate against it. I am sure there is employment legislation under which this matter could be dealt with and in the context of which it might be made clear that someone is not suitable or qualified for the job and that he or she should go elsewhere to teach atheism or Mormonism.

As stated, I hope to table amendments for Report Stage. I also hope the matter will not be put to a vote at this point. I will be tabling an amendment in respect of the word “religious”. In Ireland, that word has a particularly narrow connotation. I would like to change the legislation to read “religious or belief-based”. This would allow us to include all different belief systems. I would also like to amend the legislation in order that it would read “where it is reasonable to conclude that performing the job concerned objectively requires an employee to hold a particular religion or belief”. The latter would cover Bible classes, religious instruction and so on. It would also leave intact the rights of people who are atheistic, gay or whatever. I would also include the following text at the end of the subsection, “but publicly and lawfully manifesting a religion or a belief shall not be grounds for undermining the ethos of an institution”.

A situation similar to that with which we are dealing here arose in Scotland some 15 years ago. I refer to the case of a young man who was employed as a gardener in a public school and who was seen on television holding a banner at a gay rights demonstration in Edinburgh. He was dismissed from his post and the decision to dismiss him was upheld by the highest court in Scotland. That was a dangerous development. The man was a gardener and he was not corrupting anyone. He had a perfect right, as a citizen, to hold a banner. It was quite reasonable for him to do so and his behaviour was not an infringement of the rights of the school involved. If a person behaves outrageously or turbulently, there are many manifest grounds for getting rid of him or her. It is for this reason that the phrase “publicly and lawfully manifesting a religion or a belief shall not be grounds for undermining the ethos of an institution” should be included in the legislation.

I hope to table quite a number of amendments for Report Stage. I welcome what Senator Zappone stated and I welcome the Minister of State’s presence in the House for this debate. I will be supporting the amendments tabled by Senator Power. In an institution that is increasingly dominated by bourgeois voices, it is very good to have someone like the Senator who represents a conservative party but who takes a radical view and who considers situations in a realistic light. I look forward to the continuing debate on this matter.

**Senator Ivana Bacik:** I welcome the Minister of State. I also welcome the members of GLEN and the representatives from Labour LGBT who are in the Gallery. Both have been very active on this issue and in seeking legislation such as that before the House. As the person who brought forward this Bill 12 months ago, I am delighted the Government allowed it to pass Sec-

ond Stage and that it is now facilitating Committee Stage. I am sorry, however, that it has taken this long and it is unfortunate that it is a year since Second Stage was taken. As stated earlier, I am aware the Equality and Human Rights Commission has been compiling a report, which I have not seen, and that the Government wanted sight of that to evaluate how it might improve upon the Bill. On Second Stage, many Senators, including me, stated that the Bill could be improved and made more robust by means of amendment. None of us wanted there to be a delay of 12 months, however, and I am committed to ensuring we will dispose of Committee Stage by Easter. It is very important that if we do not conclude our deliberations on it today, we do so next week. Progress must be made in respect of this matter.

The type of situations to which Senator Norris referred and which were raised on Second Stage by Senator Zappone and others - I refer here to the awful case involving Eileen Flynn - illustrate exactly why legislation of this type is required. Some of us, myself included, referred to the fact that the Bill is somewhat conservative in terms of the way it is drafted. Examining the matter 12 months on, I am of the view that it is vital the legislation be enacted in order that LGBT employees might be protected. I refer in particular to gay people who are teaching in institutions which, as is the case with 90% of them, are run by religious orders. Such individuals live in fear as a result of the fact that the existing section 37(1) remains in place. Let us not allow technical issues relating to the Bill delay its passage. It is extremely important that the Bill be enacted, especially as it relates to a Government commitment that is long overdue for implementation.

I read the submission made by Atheist Ireland and, as an atheist, I support it. However, Atheist Ireland is overly dismissive of the Bill and it underplays the great significance it will have, even if passed in its current format. Atheist Ireland also misunderstands Article 4 of the directive. We will return to that point when we examine the Bill in greater detail.

I welcome the fact that Senators Zappone and Power have put forward constructive amendments by means of which they are seeking to strengthen the Bill. However, we must also be cognisant of the need to have the Bill passed in order that employees who suffer the chilling effect of the continued existence of section 37(1) might be protected. In her amendments, Senator Zappone is seeking to amend the original Employment Equality Act. They are not really directly related to amending section 37(1) but rather involve trying to broaden the religion ground to include atheism. I thoroughly agree with the Senator in this regard but I do not agree with the wording used in amendment No. 1, namely, “that one has a religion or belief and the other has not”. As an atheist, I have a belief. It is not that I do not have a belief. It is just a matter of considering how we might improve on the wording to which I refer.

**Senator David Norris:** The Senator does have a belief, even though it is in error. We will pray for her.

**Senator Ivana Bacik:** Many people have said that over the years. I always welcome prayers, from those of any religion or none. It might be worth reviewing the employment equality legislation in order that we might discover how we might better define the grounds involved. I do not believe that such a review should delay the progress of the Bill.

I remind everyone that all the Bill seeks to do is amend section 37(1) of the Employment Equality Act 1998. Section 37(1) currently provides religious, educational or medical institutions under the direction or control of bodies established for religious purposes blanket permission to discriminate. There is no qualification in respect of section 37(1). The Bill before the



House will insert entirely new paragraphs (b), (c) and (d) into section 37(1). These will for the first time create a presumption that where a body or institution of the sort to which I refer is publicly funded, either favourable treatment on the religion ground or action to prevent undermining religious ethos will be deemed to be discrimination. The presumption will, therefore, be utterly reversed. We may have downplayed the significance of this on Second Stage but it is important to highlight it now. The paragraphs to which I refer are entirely new and they presume discrimination. Paragraph (d) makes clear that the respondent must prove the contrary, in other words, that it is not discrimination in cases where they exercise more favourable treatment on religion grounds or where they seek to prevent an existing or prospective employee from undermining religious ethos.

Much of the language used in the paragraphs is already contained in section 37(2) of the original Act as a result of amendments made under the Equality Act 2004. Section 37(2) already allows for a general exception to discrimination, on all but the gender ground, where a characteristic is a genuine and determining occupational requirement, where the objective is legitimate and the requirement proportionate. This means that a general proviso is already in place in respect of all employments. We have replicated some of the language used in section 37(2). I will speak to the specific points relating to Article 4 of the directive when we deal with the relevant amendments.

Let us not lose sight of the key purpose of the Bill which is that it will provide for significant protections for employees who are currently experiencing discrimination or potential discrimination in the workplace. It will also have huge significance in the context of reversing a presumption and in presuming discrimination has occurred in situations covered by section 37(1), which currently allows for blanket freedom to discriminate.

**Acting Chairman (Senator Pat O'Neill):** Before I call Senator Power, I wish to point out that we are dealing amendments Nos. 1 to 3, inclusive. I accept that it is 12 months since we previously dealt with the Bill but Senators are making Second Stage speeches.

**Senator Averil Power:** In broad terms I support the point Senator Zappone is trying to make in the amendments. It is important to refer, and I will do so in very brief terms, to the overall impetus behind the Bill, which was introduced last May. I made the point during the last debate that while I welcomed the fact that any move was being made to address this legislation, I am strongly of the view that the Bill does not go far enough. It does not make it clear that there are no circumstances in which a person cannot be discriminated against for being LGBT, an unmarried parent, a divorced person or anything else. It changes the onus of proof. Unless our legislation makes it absolutely clear that there are no circumstances in which an employer can discriminate against someone on grounds of sexual orientation or other inherent personal characteristic, the fear and self-censorship that LGBT teachers, doctors and others feel at the present time will remain. Teachers in particular have been in contact with me and told me that their real fear is of the unknown. People often say that if a case went to court, it might well be decided in favour of the employee, but it is the unknown that stops people coming out in schools. It is the unknown that sends them back into their staff room every Monday morning where they lie about their weekend and cannot talk about their personal relationships out of fear. In this House in 2014 we must give nothing short of an absolute blanket guarantee to such members of staff that there is no way their employers can discriminate against them just because they are gay. Anything short of that is insufficient.

I am genuinely concerned about the legislation. While I accept that it shifts the onus of



proof and makes it clear that it is on the employer, the only way we can know what is justifiable is when someone goes into court and argues with his or her employer in court about whether the discrimination was justifiable. It is only then that we will find out what the benefit or otherwise of the Bill is. That is unacceptable. All employees deserve the absolute protection of their equal rights as citizens to those of other teachers or doctors and any other employee in their workplace. Everybody should be judged solely on the ability to do his or her job and nothing else.

The Bill does not go far enough. I am concerned that whatever about the decisions made in the House in 1997 and 1998 when the original Acts were being debated and implemented, it would be regressive for us to pass a Bill in 2014 that accepts it is okay that there are still circumstances in which one can discriminate against people on the basis of their sexual orientation or family or marital status. It would be a great missed opportunity and send a damaging message from the House that we think discrimination against people on those grounds is justifiable.

For that reason, I have tabled a number of amendments and wish to hear the Minister of State's response to them. We will at least be able to see where we are going with the direction of the Bill. On Second Stage, it was indicated that Government amendments would be brought forward on Committee Stage. We are on Committee Stage a year later with exactly the same Bill and no Government amendments. None of us has any sense of where this is going. When the Minister came to this House to debate the *Fianna Fáil* Bill two years ago, he said he would immediately commission the Human Rights and Equality Commission to undertake a study and public consultation. I questioned him and made it clear at the time that I was concerned that no clear deadline had been placed on that. We have still not seen the report of that work two years later. The deadline closed in November but we have not seen the report. The submissions have not been published either. None of us is any wiser in this debate than we were two years ago and that is not acceptable.

We have tabled a number of amendments. While I will not push them to a vote today. We will listen to what is said today but we will push them on Report Stage. On Report Stage, neither I nor our group will be able to accept the Bill in its current form. We genuinely believe it is regressive. We hope we can take the opportunity of today's debate and the amendments Senator Zappone and I have tabled to ensure that we strengthen the Bill and that it achieves the ultimate objective of removing the chill factor and ensure that there is no doubt in anyone's mind that discrimination is justifiable.

**Acting Chairman (Senator Pat O'Neill):** Before I leave the Chamber, I acknowledge the presence in the Visitors Gallery of members of the Irish Special Olympics team who have joined us. They are very welcome.

**Senator Averil Power:** I did not realise I had such distinguished visitors behind me.

I support the overall point Senator Zappone is making. Senators Zappone and Norris have argued there is a distinction to be made between a court saying that the Bill in its original form is consistent with the Constitution, but it is a hell of a long stretch from that to assert that it is required by the Constitution. That has been bandied about but the court did not say it. Over the last two debates, we were told we could not press these issues because it would be unconstitutional. That is not true. There has been no determination on that. The court simply decided that the Bill as put forward was consistent with the Constitution. It did not comment on whether an alternative Bill, my amendments, Senator Zappone's amendments or anyone else's amend-

ments would be consistent with the Constitution.

On the broader religion point, I accept that if someone is to work as a religion teacher, cleric or in another religious role, it is essential that he or she believes in the relevant faith. Senator Norris's point is well made. It is difficult to pass on one's faith or engage in religious instruction in a genuine and forceful way if one does not share that faith. That should not be used to discriminate against staff whose role is primarily secular. We must find a better balance on this issue. I do not know if Senator Zappone intends to push her amendments today. I hope not as I would like us to have more engagement on what is possible and desirable. Some of these issues may need to be taken up in the broader context of patronage of schools. Issues in relation to staff entitlements and protecting people's rights should be taken up here.

We have had debates in this House and elsewhere on the desirability of having fewer schools under religious management and having our education system more directly reflect our society. However, it would be fair enough to insist that anyone working in a school that is under religious management upholds the ethos of the school while there and refrains from saying anything inappropriate in the classroom. He or she should not criticise the Pope, for example. Nobody would have an issue with that. I cannot imagine that any teacher would put himself or herself in that situation. Short of that, if a person shows respect for the school and the school's ethos, I cannot see why he or she should be denied a job because of his or her private faith. I do not understand it and consider it to be utterly unnecessary. It is a form of inequality we should not stand for in this day and age.

In the last debate, Senator Bacik referred to EU Directive 78/2000 and said it required that kind of discrimination. In fact, it does not. Similar to the others provisions that have been cited here regarding the Constitution, it provides that member states "may" provide that a difference of treatment shall not constitute discrimination in certain circumstances. It says that member states "may" maintain national legislation in force on the date of the adoption of the directive or provide future legislation incorporating national practices existing at that date. The difference in treatment shall then be implemented taking account of member states' constitutional provisions and principles.

It goes on to say that where an ethos is based on religion or belief, the directive shall not prejudice the right of churches and other public organisations - acting in conformity with national constitutions and laws - to require individuals working for them to act in good faith and with loyalty to such organisation's ethos. The language throughout the directive refers to "may" rather than insisting. That last paragraph reflects what I have just said which is that people would act in good faith and with loyalty to the organisation. If someone of the Protestant or other faith or who has no faith is looking for a job in a Catholic school, he or she should be required to uphold the ethos of the school and not actively seek to undermine it. He or she should show loyalty to his or her employer and act in good faith.

Clearly, a person should not stand up in classroom and challenge or criticise the tenets of the faith or church and actively work against the ethos of the school. However, I do not see how quietly carrying out one's private faith in one's own time in any way represents failing to act in good faith and with loyalty to the organisation's ethos. There is scope for us and the directive does not represent a blanket reason for us not addressing the religion ground. We must find a wording on the religion ground which is consistent with the directive, but according to the advice I have taken since the last debate, it is not as strong as was argued last time out. There is scope for improvement.

**Senator Katherine Zappone:** I did not comment fully on my second amendment. I wish to add to my comments. I tabled the amendment because I am concerned that the Bill does not apply the new subsection (b) where additional protections are offered to people. In light of the religious ethos issue we are discussing, it does not apply to all prospective employees or employees' bodies with a religious purpose. The proposed heightened protection in the subsection is not extended to persons employed by a religious institution. The amendment seeks to include religious institutions *per se* and not only an institution under the control of a body established for religious purposes. For example, the additional protections afforded under the legislation do not extend to priests, women religious, rabbis, those employed by the archdiocese such as administrators, synagogues or those employed directly by churches such as organists and choir-masters. Why should they not be protected as well? I would like to make sure I am correct about that but my reading of the Bill means it should include the issue of religious institutions *per se*.

I refer to Senator Power's comments, particularly the issue of not having the advices of the Equality Authority or the IHRC or amendments from the Government on the issue. We all attempted to table amendments outside of that advice. The advice should be before us and it would be helpful but I am surprised that the Minister does not have it either. We need to be technically correct this regard. I am not a lawyer but we need to be correct because one of the prime issues, which Senator Bacik argued, is the law has to be clear in order that LGBT teachers and people who are atheists or humanists or who come under any other ground are still protected in respect of the religious ethos issue apart from where it is a genuine occupational requirement, which is governed by EU principles. I am sorry we do not have amendments from the Government, as Senator Power said, in order that we know where we are going.

**Senator Martin Conway:** I welcome the Bill. It has been hanging around for more than a year and it is great to see the members of GLEN and various LGBT organisations. There is an active LGBT group within Fine Gael under the stewardship of our colleague, Deputy Jerry Buttimer, which is doing great work. Section 37 of the 1998 Act should never have been introduced in the first place. Who were the legislators at the time trying to appease? This legislation will clean up the appalling vista created by that section. I agree with most of Senator Power's contribution but I would like there to be unanimity on the Bill if it can be achieved. As acting leader, I will not push for Committee Stage to be completed today. It should continue next week and between that and Report Stage I hope that we can have conversations with Senators Zappone, Norris, Power and others and if the wording of the Bill is ambiguous, that can be clarified. Where it is appropriate to strengthen the wording, we should all agree that this should happen. When the legislation is passed, it will be powerful. It is not acceptable in a modern society that people could turn up in a classroom on a Monday morning unable to discuss the weekend out of fear. If section 37 is the reason for this, it needs to be addressed and that is why the legislation has been introduced. It is a pity that it has taken 12 months for Committee Stage to be taken but, hopefully, we will over the coming days be given a much clearer timeline regarding the passage and enactment of the Bill.

Senator Zappone's amendments are interesting and the case behind them is well made. I am sure the Minister will respond accordingly and I hope there will be a meeting of minds in this regard. The Chamber is supposed to foster and facilitate even more analysis of legislation than the Lower House and I hope we can reach a consensus on this because that would send a much clearer message from the Oireachtas on this issue about how far we have come as a society.

**Senator Trevor Ó Clochartaigh:** Cuirim fáilite roimh an Aire. I broadly welcome the Bill

and I thank Senator Bacik for bringing it forward. It is important for all those who are being discriminated against and it is essential that it be enacted quickly. We are all concerned that it has taken a year to take Committee Stage but we should move forward. Senator Conway's reference to a stage like manner is apt because Sinn Féin shares the concerns that have been validly raised by Senators Power and Zappone and we agree with the general thrust of their contributions. These issues need to be taken on board in the legislation and, therefore, we generally support the amendments. Perhaps the wording needs to be tweaked but we echo the concerns of groups such as Atheist Ireland, which has raised these issues with us. We reserve the right to table amendments on Report Stage if these amendments are not taken on board. However, we generally support the thrust of the words of Senators Power, Zappone and others in this area.

**Senator David Norris:** I agree with Senator Bacik that this is an important advance but, at the same time, I am the only person who was a Member of the House when the original Bill was introduced, which was in its time an advance. The then Minister was Mervyn Taylor who is also a member of the Labour Party and he was an extremely decent and honourable man. When I challenged him on it, the reason he gave was the same as that given by Senator Bacik. He said, "This is as far as we can go at this time". I did not accept that then and I do not accept it now. It is regrettable that, following the public consultation, which was not particularly necessary and which was just a delaying tactic, we do not have the advice from that. We also do not have the advice of the Equality Authority, which was substantially weakened and damaged by the previous Government. I protested against that and I am sorry that it was gerrymandered with the assistance of the gay member on that board. That was an absolute disgrace. I tell the truth; I do not give a damn how uncomfortable how it is. The fact that people are gay does not make them immune from criticism. The removal of Niall Crowley was an absolute disaster for the authority's board. Let us ask from this session that we be presented with advice from the authority. What the hell else is it there for? What are its members paid for if it is not to provide advice on specific issues such as this? This is one of the most burning equality issues and we should not be deprived of this advice for some ridiculous reason. The authority's members have had a year. Let us know what they have to say. They are probably confused about all kinds of things at the moment.

I have a point to make on something I believe is a little disgusting. I know we are not supposed to use the word "disgusting" anymore but I am politically incorrect. It is disgusting that we should ask people their religious beliefs. What does it matter? Why should one have to list one's religious belief when one applies for a job? On the census form, there was a question asking for one's religious belief. I am a religious person and put down "11.52 and 35 seconds" and that my current religious belief was such and such. It changes with my digestion, whether I have slept well, whether I have been to communion, etc. To take the Mickey out of the census form, I wrote all over it my current theological position, making reference to the patristic sources, etc., and my views on the existence of God.

When I was in boarding school and day school, one of which I loathed and the other of which I liked, we never asked our teachers their religion. We did not find out that the Latin teacher and geography teacher were Roman Catholic until we went to their funerals. We found that the funerals, instead of being in St. Bartholomew's or the cathedral, were in the Star of the Sea church or the Church of the Three Patrons in Rathgar. That is how it should be.

**Senator Martin Conway:** Hear, hear.

**Senator David Norris:** These days, Roman Catholics are much better at Latin than indi-

viduals of my religion because there is a vestigial aspect. What does it matter if someone is an atheist, Roman Catholic, Buddhist, Jew or otherwise? If they teach Latin or history, it is grand. The requirement to state one's religion should be removed totally. It is irrelevant.

**Minister of State at the Department of Children and Youth Affairs (Deputy Kathleen Lynch):** I thank everyone for their contributions. In 1997, I objected to the section of the legislation in question.

**Senator David Norris:** I would not doubt the Minister of State.

**Deputy Kathleen Lynch:** It just seems like this is Groundhog Day in that we are back here again. It worries me that what was done 20 years ago suddenly recurs. Let me give a flavour of the exact circumstances then. Much to the surprise of the lady who was giving out leaflets about me at my local church, I arrived for mass. She handed me a leaflet also. Basically, it stated I was trying to destroy religion in Ireland and turn all the children of the religious into atheists, and that I should be roundly condemned. I think I was so condemned by many people but the world has changed. It has not changed as much as we would like, but it has changed nevertheless.

This ultimately boils down to curricula vitae. I am never certain why people ask for one's religion or why one must state one's gender.

**Senator David Norris:** Hear, hear.

**Deputy Kathleen Lynch:** I am never certain why one must state one's name.

**Senator David Norris:** Well said.

**Deputy Kathleen Lynch:** One's name might be an indication of one's gender. We are a bit off achieving my objective in this regard but we will work towards it. As with today's contributions, we eventually get round to the right position.

I thank Senator Bacik and her colleagues for the opportunity to speak on this important Bill. They will know from my previous comments that I am very committed in this area. The Government welcomes the attention Senators have brought to the position of LGBT people in the teaching profession who may feel compelled to hide their real identity for fear of discrimination. The debate on Second Stage of this Bill clearly illustrates that extensive cross-party support exists for ensuring the equal rights of citizens, irrespective of their sexual orientation or religious affiliation, and for clarifying the law in this area. As I said when the Seanad last considered this Bill, in March 2013, the Bill and its intentions are commendable. Both parties in government fully support this initiative. The House will recall that the Government has undertaken, in its programme for Government, to ensure people of no faith or minority religious backgrounds and publicly identified LGBT people should not be deterred from training or taking up employment as teachers in the State. Both the Minister for Education and Skills, Deputy Quinn, and I are committed to strengthening the statutory protection for equality in this area.

To give expression to the right to freedom of religion as guaranteed under the Constitution, section 37 of the Employment Equality Act 1998 was designed to allow schools and other institutions to maintain their religious ethos. When Senators were speaking, I recalled numerous delegations from religious orders explaining to me in detail the constitutional protection the Church has in regard to the exercise of their faith and their management of religious lands, as



referenced under Article 44. It is clear there is a delicate balance to be achieved between the various rights involved, such as the right to earn a living, the right to self-expression and free association and the right to freedom of religion. That section 37, as it is, provides such a balance was the conclusion of the Supreme Court in its examination of this provision when the Employment Equality Bill 1996 was referred to it by the President under Article 26 of the Constitution. We must be mindful to ensure the amendments we will bring forward will remain within what is constitutionally permissible. There is an argument about this but it is an argument to be had. There are competing rights at stake: the rights of freedom of religion and of association, on the one hand, and the right to earn a living free of discrimination, on the other. It is vital we get this right because failed reform would be in no one's interest.

The Minister for Justice and Equality, Deputy Shatter, the Minister for Education and Skills, Deputy Ruairí Quinn, and I share the concerns previously expressed in this House about the potential impact on LGBT persons of this section. We believe it is possible to draft an alternative solution that addresses this difficulty and respects all the fundamental rights concerned, and we are committed to finding it. It was for that reason the Government decided not to oppose this Bill on Second Stage.

Before turning to the work before us today, I want to update Senators on the work we have done since the Bill was first introduced in this House in March 2013. The Government, given the complexity of the issues involved arising from the competing constitutional rights and the need to balance those rights to protect the interests of all citizens, was of the view that a formal public consultation process should be undertaken. For this reason, immediately on naming the members-designate of the Irish Human Rights and Equality Commission last April, the Minister for Justice and Equality asked them to undertake such consultation and examine all the issues involved.

I understand the public phase of the process has been completed and that the commission is preparing a report on the outcome in addition to its own views on the issue for submission to the Minister for Justice and Equality, the Minister for Education and Skills and me, being the Ministers centrally involved. I understand the public consultation phase attracted great interest and a large volume of submissions. More than 60 submissions were received, and they are being examined. One will appreciate that considering this volume of submissions and framing its response was a significant task for the commission.

Nevertheless, I am delighted to be able to inform the House that, just yesterday, the commission informed the Department of Justice and Equality that it has completed its analysis of the submissions received. It has agreed on a report taking account of the legal framework and the views received, and the report will be forwarded to the Department within a day or two. Senators will understand, therefore, why we believe it was necessary to await the commission's report before we moved any further with this Bill. As soon as the report is received, the Government will have an opportunity to consider it and to come back to the House with any detailed amendments to the Bill that might be needed. The issues involved are complex and we need to get it right. This addresses Senator Zappone's concerns on what we know and the type of information and background data we need to have.

The institutional and individual stakeholders who have contributed to the consultation exercise have a legitimate expectation that their views will be listened to in the evolution of this legislation. I am conscious that this is the first issue on which the new commission has been consulted and of the need to cement a good working relationship with that body from the start.



As I said in the course of Second Stage in this House, it is the Government's intention to table a number of amendments to the Bill and strengthen it against any possibility of constitutional attack. Since the report to be received shortly from the Irish Human Rights and Equality Commission will be important in considering the best way forward and as we will need to consult further the Office of the Parliamentary Counsel and other Departments, such as the Department of Education and Skills, I am not in a position to present any such amendments today. It is my intention that, having received the commission's report, the relevant Ministers and I will examine it in detail and, in the light of the Attorney General's advice, bring forward such amendments as are necessary. This will be done as quickly as possible. For today, I have to say that there is a possibility of amendments arising to each and every section of the Bill. I need to say this for the record and for procedural reasons. I also have to say that I am not in a position to accept any of the amendments proposed to the Bill. I hope Senators appreciate the position we are in and will not press any of the amendments we have before us. Of course, Opposition amendments can also be held back for the next debate when I will be in a position to respond on points of substance. In the meantime, I regret that I am not in a position to give a detailed response today but I assure Senators that the Government will be back with such a response as soon as possible. I believe there is no point in rushing the legislation as the issues are complex and we all want to get it right. We need to tease out all the implications and ensure our proposals strike the right balance between the different rights involved.

There are people who think that we have moved so far forward in this country that there will not be a response regarding the changes that we wish to make. I do not believe that for one minute. I refer to my experience of the original Bill in terms of the pressure that was put on people, the naming of individuals and going to areas where such people practised their faith and going to some, although not all, school meetings. Therefore, we need to get this legislation right and ensure it is robust.

I stress once more that I agree completely with the spirit of the Bill. I consider that this is significant issue in our current equality legislation but we need to craft something that is workable and acceptable. In my opinion, as it was all those years ago, it is completely unacceptable that anyone should live in fear of their personal situation being revealed and possibly them losing their livelihood.

**Senator Averil Power:** I will respond to the Minister of State's comments and not go over the ground covered. In terms of the original Bill being judged to be constitutional, she acknowledged in her contribution that it does not mean that other Bills, with different approaches, would not be found to be constitutional.

I express again, as I mentioned in my opening remarks, my concern about how long this process has taken. I agree with Senator Conway that there is a need to have cross-party consensus on this issue, that this is precisely the type of issue that should not fall down on party political grounds and we should be able to reach a consensus.

I published the *Fianna Fáil* Bill in February 2012 but did not bring it before the House until the end of May. I wanted to spend time talking to Senators from different parties and to engage with the two Ministers involved. I discussed the Bill with the Minister for Justice and Equality with a view to trying to get consensus before we debated it in the House. It was during the course of those discussions that I became concerned that there was a desire to delay progress. When we debated the Bill in the House in May 2012, the Minister spoke in very similar terms to those used by the Minister of State today. With respect, I understand that she agrees with where

we are coming from on this issue and that she has fought the fight herself. Two years ago, two Ministers came to the House and told us that they fully agreed with us in principle and wanted to enact the legislation as soon as possible but that we had to do X, Y and Z and jump through hoops first. I raised concerns then about the public consultation process. I said that we could anticipate what would be said by those who opposed the legislation as their views were well known and, therefore, we should go ahead and draft legislation.

The parliamentary process involves Committee Stage, Report Stage and whatever, and it enables one to engage and redraft things. People can also make presentations to the relevant Oireachtas committees and we can engage with them. I am utterly frustrated by the fact that we are still talking about further consultation and the report has not been published two years later. I heard that the report will be sent to the Minister of State, the Minister for Justice and Equality and the Minister for Education and Skills. Can the Minister of State tell me if the relevant Minister intends to publish the report in order that we can all see it? Will all the submissions made to the Irish Human Rights and Equality Council be published? As far as I understand it, they have not been published. I was interested in reading particular submissions and searched websites but only found some of them. The Department of Education and Skills, when conducting a consultation process, tends to be quite good at making them available and puts all the submissions on its website. That means everyone can see what the other groups have argued and can respond to them, thus leading to a fully informed debate. Unfortunately, that has not happened in this instance. The consultation process closed in the middle of November, yet five months later we have not been able to see the submissions or the report. This is a very straightforward issue. I do not understand why there has been no progress in two years and I am deeply concerned. We are heading into yet another school year and still we have not changed the legislation, which is regrettable.

The Government brought forward legislation that necessitated us sitting here into the early hours of the morning at short notice. We did so to deal with far more complicated financial legislation and there was a will and a sense that work needed to be done. This legislation also needs to be enacted. We need the will to deliver on it. We must ensure we can get on with doing the work and not go on this endless train of consultation followed by more consultation. In the meantime, day in and day out, people go to their places of employment afraid to be open about who they are. In the evening they carry home that pain after doing a day's work and re-live conversations they have had where they have lied about the gender of their partners. I have read a blog set up by a member of the INTO's LGBT group. She posted on her blog stories supplied by various female teachers who said that in the staffroom they must say "he" when they talk about their female partner. That is an everyday experience for hard-working teachers in this country. They are doing a great job teaching our children but must endure that upset and torment every day. Two years on, we are no closer to fixing their torment, which is wrong. We need to see a real will to push the Bill forward and finish it.

**Senator Martin Conway:** I concur with Senator Power's observations that there should be cross-party consensus on the issue. The Minister of State said she will return with substantial responses to the amendments in due course.

I disagree slightly with Senator Power about the following. The legislation is probably a little bit more complicated than straightforward because we have spent the bones of an hour discussing three amendments. It is important to take time to discuss legislation. We should spend a lot more time discussing amendments because it will enhance the legislation and ensure it is foolproof.

I would sincerely like to see the Bill enacted before the next school term commences, which is a reasonable timeframe. I encourage the relevant Minister to move towards that timeframe. I would like to see the legislation enacted before we leave here at the end of July for the summer recess. If that was done then, from September onwards, the scenarios outlined by the INTO's LGBT unit would no longer exist. It would mean we could give people the legislative certainty that such discrimination would no longer exist. We have experienced a delay of 12 months with this legislation. I am not happy to stand over such a delay and I will not stand over it. With a commitment by us all, particularly Senator Bacik, myself, the Minister and others, we could push this on and have it enacted by the end of July which is a fair and reasonable time period.

**Senator David Norris:** I agree with my friend, Senator Conway, that the legislation with amendments should be enacted by the end of July. It would be a very good day's work if that were done. Perhaps we could arrange to enact it on 31 July, which is my 70th birthday. It would make a nice 70th birthday present.

**Deputy Kathleen Lynch:** I will try to remember that date.

**Senator David Norris:** I accept and remember Mervyn Taylor making the point that he felt absolutely that the legislation was as much as he could get through, but that was 20 years ago. The authority of the Christian churches has been radically diminished by their moral equivocation and stark dishonesty on sexual matters. Just look at all the scandals. People do not take them seriously in this because they have not told the truth. Had they done so - I am not confining this to the Roman Catholic Church - they would be in a much stronger position but they are not. I say this as a practising member of one of those churches. It is remarkably convenient, I am sure it is just a coincidence, that after all this to do the report managed to come together yesterday, the day before this debate. I love these coincidences and in this situation it is quite fortunate, but can we have it? There will be a time lapse between the adjournment of this debate which I gather will happen today and then we will come back and finish this off and then move to Report Stage. I would like to think that in order to inform the debate this report would be made available to all Members straightaway because we need to have an informed debate. This would be useful to us in calculating our amendments and what we say in support of them.

I ask the Minister of State to ensure that the Government's response will take into account not just this report but also the debate here today because a number of points have been made on various sides that would help strengthen the Bill. The Government should consider those as well.

It is important that the Government be visionary rather than defensive. I am worried about the defensive tone in the Minister of State's contribution in which she said:

It is the Government's intention to table a number of amendments to the Bill and strengthen it against any possibility of constitutional attack. However, since the report to be received shortly from the Irish Human Rights and Equality Commission will be important in considering the best way forward and as we will need to consult further with the Office of the Parliamentary Counsel and with other Departments ....".

There is a kind of defensiveness here about the possibility of constitutional attack. Let us grasp it. If somebody wants to attack it, that is fine. Let them be off. I am involved in a series of cases and I have won quite a number of them. One in which I am involved is at the technical stage. I have one in the High Court. If the other side is appealed that actually suits me because

I believe I am going to win in the Supreme Court. Whatever happens, that means the judgment will then be perfected in the law. It will then be immune to challenge and that is a good thing. Leaving half finished business around is not a great idea. If a citizen, a group, or the church or some of my colleagues want to challenge this in the court, let us see it and then we will have the definitive argument. I am not worried about the constitutional issue. We should be brave, courageous and forward-looking at this stage.

Finally, the Minister of State said she believes there is no point in rushing this legislation. If this is a rush, I would hate to see slow motion, and if it is a rush I hope I am knocked down by the Minister of State's car in a rush because I do not think it would do any huge damage to my delicate little frame.

**Senator Ivana Bacik:** I thank the Minister of State for her comprehensive response and for outlining what the Department has been doing. As the proposer of the Bill I am more frustrated than anybody else in the House after a 13-month delay since Second Stage. I have been working very hard behind the scenes to try to move the Bill along.

**Senator David Norris:** We appreciate that.

**Senator Ivana Bacik:** I just want to put that on the record that it is hugely important that we move it on. It is also hugely important that it is robust enough to survive and not to be referred by the President, under Article 26 of the Constitution, before anyone has the chance to challenge it because people need certainty. I know Senator Norris is more sanguine than most about being involved in litigation but the reality is that can drag on for years and, in the interim, people can be left in a state of uncertainty and the state of fear in which they are currently in and which others have eloquently described. We need to ensure it is robust and also that it is brought on swiftly.

Senator Conway has proposed a very reasonable timeframe. It should be possible to keep within that timetable. I thank the Minister of State for saying that she hopes to provide the report from the Irish Human Rights and Equality Commission to us later this evening or tomorrow if it can be done.

**Deputy Kathleen Lynch:** There is a process that has to be gone through but we do not have a problem with making it available.

**Senator Ivana Bacik:** Certainly, it would be of assistance to all of us if not for Committee Stage, at the very least before Report Stage, that we would have it. We should all seek to ensure that Committee Stage is concluded next week so we can move this on. We also need to be clear about the knock-on effect that the Seanad processes have in terms of expediting and speeding up the process behind the scenes in government. It is hugely important that we would also keep on track with this and conclude Committee Stage next week.

It is great that we have cross-party agreement on the spirit of the Bill. As Senator Power said it is a fairly simple proposition that people should not be discriminated against in the workplace on grounds of their sexuality, in particular. Having said that, it is complex legally to get a formula correct. That 60 submissions, one of which was mine, were made to the Irish Human Rights and Equality Commission shows how complex it is to achieve the purpose on which we are all united.

**Senator Katherine Zappone:** I thank the Minister of State for the sentiment behind the

Bill. I respect the fact that Senator Bacik has been working hard in the background and Senator Power has been working on it for a couple of years. I have lived with the fear as well in the context of my own life. We need to get it right and it needs to be robust.

I have a question. I feel a little frustrated, as I am sure Senator Power does, having tabled amendments. If we adjourn now, do we come back to Committee Stage and go through our amendments and not get any response from the Government because it has not had time to consider the Bill? I do not consider that is the most appropriate way to get this sorted because I can stand up and make my arguments and the Minister of State will say to us that she still needs to consider the response of the Irish Human Rights and Equality Commission. Is that really a proper Committee Stage? I do not know that it is. I do not know whether we should adjourn Committee Stage. Senator Power also tabled some amendments for Committee Stage. That is my suggestion. I do not want to stand up and give my arguments for my amendments without having a response back from the Government. I do not think that is a proper way to make law.

**Acting Chairman (Senator Marie Moloney):** We are suspending at 1 p.m. and I note there are three Senators wishing to speak. Does the Minister of State wish to speak again?

**Deputy Kathleen Lynch:** I just wanted to respond but I mean-----

**Acting Chairman (Senator Marie Moloney):** I call Senator Ned O'Sullivan.

**Senator Ned O'Sullivan:** I will not detain the House too long, except to commend Senator Bacik for persevering with the Bill and also compliment the lead speakers for all the parties and the Independents for their contributions. In particular, I support my party colleague, Senator Power, who has put an awful lot of work into the Bill and whose frustration I strongly sense. It is an Alice in Wonderland debate as far as I can see. It is akin to two soccer teams going out to play and they kick about for ten minutes and then decide to go away, and nobody goes for goal. I am sorry for the Minister of State who has been sent on a pup's errand. She came into the House with one hand as long as the other. I have listened to many ministerial responses in my time. We will not play politics with the issue but this has been pretty abject. Basically, the Government is saying it has nothing done but now that the Seanad has kicked it up again, it will try to accelerate it.

**Deputy Kathleen Lynch:** Clearly, the Senator was not listening.

**Senator Ned O'Sullivan:** As Senator Norris said, we have had some remarkable coincidental arrivals of reports today and we are going to get information tomorrow that I do not think would have been forthcoming were it not for this debate.

**Senator Ivana Bacik:** On a point of order, in fairness the Minister of State, Deputy Kathleen Lynch, outlined the timeframe.

**Senator Jim Walsh:** That is not a point of order.

**Senator Martin Conway:** Before the next school term.

**Senator Ned O'Sullivan:** I am not being political. All I would say is that today is today. I do not think anybody will get away with this kind of thing again. Senator Conway has given us a deadline before the next school term. If we could all work towards that, I am sure it would be eminently achievable, but all in all it is not a good day for the Government.



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**Senator Jim Walsh:** I agree with what the Minister of State has said with regard to the challenge. It is banishing two important aspects of human rights, one is the right of non-discrimination against people who are in employment. I also welcome the approach that she has embarked on, that of a consultation process, because there are constitutional issues involved. It should be thought out and done in such a way that takes account of those viewpoints and what we are about, particularly in the educational field. It is about the education of our children and it is important that we get that right and do not inject ideological issues into that for the sake of meeting certain ideological points.

For absolute avoidance of doubt, I fully support a situation where there is non-discrimination against people, particularly single parents or people who are gay, in employment, in teaching, in hospitals or wherever else. That is an important principle that should be underpinned in legislation.

*1 o'clock*

I know many gay teachers and many single parents who are currently working in our denominational schools, so it is happening in practice. I fully accept that does not mean the law should not be clear in this regard. What is at issue, however, and this is where the balance needs to come in, is that teachers' lifestyles can be a factor in all of this.

Parents have a right to expect that teachers in their schools are not themselves proposing a lifestyle that runs contrary to the ethos of the school or contrary to parents' beliefs. The teachers' job is not to promote their own personal views on this matter. I have come across instances where unfortunately the particular lifestyle - it could be addiction or other things - leads to a serious effect on the education of children. One cannot have a system where people are protected purely because they meet some of these criteria where it can be used against them.

**Acting Chairman (Senator Marie Moloney):** I am afraid that the time for this debate is up, as it is now after 1 o'clock.

**Senator Averil Power:** On a point of order, it was suggested that we could deal with Committee Stage next week but that we would not have the report by then. I would prefer to leave Committee Stage for a few weeks so that at least we would be in a position to have a proper debate. I have a real difficulty with this because I put forward detailed amendments, as did Senator Zappone. However, how am I supposed to re-draft the amendments for Report Stage if I have not heard a ministerial comment on them beforehand?

**Acting Chairman (Senator Marie Moloney):** That is a matter for the Whips and the leaders.

**Senator Averil Power:** I want to get this Bill finished in proper form as soon as possible. Instead of having another utterly uninformed and speculative debate next week, however, I would rather wait for two weeks, have the report, and the Minister could then come here to respond.

**Senator Ivana Bacik:** After the Easter recess.

**Senator Averil Power:** Yes, let us do it on the Tuesday after the Easter recess. The Minister could then respond to each Committee Stage amendment tabled by myself and Senator Zappone. We can deal with Report Stage two weeks after that. I do not see the point in rushing



Committee Stage and having another speculative debate without a Minister responding.

**Acting Chairman (Senator Marie Moloney):** The Senator can take it up with the Whips and the party leaders.

**Senator Averil Power:** It will really hamper our ability to draft something properly for Report Stage that responds to the Minister's arguments because we will not know what the Minister's arguments are.

**Senator Jim Walsh:** On a point of order, I have about one minute to finish. Would it be possible to have an extension of time because I think the Minister of State might want to come in as well?

**Acting Chairman (Senator Marie Moloney):** We asked the Minister of State for an extension but she is doing a radio interview in a few minutes.

**Senator David Norris:** May I take it that Senator Walsh will be left in possession?

**Acting Chairman (Senator Marie Moloney):** Yes.

**Senator David Norris:** Splendid, because I would very much like to hear his explanation of the relationship between sexual orientation and heroin addiction.

**Acting Chairman (Senator Marie Moloney):** Senator Walsh and Senator Power have both indicated they wish to speak, so it will continue thus when the debate resumes.

**Deputy Kathleen Lynch:** Could I make a helpful suggestion? Rather than setting a time now as to when this debate will resume in whatever format, we might tick-tack with one another so that the report will be available and the Government's response will also be available. It is not up to me but I am making that suggestion.

**Acting Chairman (Senator Marie Moloney):** Is that agreed?

**Senator Ivana Bacik:** Yes.

**Senator Averil Power:** I would still push the idea that it should be the week after Easter because it gives us more time.

**Acting Chairman (Senator Marie Moloney):** Let us discuss it with the Whips and the leaders in order to bring it together. I now ask the acting leader to move the suspension of the sitting until 2 p.m.

Progress reported; Committee to sit again.

*Sitting suspended at 1.04 p.m. and resumed at 2 p.m.*

*2 o'clock*

**Care of the Elderly: Motion**

09 April 2014

**Acting Chairman (Senator Michael Mullins):** I welcome the Minister of State, Deputy Kathleen Lynch, to the House.

**Senator Marc MacSharry:** I move:

That Seanad Éireann--

- notes the HSE National Operational Plan 2013 which states that *‘based on population projections, there will be a significant national deficit of long stay beds by 2016 based on the HSE’s target of 4% of older persons in long stay care’*;

- notes the finding by the Centre for Ageing Research and Development in Ireland, CARDI, in its report, *Future Demand for Long Term Care in Ireland*, that *‘even with greater emphasis on care at home and more resources provided to realise it, the demand for residential care is going to increase significantly in the next decade’*;

- notes the concerns of Age Action December 2013 *“that the switch in some of the funding from nursing home supports to community supports which the HSE is planning will be insufficient to meet the needs of the sickest of older people who will be affected”*

- notes the report of the National Economic and Social Council (NESC), *Quality & Standards in Human Services in Ireland: Residential Care for Older People*, July 2012, and the recommendation *‘A problem-solving group of those influencing provision of long term care (e.g. providers, the Department of Health, and HIQA) may be useful to examine and address the challenges of providing sufficient quality long term care in an equitable and sustainable way.’*

- notes a new report on Ireland’s long-term residential care sector by accountants BDO commissioned by NHI, *‘Health’s Ageing Crisis: Time For Action, A Future Strategy for Ireland’s Long-Term Residential Care Sector’*, which estimates that for every 1,000 people who cannot access nursing home care due to the State’s strategy, the cost to the Exchequer will be €273 million annually in addition to the immeasurable impact on people and their families and the acute hospital system;

- notes the comments by distinguished gerontologist Professor Des O Neill that *‘present and future generations will regard with dismay the failure of successive Ministers and senior officials in the Department of Health and the HSE to remedy a deficit, widely recognised for many decades, in nursing home places, particularly in urban areas;’*

and

calls for the immediate establishment of a Department of Health led forum to consider and develop appropriate policy relating to long term care of our older population, especially to prevent a crisis in nursing home capacity for the future.”.

I welcome the Minister of State to the House. As always, she has got the booby prize of defending certain positions. As I have often stated, no one doubts her personal commitment to these matters.

The motion speaks for itself. There is not much disagreement between it and the amend-

ment. One wonders why that amendment is necessary. In essence, we are calling for an acknowledgement of much of what Government Senators acknowledge in their amendment, but also for the establishment of a focused forum, led by the Department of Health, with the stakeholders to devise urgently a number of steps that can be taken in this regard. I am not sure that we are doing that. While the fair deal scheme is understandably being reviewed, that may be more due to cost than to the roll-out of care for elderly people.

It would be remiss of me not to say that, under the previous Administration and this one in particular, the Oireachtas has not covered itself in glory as regards care of the elderly. The Minister of State's colleague, the Minister for Health, Deputy Reilly, spoke colourfully many times about the people who had nursed, thought and raised us, built this nation and the Civil Service and ensured that this country flourished through the generations. As Minister, sadly, he has forgotten the principles that informed his once robust attacks in the Lower House.

Budget 2014 was a brutal betrayal of older people. There has been a dramatic cut to medical card eligibility and a disgraceful process is afoot in terms of how that system is being administered. Every Member of both Houses has first-hand experience of the issue. People who were in their 80s or 90s and fighting for the right to die had to argue to get their entitlements. There are many further examples of people who lost discretionary cards despite having not one, but two forms of cancer. I could go on, but everyone is aware of these examples.

There has been a hike in prescription charges, a subject that led to the Minister's famous address to the Lower House in which he made the colourful remarks to which I referred. He was right, but he has forgotten the essence of what he was trying to say.

The telephone allowance has been abolished, DIRT tax has been increased and the bereavement grant has been scrapped. These small medical supports, household packages and even people's savings are now under attack. Abolishing the telephone allowance would take some €312 in support from two elderly people over the course of one year. On average, the bereavement grant was paid out to 22,000 people per year. That will save €18.7 million. Could we really not have found that amount somewhere else? Some €25 million will be saved by targeting 35,000 people's medical cards. A privately mooted Labour Party policy considered whether the focus should have been on those earning more than €100,000. It would not have solved every problem, but it would have collected €200 million or €300 million and provided relative protection and stability to the elderly who built this nation, as the Minister rightly called them while health spokesman for the main Opposition party.

There have been cuts to the fair deal scheme. In a moment, we will discuss in more detail the concerns expressed by all organisations involved in advocacy for the elderly, particularly Age Action, about the impact of the HSE's 2014 service plan on the sickest and those who need residential care. Some 22,261 beds will be funded under the scheme in 2014, some 700 less than in 2013. In reality, the 2014 target is 1,702 nursing home beds fewer than the 23,763 that were funded under the scheme at the end of October. In addition to these 23,763 people, 394 people were on the waiting list for nursing home beds in October.

As the Minister of State is well aware, €23 million of the fair deal scheme's 2014 budget is earmarked for the community care sector. While everyone wants to stay, be cared for and pass on in one's own home, it is accepted throughout the world that this is fundamentally impossible for approximately 4.5% of people. The HSE's 2013 operational plan advocated that to cater for the 4% that would be required there would be a very significant deficit by 2014.

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I will not interrupt the Senator and the Minister of State.

**Senator John Gilroy:** We are listening.

**Senator Marc MacSharry:** The Senator is listening, fair play to him.

**Senator John Gilroy:** Just because I am not saying anything does not mean I am not listening.

**Acting Chairman (Senator Michael Mullins):** I ask Senator MacSharry to proceed.

**Senator Marc MacSharry:** I will proceed. I am sure we are all aware of Health's Ageing Crisis: Time For Action, A Future Strategy for Ireland's Long-Term Residential Care Sector, prepared by BDO, which predicts that we will have a deficit of approximately 8,000 beds by 2021. It will probably be half of that by 2016 and we took 700 beds out this year. This is the HSE's position. The report of the Centre for Ageing Research and Development in Ireland on future demand for long-term care stressed that even with the greater emphasis on care at home and more resources provided to realise it, the demand for residential care will increase significantly in the next decade.

Age Action has claimed that the switch in some of the funding from nursing home supports to community supports that the HSE plans will be insufficient to meet the needs of the most sick and oldest people who will be affected. The National Economic and Social Council's Quality and Standards in Human Service in Ireland: Residential Care for Older People report in July 2012 recommended that "A problem-solving group of those influencing provision of long term care (e.g. providers, the Department of Health, and HIQA) may be useful to examine and address the challenges of providing sufficient quality long term care in an equitable and sustainable way". In essence the purpose of our motion is to see a move to that.

The BDO report estimated that for every 1,000 people who cannot access nursing home care due to the State's strategy, the cost to the Exchequer will be €273 million annually in addition to the immeasurable impact on people's families and the acute hospital system. Notwithstanding the ambition of all of us to be cared for at home, in reality it is impossible for that to be the case for everybody. Without space for these people who require residential care, it will effectively have a huge impact on the acute-hospital system. While I did not check the website today to see how many are on trolleys in hospitals, we all know how those headlines are frequently used. Our acute-hospital system is under serious pressure at the moment as a result of cutbacks.

Last week I dealt with the case of an 84-year old man who had stents inserted in University College Hospital Galway and was dispatched to the coronary-care unit in Sligo. However, the wonderful managers in our new hospital group did not check appropriately with the hospital in Sligo to ensure there was a bed for this 84-year old cardiac patient who had just had a procedure. When the family could not find their 84-year old relative in the coronary-care unit, they managed to find him in the accident and emergency unit where he stayed for four hours.

These are the kinds of pressures already on the health system and Government Members are saying - with a straight face it would seem - that we can continue without a plan and without resources to provide adequate care for the elderly. I gave examples at the beginning of how we have collectively failed to do that. Recent budgets have made cuts without focusing on those people who have a little bit more and, while they would not like it, could contribute a bit more to secure the relative health of our elderly population.

I hope the motion can be taken in the spirit in which it was tabled. It is non-adversarial and merely proposes that the Government set up, without any cost to the Exchequer, a forum with the stakeholders, including some of the groups I have mentioned, to move the debate forward with tangible proposals and funding arrangements, which will obviously need to be innovative.

I thank Age Action, Nursing Homes Ireland, the Centre for Ageing Research and Development in Ireland, Third Age and the National Economic and Social Council for their contributions and work in this area so far.

**Senator Diarmuid Wilson:** I second the motion and reserve my right to speak in due course.

**Senator Colm Burke:** I move amendment No. 1:

To delete all words after “Seanad Éireann” and substitute the following:

- acknowledges that demographic trends must be taken into account in the planning of public services and determining policy in relation to meeting the healthcare and social care needs of the population, within available resources;
- endorses Healthy Ireland, the Government framework designed to improve health and wellbeing for all people, at all stages of life and in all sections of society, and to support the implementation of strategies such as the National Positive Ageing Strategy;
- notes and supports the policy of the Government, which is to facilitate and support older people to remain living in their own homes and communities for as long as it is viable for them to do so;
- acknowledges that the options to be considered in designing services and supports for our older population include not only residential provision but also community and home-based supports and new models of residential care;
- notes that in 2014 an additional €23m has been allocated to strengthen the alignment of the model of care towards home and community supports;
- notes that this is in addition to the budget of €315m for home help and home care package services, which are delivered to some 56,000 people at any one time;
- notes that a key priority in the HSE National Service Plan 2014 is the implementation of a Single Assessment Tool to uniformly assess dependency levels, allowing resources to be targeted towards those with the greatest needs and enabling supports and services to be designed in the most appropriate way possible;
- notes that the review of the Nursing Homes Support Scheme which is currently underway is examining a range of issues relating to supports for older persons, including alternative approaches to balancing residential and community services and supports;
- acknowledges the recent report on Long-Term Residential Care, commissioned by Nursing Homes Ireland, as a contribution to the debate on how future



needs can be met;

- acknowledges that decisions in relation to the provision of residential care must be taken by Government in a way that balances all interests and that places the needs of older people themselves first.

I welcome the Minister of State to the House. I welcome this debate because we need to keep the focus on areas where there will be major changes in the demands on the health service - in particular in this area - in coming years. The Minister of State is already aware of those demands and has been very proactive in dealing with the challenges we face, which I welcome.

I listened to the proposer of the motion. For a number of years we were developing policy on a hit-and-miss basis. The last real reform in elderly care occurred as a result of court challenges in 2004. It took that kind of action before we saw major reform in dealing with the area of elderly care. We have major challenges given that there are 535,000 people aged over 65, which will grow substantially to 990,000 by 2031. At present approximately 22,000 people are in various nursing homes under the fair deal scheme, with 19,549 in private nursing homes and 2,382 in voluntary nursing homes and a further 6,489 in public nursing home facilities. The total comes to 28,420.

Since 1988 bed capacity has increased by more than 84%. People in Ireland are living longer. The number of people aged over 80 has increased by 20% over the past six years alone and some 68.9% of beds in nursing homes are occupied by people aged over 80. The challenge is that people are living longer and putting a greater demand on care of the elderly.

Taking into account the investment in providing the buildings, equipment support staff and everything else, Age Action calculated that in 2006 the average cost of a nursing home bed was more than €1,100 per week. The question arises as to how we deal with the growing number and how we plan for the long term. I have looked at the number of nursing home beds for those aged over 65 in other countries. Austria has 70 beds per 1,000; Ireland has 47; Germany has 48; and Italy has only 16 beds per 1,000 of population.

The provision of additional nursing home beds is not the answer to all of the difficulties we face in this area. The last budget included an allocation of €350 million for home help and other schemes to assist those who require support at home. An additional €23 million was added for that purpose this year, despite the huge demands we face in terms of reducing borrowing levels and retaining existing services. The way forward is about developing and growing support levels for people living at home. It is one of the issues on which we must engage in a very proactive way.

An issue of particular concern, which I have raised on more than one occasion in the past, relates to step-down facilities, an area in which we have not been sufficiently proactive. It is an issue we must examine carefully. The report of the first national audit of dementia care in Ireland makes interesting reading. It shows that where patients with dementia were admitted from their own home to hospital and subsequently discharged back to their own home, the average hospital stay was 22 days. In the case of people admitted from a nursing home to hospital and then discharged back to a nursing home, the average hospital stay was 17 days. Finally, when a patient is admitted from his or her own home to hospital and subsequently discharged to a nursing home, the average stay is 59 days. If we take it that the average weekly cost of hospitalisation per patient is €6,000, then the difference between 59 days and 22 days amounts

to a cost differential to the taxpayer of €36,000 per patient, a sum which would make up a substantial portion of that patient's nursing home care. I am not sure of the numbers involved, but the huge gap in average hospital stays clearly highlights the need to examine the provision of step-down facilities.

We need to do significant forward planning in this area. I do not agree with Senator MacSharry regarding the setting up a formal forum, but I accept there is a need for joint consultation on an ongoing basis between all stakeholders. It is something I have suggested at the health committee and in this House. Nursing Homes Ireland has pointed out that while it enjoys ongoing consultation with the Department, there is a need, from time to time, for a joint approach which would encompass not just policy planning but how to deal with issues as they arise. That is a little different from Senator MacSharry's proposal to set up a forum dealing with policy.

I welcome this debate. It is a debate that must be ongoing and comprehensive if we are to deal with these issues and have adequate forward planning.

**Acting Chairman (Senator Michael Mullins):** Before calling Senator van Turnhout, I welcome former Deputy Áine Brady and our other distinguished visitors in the Gallery.

**Senator Jillian van Turnhout:** I welcome this debate. It is vital to take on board the demographic trends. We have seen a dramatic rise in those aged 65 and older, which is a positive development. One sometimes gets the impression, however, that this demographic change is viewed wholly as representing a negative burden on the State. In fact, notwithstanding the increased demand on public health services arising from an ageing population, it should be a cause for celebration that public health improvements have reached a stage where people are living longer. Recent Central Statistics Office projections indicate that by 2021, the number of older people will have increased by 200,000. The number aged over 65 is expected to reach 1.4 million by 2046, with the number of over 80s projected to grow as large as 484,000 by that year. These projections certainly do represent a significant demographic challenge, but we have the advantage that we can see it coming.

Returning to the present, it is clear that existing services - community services in particular, as well as bed capacity - are under significant pressure. Nursing Homes Ireland has pointed out that the figures already point to a significant deficit of long-stay beds for older people in a context where demand for residential care will increase significantly in the next decade. Policy relating to long-term care of older people, Nursing Homes Ireland argues, must focus on community-based services and supports and home-based care initiatives.

The Neurological Alliance of Ireland's national survey, *Living with a Neurological Condition in Ireland*, published last month, examined many aspects of living with a neurological condition such as access to services, the impact of health cutbacks and the overall recession, and the need for community-based services and supports. Although this report does not relate exclusively to older people, the issues are all interrelated. I have asked for a debate in this House on the report because it explores many important issues.

Another important report, which I referred to previously in the House, is the document produced by the Economic and Social Research Institute on behalf of the Irish Heart Foundation. It indicates that the direct annual cost of stroke in Ireland is as much as €557 million per annum, of which €414 million is spent on nursing home care and only €7 million on rehabilitation in the community. The discrepancy in those figures is startling in a context where we know that

many stroke survivors, including older people, want to be cared for in the community. Instead of putting the resources in place to accommodate that, we are merely funnelling people towards nursing home beds.

Data from the 2011 census data show that 4.8% of our older population are in nursing homes or hospitals. The nursing home support scheme operated by the Health Service Executive is subject to a multidisciplinary team assessment and provides financial support to people of high and maximum dependency to access long-term nursing care in approved private, voluntary and public nursing homes. Under the scheme, participants make a contribution towards the cost of their care, with the State paying the balance. I am aware of large numbers of people in hospital who are unable to access a place in a nursing home. Everybody knows about this, but it does not seem to be incentivising us to do anything. There are undoubtedly psychological effects for patients who know they should be in nursing home care, which is a significantly different type of care from the medical care one receives in a hospital. The significant majority of people requiring nursing home care are older people, with 22% of those aged 85 and over requiring such care.

Under the HSE's service plan for 2014, which was published last December, an allocation of €23 million from the fair deal budget was earmarked for care in the community and home-based care initiatives. These initiatives include intensive care packages which will benefit 250 people, intermediate transition beds to benefit 650 people, and 130 beds for patients presenting with more complex issues. However, Age Action Ireland has indicated to me its serious concern about the impact of the HSE service plan for 2014 on the 700 to 1,700 infirm and vulnerable older people who will not get a nursing home bed in 2014. How will those people be cared for? The service plan acknowledges that waiting times for a nursing home bed under the fair deal scheme will increase in 2014, with 700 fewer beds being funded. There were already 394 older people on the waiting list when the decision to fund fewer beds was made last October.

The newly published report by Nursing Homes Ireland, *Health's Aging Crisis: Time for Action - A Future Strategy for Ireland's Long-Term Residential Care*, predicts a shortfall in nursing home beds of approximately 4,000 by 2016 and 8,000 by 2021. Nursing Homes Ireland has argued that the lack of a clear policy and national strategy regarding the long-term care of our older population combined with the current uncertainty around future funding arrangements represent the most significant challenges to the long-term sustainability of the nursing home sector. People left waiting for a nursing home bed as a result of the changes made in the service plan will become more ill. They will be sent by their GP to the local accident and emergency department where they will be admitted to hospital. This is putting additional pressure on the system. Demand is already outweighing a supply that is insufficient to meet the needs of the sickest of our older people.

We are aware of the dramatic rise in those aged 65 and older. If we put party politics aside, everybody wants that we care appropriately for older people. I do not believe there is anybody in this Chamber who does not want that. We cannot just speak about bed capacity but rather community capacity and how we can enable that capacity. From my perspective, every time there is a cut, community capacity suffers. I have met many older people who cannot find a place in a nursing home or in a community. They may have been in rented accommodation or their current home needs adaption and there are questions as to whether they will last long enough to make it worth adapting that home. Given all that, there is a need to resource and support community care to ensure that people feel secure and safe, that the State cares for older people and that we have a strategy not only for bed places, but community capacity and how to

ensure they work together. As life comes and ebbs and flows, and as the need arises, a nursing home must be available, but equally community care and the supports they must be in place to support people as they age, as all of us will hopefully age and be looking for those supports.

**Acting Chairman (Senator Michael Mullins):** I can allow the Minister of State to contribute if she wishes and the debate will continue.

**Senator David Cullinane:** We may have a couple of speakers.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I thank the Cathaoirleach for the opportunity to contribute. I thank the proposers of the motion because there are some elements of my brief that do not get as much attention as others. Mental health and disabilities get a disproportionate amount of attention. I welcome former Deputy, Mervyn Taylor, former Minister of State, Ms Áine Brady, and Sam, the young man who is shadowing me today and doing an incredible job in keeping me on my toes, and who has told me he is interested in politics, who are in the Visitors Gallery. Ms Áine Brady was a former holder of my portfolio but has gone to a place where there is less criticism.

The last contributor asked what will happen to the 700 people who are not going to get a bed. That is the reason we are providing an additional 1,000 places within the community for all of those complex issues. We are not just taking the easy option. The transfer of the €23 million in addition to the €315 million which we already provide in terms of community-based care is the way to go. There are different ways of doing things. For example, it is always quoted that 4.5% of people aged over 65 are in nursing home care. I would point out to Senator Marc MacSharry that is what I was talking about with Senator Colm Burke. In Donegal, the number is much less because it has a more holistic approach which combines community-based care with many other factors. That is the type of flexibility we are aiming for throughout the country. If it can be done in Donegal, I am convinced it can be done in Cork, Sligo, Leitrim and all other places. An issue on which we are working actively is the transition bed. Senator Jillian van Turnhout is right. Given the notion that one could be in a bed that somebody else needs, transition beds are required. We have already drawn up a plan for such beds and the issue is about getting the resources to provide them. There is no shortage of nursing home beds but the difficulty is that the nursing home beds that are available are not always appropriate because of the more complex needs of people as they reach the end of life. I hate speaking about our older people as if somehow they were an alien force that we will never reach. They are people who are at a different stage in their life. If I could do anything, I would like to stop us speaking about chronological age because I know people of 45 years of age who need substantial supports but, equally, I know people of 85 years of age who are hail and hearty and do not need any supports.

The review of the fair deal scheme will be completed by mid year. It is not just about the cost and the basket but about what can be provided in various settings. We have never refused to meet Nursing Homes Ireland and I do not see a difficulty with a forum. The last time I spoke here about older people, I committed to a forum but that will not be a forum on policy. The policy in terms of older people must have stakeholder involvement. There are many people in this country who are prepared to advocate on behalf of people as they age. We must be careful to ensure it is not driven by the private or, solely, by the public sector. It is about having a good consultation process.

I thank the Senators for raising this matter, and providing me with the opportunity to highlight some key elements of our approach to the care and support of people as we age. This

Government has from the outset given a high priority to the issues concerning older people, and this continues today across a wide range of policy areas. Like many other countries in Europe, Ireland's population is ageing rapidly. It is estimated that the over-65 population will increase by nearly 220,000 people over the next decade, so by 2024 it is estimated that there will be some 800,000 people over 65. That is something to be celebrated. The percentage increase for the oldest old, those in the over 80 population, is estimated to be even more significant at about 42%, or 60,000, during this same period. These changes will have significant social and economic implications at individual, family and societal levels. The Government believes that the challenges arising from the ageing of our population can be met if we plan effectively so that necessary adjustments are made over time to our services, our mindsets and the structure of our society as a whole. We must remember always that an ageing population is most fundamentally a great success story to be celebrated rather than something to be feared.

The programme for Government gave a commitment to completing and implementing the national positive ageing strategy. The strategy, which was published and launched in April 2013, outlined Ireland's vision for ageing and older people. It contains a large number of action areas around older people's participation in society, health and social care provision, financial and physical security, and the need for an evidence-based approach to policy making. The national positive ageing strategy seeks to change the priority given to older persons' issues and the way in which older people's issues are viewed across the whole of Government. Any exercise of this breadth will take some time to bed in but we have already made good progress and the pace of change will increase over time. The launch of the strategy should be seen as starting a process of change rather than a single event. Government policy is to support older people to live in dignity and independence in their own homes and communities for as long as possible. When the stage is reached where an older person can no longer remain at home, the nursing homes support scheme provides financial support to those who need long-term residential care, with personal contributions related to personal means. It is worth highlighting that this year the budget for long-term residential care is €939 million. It is estimated that this will support over 22,000 people.

At present, more than 75% of people receiving financial support from the State are residents in private nursing homes. It is quite clear that the sector plays a key role in meeting the long-term residential care needs of a great many older people and we recognise the valuable contribution the sector makes. We engage regularly with stakeholders to discuss policies, services and developments and consider their views. In the past we have carried out structured public consultations and sought submissions in relation to, for example, the national carers strategy, the national positive ageing strategy, the dementia strategy, the review of the nursing homes support scheme and the care and welfare regulations for nursing homes. Informal consultations can be and are often facilitated with the minimum of formality or notice. The private nursing home sector has access to my officials and I, and the views of this key group are listened to very carefully. Officials met recently with representatives of Nursing Homes Ireland. At this meeting, Nursing Homes Ireland again outlined its concerns about how the future need for long-term residential accommodation for older people can be met. Its case draws on a report recently commissioned by its group from BDO Ireland. This is a valuable contribution to the debate on how future needs can be met and its content will be carefully considered. We will continue to engage with Nursing Homes Ireland and with other relevant stakeholders. However, consultation notwithstanding, the responsibility for making final decisions must remain with Government. This is what we have been elected to do.



Ultimately, it will be our responsibility to balance all views and interests and to ensure that decisions, when taken, are first and foremost in the best interests of older people. It must be acknowledged that while there will always be a need for long-term residential care, older people have consistently said that they want to be supported to stay in their own homes and communities for as long as possible. Our policies must take account of how we can best respond to this clear preference. It is in that context that at a policy level, we are looking at how well our current model of provision meets the needs and wishes of older people.

The review of the nursing homes support scheme is giving consideration to how we currently balance residential care with care in the community and whether this needs to be adjusted to better reflect what older people want. The review is at a very advanced stage and I expect it will be completed soon. This will be a significant contribution to the level of future policy on meeting the long-term care needs of older people. Other care options, such as new models of residential care, may also play a part. The Government is pursuing an ambitious programme of reform for our health sector, including developing and reforming the ways we provide social care and care for older people. The priority for 2014 will be the development of an integrated model of care, with a strong emphasis on home and community care.

In this regard, €23 million has been transferred from the nursing homes support scheme budget to community services as a first step in re-aligning the model of care. This is in addition to the budget of €315 million already provided for home help and home care package services, which are delivered to some 56,000 people at any one time. A key priority identified in the HSE's National Service Plan 2014 is the implementation of a single assessment tool to uniformly assess dependency levels, allow resources to be targeted towards those with the greatest needs and enabling supports and services to be designed in the most appropriate way possible. The needs of our older people are, and will remain, a high priority for me and the Government.

The resources that are available to us will always be applied to provide the best possible mix of supports and services for our older people. Recent surveys on life for older people have demonstrated that Ireland ranks high as a place in which to grow old, particularly in areas such as social connections, access to public transport and physical safety. I am happy to have the opportunity here today to reiterate that the national positive aging strategy provides a framework for what we can do to make Ireland a better place in which to grow older. There is no doubt that these are challenging times. However, the Government will continue to prioritise older people and to support them to live full and independent lives.

Only the very lucky manage to reach old age. We all have memories of people who died at an early stage in their lives. It is important to recognise that.

**Senator David Cullinane:** I support this Fianna Fáil motion, which while well-crafted and well-intentioned, excludes any acceptance by that party of any responsibility for its policy failures in this area for many years. I acknowledge that during the 2011 general election the public passed judgment on the Fianna Fáil Party, and rightly so. That judgment was not good or positive because of its failures economically and socially. Senator MacSharry spoke about keeping a straight face. It is difficult for any of us to accept that when Fianna Fáil does not take responsibility for its policy failures in this area.

**Senator Marc MacSharry:** The Senator was not listening.

**Senator David Cullinane:** I did not interrupt the Senator.

**Senator Marc MacSharry:** The Senator was not listening.

**Senator David Cullinane:** The response of this Government in terms of supporting older people has not been much better. Let us review the record of Fine Gael and the Labour Party in this area. Under this Government, there have been cuts to home help hours and home care packages, illegal implementation of the mobility allowance and motorised transport grant scheme and a reduction in palliative care experts and hospice places. In my home city of Waterford, which has a population of more than 500,000 people, there is still no palliative care unit. The Government has promised this unit will be provided but as yet no funding is forthcoming. Also, owing to the estimated cost of this project the people of Waterford city and county and the south east are being told they will have to come up with matching funding.

This Government has also failed to provide adequate care for people with chronic diseases. Automatic entitlement to a medical card for over 70s has been abolished and there have been cuts to the fuel and phone allowances. There are still insufficient community nursing units and beds across this State. In Waterford city in 2008, we saw the closure of St. Brigid's ward in St. Patrick's Hospital, which is a geriatric care facility. There were more than 20 beds in that unit, which was closed by the Health Information and Quality Authority, HIQA. The then Minister for Health promised the people of Waterford and the south east that a new 50-bed unit to replace the beds lost would be constructed. The Government is now promising to construct a 100-bed unit, which sounds great and I welcome it but only six to eight additional beds will be provided because a number of units, owing to their being located in buildings that are not up to standard, are to be closed. Following construction of the new unit, bed capacity will still not be at the level it was in 2008. I am sure that not a day or week goes by that representatives in Waterford and elsewhere do not have to make a representation to St. Patrick's Hospital or other facility on behalf of a family of an older person seeking convalescence, long-stay accommodation or other supports. The reality is that there are not enough places.

This Government is also responsible for the outsourcing of home help hours, which we know is impacting on the people working in this sector in terms of their conditions of employment. I have been lobbied on this issue by many home help workers and trade unions. Elderly people are now being forced into private nursing homes, with the subvention they receive in this regard having to be topped up by their families. Just as we are doing with people in terms of housing provision, we are pushing elderly people into the private sector. There is no provision of public places. This is what Fine Gael does and it is currently being supported in doing so by the Labour Party. We now know that the average home care visit for older people is 15 minutes, which is wholly inadequate. I have met many home care workers who operate in the public and private sectors. They are very concerned about the supports older people are receiving owing to cuts in this area.

The pointed edge of this cuts agenda has been the drastic reduction in the number of public nursing home beds and a failure to prepare and implement a strategy to cater for the long-term residential care needs of our aging population. This is a Government which promised us a lot more than what we got. The austerity agenda it has pursued for the past six years has been, in the main, driven by Fine Gael, who believe that cuts are better than taxing people who can afford to pay a bit more to provide the services which people need. This is what Fine Gael promised and it is what it is delivering. The fact that it is being supported in this by the Labour Party is shameful. The people who are losing out are older people who are not getting the supports or services they need and their families who can only look on in horror because there is not sufficient home care help hours available for their mother, father and so on and no long-term

residential facility to which they can go. They might also be finding it difficult to find a place in a private nursing home. Where they do, their families have to top up the subvention provided under the fair deal scheme. They do not have the money themselves and may have people out of work. They have had their own problems with all the cuts they have had to take, yet they have to come up with more money again and again. We are simply not responding to the changing demographics, given that we have an ageing population. We must invest in this area otherwise we will end up with long waiting lists and people not getting the support they require.

I welcome the publication of the National Positive Ageing Strategy and recognise that this is a step forward. Its goals can be summarised as follows: to remove barriers to participation; to provide more opportunities for the continued involvement of people as they age in all aspects of cultural, economic and social life in their communities according to their needs, preferences and capacities; and to support people as they age to maintain, improve or manage their physical and mental health and well-being.

I have sharp criticisms of this Government but I acknowledge that some positive steps have been taken. We must welcome the positive aspects while at the same time criticising the Government for its failures. I have no doubt that if the Minister of State was in opposition and a similar motion was tabled by any party in Government, when one considers the cuts that have been put in place, he would be making exactly the same points as I am today. That is because he knows it is a fact and a reality that we are not investing enough to ensure older people get the supports they need. That is the Minister of State's responsibility. He was elected to do that job, so he cannot blame the previous government or other opposition parties. He must take responsibility for his policy failures, but I do not see it happening. All I can see is more of the same, including more cuts. There is also a refusal to increase taxes on those who can afford to pay most so we can provide the services that people need. That is all we are asking for from the Government.

While I support the Fianna Fáil motion, I do so acknowledging the fact that the party has also failed in this area given its participation in previous governments.

**Senator John Gilroy:** It never fails to surprise me that when politicians start talking about health policy, examples are always put forward of how busy our clinics are concerning health representations. This may be what is wrong with our health system. Is it not funny that when people need information about the health service they go to their politicians rather than their doctor? Politicians, myself included, sometimes encourage this kind of behaviour. It strikes me as going particularly to the heart of what is wrong with our health service.

I welcome the Minister of State to the Chamber. I have read the Fianna Fáil motion, which is excellent. There is nothing in it with which I could disagree, if the motion was used for the purpose for which it was tabled, rather than having Senator MacSharry delivering a ten-minute tirade against Government policy. If he had promoted the motion as tabled, we would have been better off.

Senator MacSharry casually stated that if we could find €200 million or €300 million we would be able to protect everyone against cutbacks and reductions in services. Fianna Fáil has repeatedly failed in pre-budget submissions or elsewhere to state where we might find this trifling figure of €200 million or €300 million. Basing an argument on being able to pluck such figures out of the air is an unreasonable and unrealistic proposal.

I note what the Minister of State has said about undergoing a great period of change in our health services. No doubt we would all like to see more resources being spent on older people and the health service in general. However, we are spending almost €1 billion a year on the nursing home support scheme which caters for 22,000 people. That is a major and significant amount of money.

I also note that €315 million has been provided for home help and home care packages. This is a lot of money and some 56,000 people are being supported by these schemes, which are welcome. I would like to see more being done but we are constrained by the economic circumstances in which we currently find ourselves. That is unfortunate.

As the age profile of our population increases there will be more challenges facing us in future due to the strain on resources. It is important to consult all stakeholders on the best way forward. My family recently had cause to avail of the services for older people. I was very impressed with the services provided by a combination of the public, private and voluntary sector. The services offered by the Alzheimer's Society in particular were fantastic. The services of the public health nurse were excellent. One private sector company offered a fantastic home care service. The money paid to that company is all tax deductible, which makes it affordable. Luckily, my family and I could afford the cost, but I am concerned about what would happen and how much more difficult it would be if we were not able to afford such services from the private sector. That is a matter of real concern to me.

There should be some way of drawing together more comprehensively, or in a more co-ordinated manner, the voluntary, private and public health services. That is an absolute requirement. In the end, my relative took advantage of the nursing home support scheme which was a smooth transition from home and community care to residential care. I was impressed by the way it worked. Perhaps we were just lucky but I feel that people in the service do receive a good level of care. Gaining access to the service might be where the real challenges lie.

The Fianna Fáil motion is a good one and I cannot see much in it that I could not support. The Government is elected to make policy and be responsible for it. I may only differ with Senator MacSharry's proposal on a matter of emphasis or focus. If the Government delegated its policy-making and implementation we would probably get a lot of criticism also. Previous governments handed everything over to the HSE to run while trying to immunise themselves from criticism by so doing. That attracted much criticism at the time.

While we will not support the motion as drafted, we are very close to it in terms of policy. Our response to it in the Government amendment is more or less the same. I wonder, therefore, why we found it necessary to move an amendment rather than having an agreed position. Everybody in the Oireachtas and the country at large wants to see the very best services being provided for the elderly.

**Senator Feargal Quinn:** The Minister of State is very welcome to the House for this interesting and worthwhile debate. I should declare an interest in that, having checked *Nealon's Guide*, I see that I am the oldest Member of the Oireachtas. I agree with Senator Gilroy in that I do not see anything wrong with the Fianna Fáil motion. I do not think there was a need to table an amendment because it could have been accepted. Nonetheless, I welcome the debate because we should discuss this topic more often. The Government needs to pay much more attention and take more interest in how we handle our ageing population and, in particular, how we will care for our elderly in future. I am pleased the Minister of State is here because I know

she is enthusiastic and her heart is in the right place.

Recent research by the Alzheimer's Society of Ireland drew attention to the fact that society and Government do not think enough about the relationship between older people and human rights. The research says that ageism continues to be a major problem in Ireland. Indeed, negative ageist attitudes towards older people are so ingrained in our society that we need to challenge them. That is why this debate is worthwhile. It could be argued that such attitudes go far more unchallenged than other forms of prejudice such as racism or sexism, which are challenged.

### *3 o'clock*

However, we do not hear the challenge to ageism. The research states that we need to change the attitudes of politicians, namely, us, and policymakers, namely, us, in order that ageing is not only seen as a social welfare issue. Society needs to move beyond seeing older people as charity cases and move towards a human rights approach whereby they enjoy the same rights as everyone else.

I offer one example of older people's human rights being impeded. Let us consider the fact that older people face barriers in accessing work. As an employer for many years I was well aware of this and did my best to give older people a chance. My business reaped the benefits of an enthusiastic and knowledgeable workforce. When someone reached the age of 65 years we did not instruct them to retire. We recognised that they might want to retire but we encouraged them to come back for several hours a week or several days a week. We got the benefit of that because they were able to transfer their knowledge and the experience they had gained over the years to younger people. It was such a joy on occasion to see so many people come back. One such lady was Betty Reilly. I was in Superquinn in Sutton the other day. She is 86 years old and she invited me to her 86th birthday. She has been with us for approximately 30 years and she comes to work two or three days a week. She does not do a full day but she loves it and she has such enthusiasm.

I remember one man, John Davitt, who came to me approximately 20 years ago. He came to me in mid-December and said that he would be 65 years old on 31 December. He said he realised the company liked people to come back again but that he and his wife had decided that there were things they wanted to do. He said that he had worked in the company for nine years - he had worked at various other jobs for a further 40 years - he had not missed a day and that he woke up in the morning looking forward to going to work. He said he would look at his watch in the afternoon thinking that it must be 4 p.m. only to discover that it was 6 p.m. and that the day had gone faster than he thought. He died on Christmas Day that year, six days before he was due to retire. He had been looking forward to his retirement. His wife died three days later. We had two funerals in the Ballinteer church during that Christmas week. We talked about his words afterwards. He had said that he woke up in the morning looking forward to coming to work and he looked at his watch thinking it would be 4 p.m. only to discover that it was 6 p.m. We said to ourselves that we should set that as a challenge not only for our company but for Ireland and that it would be great to find a way that people of that age could get up in the morning and look forward to going to work. He did so and how sad it was when both of them died in that week.

The question of employment is one I could wax on about a good deal more. The question of care is important as well, as is the question of nursing homes and how we ensure that we have



appropriate facilities. There is a need for specialised care for older people. We have an interesting model that is worth highlighting. The problem with regular accident and emergency departments is that they are often small and old. In regular hospitals patients are triaged, which means they go down the list as people with more serious injuries are admitted. They are put down the line because they are not the most serious injuries since they are old. It is decided on that basis.

The rapid access clinic for the elderly in Smithfield, Dublin, funded by the HSE, is a system which caters for those over 70 years and is free of charge. It keeps older people away from hospitals. Instead, if an older person is feeling unwell or has memory problems he or she can be seen in the clinic and then can go back to his or her doctor with an individually tailored care plan. The clinic has been really appreciated by elderly patients. Let us remember that this type of service is preventive care. The acute and non-acute services need not be together. Does the Government have any plans to expand this type of system throughout the country? It is a great system. This example seems to provide a far better and much-needed service to patients and serves as a model for the larger health system.

I welcome the chance to speak on the subject. I am keen to hear whether the Minister of State could address some of the challenges we are hearing about today on the basis of what we are hearing and what we can do.

Reference has been made to the specific area of elderly care. I agree with the notion that we need more policy and more direction in this area, especially for nursing homes. It is great that we live in a State where so much is done to keep people living in their homes independently. My mother-in-law died two years ago in her 102nd year. She wanted to stay at home and she did stay at home for as long as she could, which was until the last year. People want to live in their homes independently. I know several older people who have been able to live independently because of the State. They have home help, which involves someone coming in to assist them with some tasks such as cooking and cleaning. This is backed up by various subsidies and other financial assistance. It makes me proud that we live in a country where we look after our older people like this, unlike some other countries. I imagine other Senators will have examples of older people who can stay in their homes and this is positive to see.

I am pleased to have the Minister of State in the House and to have this debate. I welcome the Fianna Fáil motion and I cannot disagree with the Government amendment either. However, I question whether we should not be able to get together and ensure the best of both is taken into account.

**Senator Catherine Noone:** I welcome the Minister of State to the House. The debate is worthwhile and necessary. It is an issue that needs to be constantly monitored because the demographics show that by 2041 there will be approximately 1.3 million to 1.4 million people aged over 65 years in the country. It is important to get our approach and strategy right since the number of older people in our population continues to increase.

While there will always be a need for long-term residential care, older people consistently say that they want to be facilitated and supported to stay in their own homes. I understand where Senator Cullinane is coming from when he speaks of costs in this area. It is frustrating that we have had to make cuts in this particular area. The budget for residential care is being augmented by an additional €24 million to strengthen community and home-based services and to develop more flexible, accessible and responsive approaches to care. We badly need this type of measure.

The motion selectively quotes from several reports. For example, the motion quotes from the HSE national operational plan 2013, which states “Based on population projections, there will be a significant national deficit of long stay beds by 2016 based on the HSE’s target of 4% of older persons in long stay care.” However, the report further states the broader context:

The composition of units and number of long stay care beds have changed significantly in the last number of years, predominantly due to financial constraints, reduction in capital funding, introduction of HIQA standards, public service moratorium and legislative changes including the implementation of the *Nursing Homes Support Scheme Act 2009*. A target of no more than 4 – 4.5% of persons over 65 years of age in long stay care has been set by the HSE. However, this target can only be achieved through strong community and support services being in place to assist people living at home for as long as possible, and the achievability of this target is dependent on the expansion of community and support services.

We need to continue to develop strong community and support services to help people to live at home for as long as is practical and possible. The HSE national operational plan 2013 highlights exactly what we are saying, namely, that we need a flexible and agile approach to this area and we want to assist people to live at home for as long as possible.

Similarly, the motion quotes from the finding by the Centre for Ageing Research and Development in Ireland, CARDI, on future demand for long-term care in Ireland to the effect that even with greater emphasis on care at home and more resources provided to realise that aim, the demand for residential care will increase significantly in the next decade. This is something we all know and acknowledge and this is why an additional €23 million was provided to strengthen community services in addition to the budget of €315 million which has already been provided for home care services. Incidentally, these services are delivered to 56,000 people at any one time.

The motion notes a new report on Ireland’s long-term residential sector produced by accountants BDO and commissioned by Nursing Homes Ireland, entitled *Health’s Ageing Crisis: Time For Action, A Future Strategy for Ireland’s Long-Term Residential Care Sector*.

The report estimates that for every 1,000 people who cannot access nursing home care due to the State’s strategy, the cost to the Exchequer will be €273 million annually, in addition to the immeasurable impact on individuals, their families and the acute hospital system. Is it appropriate to use in the motion a report commissioned by a private profit-making organisation with a strong vested interest? A presentation available on the Nursing Homes Ireland website states, “A market solution requires profits”. This sentence sums up best the reason we cannot adopt the single-track approach advocated in the motion.

The motion subsequently calls on Ministers and senior officials in the Department of Health and Health Service Executive to “remedy a deficit, widely recognised for many decades, in nursing home places, particularly in urban areas”. I am concerned about this statement as it appears to advocate a one-track approach to the issue, namely, the use of nursing homes and nothing else. Such an approach does not correspond to the national strategy, nor does it make sense for urban areas.

First and foremost, we must work to enable people to remain in their homes for as long as practicable and possible. The motion calls for the immediate establishment of a Department of Health-led forum to “consider and develop appropriate policy relating to long-term care of

our older population”. This is misplaced in the sense that while the Department should consult stakeholders, ultimately its role is to develop its approach without any external influence from private companies which could benefit from the approach adopted. The establishment of a forum along the lines suggested would, in effect, give Nursing Homes Ireland an input into future budgetary and other decisions in which it has clear, commercial vested interests. This would not be appropriate.

As I noted, Nursing Homes Ireland already has clear channels of communication with the Department. I understand a meeting took place as recently as 2 April and officials will continue to meet regularly with representatives of the organisation and other stakeholders. The establishment of such a forum would be deeply unfair and detrimental as it would blur the line between the private and public sectors and give Nursing Homes Ireland an advantage over competitors. As I noted, the organisation’s website advocates a market solution which requires profit.

It is important to continue to pursue a multifaceted approach of empowering community and home based services. We need to maintain the overall strategy of which I spoke. As such, the increase in funding to strengthen community and home based services and allow for a more agile, flexible and responsive approach is to be welcomed. I concur with Senator Gilroy that Members on all sides of the Houses want a fully functioning, excellent service for older people. The way in which a country treats its youth and elderly people says a great deal.

**Senator Paschal Mooney:** I welcome the Minister. While the motion and Government amendment are similar, the Fianna Fáil Party will divide the House on the issue because, as my colleague, Senator MacSharry, noted, we do not wish to the status quo to continue. Although others have made many of the points I propose to make, it is important to emphasise them in the context of the contributions that have been made. Senator Quinn’s contribution focused on the value of those over a particular age who wish to continue to live long, fruitful and productive lives. If there is anything the Government can do to eliminate the culture of ageism that persists in certain parts of society, it will be applauded for doing so.

The motion notes that for every 1,000 people who cannot access nursing home care due to the State’s strategy, “the cost to the Exchequer will be €273 million annually in addition to the immeasurable impact on people, their families and the acute hospital system”. Unlike Senator Noone, I support Senator MacSharry’s call for the immediate establishment of a Department of Health led forum to consider and develop an appropriate policy on the long-term care of the older population, especially to prevent a crisis in nursing home capacity in the future.

The Fianna Fáil Party can be accused of many things. In the years immediately after the crash any Government, irrespective of its political colour, would have been forced to address the immediate problem and engage in crisis management, as occurred under the previous Government led by the then Taoiseach, Mr. Brian Cowen. Fianna Fáil has always been proud of its heritage, policy and outlook on care for the aged. We stand on our record in that regard and no one, on any objective analysis of our policy over the decades, could argue with that view. The motion continues our proud tradition of looking after the aged and most vulnerable.

The Health Service Executive’s operational plan refers to having in place sufficient long-stay bed stock to meet the needs of the growing elderly population for the next two years. As has been noted, beds are not evenly spread geographically and certain areas have an under-supply while others having an over-supply. The HSE service plan for this year provides that the overall number of people to be supported in long-term care has been reduced by 700. It

justifies this reduction by referring to a shift in emphasis in the model of care to home and community supports, which will, it states, enable an additional 1,000 older people to continue to live at home. I applaud the concept of people living independent lives for as long as possible. My late mother - God be good to her - continued to live in her home and looked after herself independently until she was hospitalised and passed away at the age of 86 years. I am a strong supporter of any Government policy or HSE service plan that shifts the emphasis to independent living. However, the issue is the need to ensure that those who wish to live independent lives in their own homes receive all necessary support services. Home care and home help, to which Senator Quinn referred, should be maintained and strengthened. Sadly, however, both services have suffered as a result of the economic downturn. If the Government is serious about saving money, it would allow people to live at home rather than be placed in institutional care.

The 2014 target is to reduce by 1,702 the number of nursing home beds funded under the scheme at the end of 2013. Some 394 people were on the waiting list for a nursing home bed in October 2013. It is not clear from the plan what how the 1,700 people who will not secure a nursing home bed next year will be cared for. The Centre for Ageing Research and Development in Ireland, CARDI, produced a report entitled, *Future Demand for Long Term Care in Ireland*, which noted that there has been an increase of 59% in the number of people in the State aged more than 65 years who are using residential long-term care. It also notes an increase of 57% since 2006 in the number of people who use formal home care. At a time when thousands of medical cards for people 70 years and over have been withdrawn, community supports are under severe pressure and health care demands are increasing as a result of the ageing population, Age Action has expressed deep concern about how the Health Service Executive will meet the needs of the most vulnerable older people in 2014. This is a recurring theme in the contributions made thus far, at least on this side of the House. How will the HSE and, by extension, the Government meet the needs of the most vulnerable of older people based on the figures provided, including the reduction in funding?

The Nursing Homes Ireland report, *Health's Ageing Crisis: Time For Action, A Future Strategy for Ireland's Long-Term Residential Care Sector*, states that Ireland's population is ageing, with notable growth in the cohort of the population whose care needs have been independently assessed as requiring long-term residential care. This is a sad development. One would expect that with modern medical care, the number of people requiring long-term residential care would decline. Perhaps this development raises questions about health policy and the manner in which the Government approaches the medical needs of those who are elderly. The population of those aged 65 years and over has been increasing at a faster rate than in other European Union member states. We frequently hear we have one of the youngest populations in Europe but it is sometimes forgotten that the older population is increasing at a faster rate here than among our neighbours. This is surprising considering that in some European countries, notably Germany, the cohort of those aged 65 years and older is set to cause a major crisis. A new and emerging trend in Ireland's demographic profile is the substantial increase that has also taken place in the number of people over 85 years of age. This cohort is forecast to rise by 46% in the period to which I refer.

I fully support both the motion and the recommendation to the effect that the Department of Health should establish a forum to consider and develop appropriate policy in respect of the long-term care of elderly people in order, primarily, to prevent a crisis, as outlined very eloquently and in great detail by my friend and colleague, Senator MacSharry, in the context of the provision of nursing home care.

**Senator Maurice Cummins:** I commend Senator MacSharry on tabling the motion. It is important to ensure the issue of older people remains on the political agenda. As previous speakers indicated, there is very little difference between the motion and the Government amendment. Senator Mooney has stated, however, that the matter will be put to a vote. I am of the view that the intent behind the amendment and the motion, namely, to assist older people in any way possible, is the same.

Senator Cullinane engaged in his usual effort to bring a plague on all our houses and stated that we are all - Fianna Fáil, Fine Gael, Labour, etc. - to blame for everything. He referred to an agenda of cuts. I would be the first to admit that, out of necessity, there have been cuts in many areas and Departments. It is all very well to refer to cuts but the Senator's party has criticised the Department of Health for possibly going over budget to the tune of €49 million in the first quarter of this year. Sinn Féin's spokesperson has castigated the Government for spending so much money on health. The party to which I refer cannot have it both ways. Its members come before the House regularly and advocate the introduction of policies in this jurisdiction which are different from those it is implementing in the North. I will not, however, engage in a debate on Sinn Féin's policies or the lack thereof at this point.

The positive ageing strategy refers to home care. People who are growing older want to continue to live independently in their homes for as long as possible. The positive ageing strategy commits the Government to assisting, in any way possible, people to continue to live at home. It is my experience that once people enter nursing homes, many of them give up the ghost and say "I am finished because I have left my home". I am not in any way seeking to castigate the staff of nursing and residential homes who do a wonderful job in the context of stimulating the elderly people in their care. It is a fact, however, that many people believe themselves to be finished once they enter a nursing home. That is very sad. Older people in nursing homes have informed me, as have their relatives, that this is how they feel.

I compliment the many voluntary groups and organisations that provide assistance in keeping people in their own homes for as long as possible. These groups and organisations do wonderful work. The House has been at the forefront in advocating the cause of the elderly. When it was established, the first thing the Seanad Public Consultation Committee did was to invite representatives from various non-governmental organisations, NGOs, which deal with the elderly and those who advocate on their behalf to come before it. The committee produced a report which contained many recommendations. Most of those recommendations are included in the positive ageing strategy. We can take pride in the fact that this House gave the lead in respect of this matter in the context of the report it produced. Even though the positive ageing strategy was only published last year, it is time we reviewed the position with regard to how the recommendations to which I refer are being acted upon. Such a review could be carried out over six or 12 months. We need to obtain regular updates on the actions that are having a positive effect and those which are not being implemented at all by the Government. There is a need for an ongoing review to take place in respect of this matter.

Senator Noone referred to a statement made by Nursing Homes Ireland. I have no gripe against nursing homes and I am of the view they do a wonderful job. I accept also that private nursing homes must make profits. However, I do not agree with the use of terms such as "a market solution" and "profit" where the elderly are concerned. I honestly do not believe it is acceptable to refer to a marketplace in the context of older people who have done so much for our country over a long number of difficult years and, indeed, decades.



I reiterate that I commend Senator MacSharry on tabling the motion in order that issues relating to the elderly might be kept on the agenda. The Minister of State has come before the House on many occasions, she was present for the debate on the report of the Seanad Public Consultation Committee and she ensured its recommendations were included in the positive ageing strategy. As she stated, issues relating to the elderly have not perhaps been the subject of the same level of debate in this House or elsewhere as has been the case with other matters. This matter is going to go to a vote. However, I believe we are all in favour of achieving the same goal in respect of it.

**Senator Brian Ó Domhnaill:** I commend Senator MacSharry on tabling the motion. As those on the Government side have acknowledged, this is a very important motion. A country is often judged on how it treats its older people. Given that the population of such individuals in this country is increasing, as proven by statistics provided by the HSE, NGOs and the Central Statistics Office, there is a need to focus on how we intend to care for the elderly into the future.

I spoke to the HSE manager in my county and he acknowledged there is a difficulty in respect of this matter and also there is no plan. While feedback from each of the areas has been fed into a central HSE framework, there is a need for a dedicated stream of funding to be made available. In 2002, the then Minister for Social Welfare, Ms Mary Coughlan, initiated a funding model and commissioned Mercers to compile a report in respect of the industry. It looked at future demand and the international experience. While the HSE operational plan for 2013 and the service plan in 2014 acknowledge the increased demand to date and the fact that it will continue to increase significantly in the years ahead, there appears to be a lack of any plan as to how such demand will be met. Many of us have older people in our families. Everyone's objective is to help elderly persons live independently in their homes for as long as possible. Older people will always favour that as the first option. Unfortunately, in certain circumstances of family life and physical difficulty, there may be a requirement for an elderly person to use the services of a public or private nursing home.

Figures have been mentioned on the cost of care. One can quantify the cost of a public or private nursing home but it is a debate that may not be completely relevant to the long-term projection. Cost must be looked at, however, in the context of the differential between a private bed in a private hospital versus a public bed in a public hospital. In some instances, there is a difference of 300%. Obviously, there is an additional cost to be borne by the taxpayer as a result.

Senator Mooney touched on the issue highlighted in the Health's Ageing Crisis: Time for Action document. When elderly people are in acute hospital settings, the cost per week can be approximately €6,000. The cost in a private nursing unit can be €750. Members often deal with situations where a family gets in touch because an elderly relative is in hospital and needs respite care. The hospital may feel the person is not competent to be allowed home and there is a sudden breakdown in the system because there are no residential care beds available in community hospitals or nursing homes. It is regrettable and must be challenged.

Senator MacSharry is 100% correct to highlight this issue and to call for the Department to initiate and lead a forum to develop a policy in this area. Such a policy would cover the financing of long-term care in a capital expenditure context, examine demographics and consider the lack of commitment by the Government in light of the 2014 service plan. There will be 700 fewer nursing home beds available in 2014 than were available in 2013, notwithstanding the fact that there was a backlog at the end of October 2013 of 394 people waiting for nursing home

beds. If one adds the backlog to the 2014 cut, it suggests there will be a cut of more than 1,000 beds, or 5%.

There is a lack of commitment and forward planning and it must be addressed. Ultimately, the HSE is well aware of the figures and forward projections for our ageing population. While it is great that we have an ageing population and to see people living longer with a better mortality rate than existed many years ago, Government policy and financing must go hand in hand with it. If people cannot live independently, they must be facilitated to live in nursing homes. I see the Minister of State is nodding her head, but the sad reality is-----

**Deputy Kathleen Lynch:** I was shaking it. That was not a nod. The Senator is as bad at reading the signals as he is at listening.

**Senator Brian Ó Domhnaill:** The reality is that many elderly people aged over 65 can no longer afford to live in their own homes. All of the housing aid for the elderly grants have been cut. The disabled person's grants have been cut or are not available. I can give the Minister of State the figures. They have been cut by up to 90% since the Government took office. I deal with these issues every week and see where the cuts have been made. Examples include the capacity to install simple things like a level-deck shower or a bedroom extension downstairs.

If we are serious about caring for elderly people, we must look at this holistically and examine independent living at home. If we are serious about that, funding must be made available. While funding may have been abused in years gone by, that is not to say those in need should be denied access to it. There is a massive problem and a lack of commitment to solving it. There is certainly a lack of commitment this year - on the Minister of State's watch - where the number of beds in our nursing homes has been cut by almost 800. That is regrettable. The health service must save money, but why cut the funding for those who need the care most and cannot provide for themselves?

I commend Senator MacSharry on raising the issue. It may not be the sexy political issue of the day, but it is a vitally important one for every family and elderly person in the country. Whether a person is confined to a bed or is mobile, he or she should be allowed to live in dignity. The Government should have a planned strategy in place as we approach 2016. Given the 100 year commemoration we face, it would be disrespectful not to have that plan in place.

**Senator Marc MacSharry:** I am disappointed that more speakers from all sides did not participate in the debate. I am not here for commendation from anyone. In fact, I hate it. However, I thank Senators.

I have a couple of points of rebuttal. Senator Burke said we are putting in €23 million, but that is being specifically taken out of the fair deal scheme. That leads to 700 fewer beds. The Minister of State appears to be contradicting the HSE which says there is a crisis in long-term care. She says there is not. She might clarify that. I said €300 million might be gathered up to offset the need to cut telephone allowances, medical cards and other provisions. Does Senator Gilroy want to know where I got that?

**Senator John Gilroy:** Out of the air, I would say.

**Senator Marc MacSharry:** The Labour Party manifesto of 2011. It was a good proposal which the party did not manage to push over the line in the programme for Government with Fine Gael.

**Senator Colm Burke:** The number of medical cards has increased.

**Senator Marc MacSharry:** Those are some general points. Senator Burke said he commended me on raising the matter and keeping the debate going. I am sick of keeping the debate going. Let us keep it on the agenda. The Minister of State said the elderly formed a neglected part of her portfolio.

**Deputy Kathleen Lynch:** I did not say that.

**Senator Marc MacSharry:** Her entire Department is neglected. She said there was too great a focus on mental health.

**Deputy Kathleen Lynch:** By the Seanad. The Deputy cannot be telling lies.

**Senator Marc MacSharry:** Her entire Department is neglected in terms of underfunding and the lip service it is paid. While there are similarities between the motion and the Fine Gael amendment, there is no question of us not calling a vote. To fail to call a vote would be to suggest there was no problem. There is a very serious problem. While we can choose at a point in time to take refuge in the circumstantial statistics that might justify inaction based on the beds available in Donegal, that is not an excuse for failing to plan adequately for the future. BDO is a professional set of accountants. The Minister of State can blindly shake her head all she wants but the experts are telling us this. When did she last meet Third Age or Nursing Homes Ireland?

**An Cathaoirleach:** The Senator cannot question the Minister. She does not have the right to respond.

**Senator Marc MacSharry:** If we are waiting for these organisations, the Minister of State says: "Let us not have a forum because Governments must make policy."

**Deputy Kathleen Lynch:** I did not say that at all.

**An Cathaoirleach:** Senator MacSharry, without interruption.

**Senator Marc MacSharry:** The Minister of State said she did not want to answer. It is either a "Yes" or a "No".

**Senator John Gilroy:** The Senator cannot get away with that nonsense.

**Senator Marc MacSharry:** The reality is the Minister of State said she would meet these people. When did she last meet, for example, Nursing Homes Ireland or Third Age, whose representatives are present?

**Deputy Kathleen Lynch:** I did not say that.

**An Cathaoirleach:** Senator MacSharry without interruption.

**Senator Marc MacSharry:** When was it? Was it last week, last month, last year or has she met them since the formation of the Government? It is a simple question. I will take her silence to mean that she has not met them yet.

**Senator John Gilroy:** On a point of order-----

**Senator Marc MacSharry:** I did not interrupt anybody.

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**Senator John Gilroy:** On a point of order, is the Senator allowed make up something off the top of his head or must he remain within the bounds of reason?

**An Cathaoirleach:** That is not a point of order.

**Senator John Gilroy:** It is.

**An Cathaoirleach:** That is not a point of order.

**Senator John Gilroy:** He is making this up. If he remained in the Chamber during the debate, he might know a little more about what was said.

**An Cathaoirleach:** It is not a point of order. The Chair cannot say whether it is right or wrong. The Senator should resume his seat.

**Senator Marc MacSharry:** I took a quick convenience break. I hope the Senator did not time it. I apologise to Senator Noone for the 30 seconds for which I was absent but I am sure she will forgive me for that.

**An Cathaoirleach:** The Senator should stick to the motion.

**Senator Marc MacSharry:** I was commended by Members one after another for bringing up this issue.

**Senator John Gilroy:** Keep it honest.

**Senator Marc MacSharry:** I am making a suggestion, which is my right in closing the debate, that the Minister of State has not met the organisations or engaged in the level of dialogue required. She is so out of touch that the HSE is saying one thing regarding a crisis in long-term stay beds while she is saying something completely different. BDO, the experts in the field, are shouting from the rooftops that there is a problem in this area but the Government is sticking its head in the sand and cherry-picking statistics that might defend or paper over the inaction in this area. As I said in my opening contribution, this is not a criticism of the Minister of State whose personal commitment I do not doubt. However, she is treated like the whipping boy of the Government because she is starved of resources to deal with the problems of the health sector whether they relate to mental health, disability services or the elderly in this scenario.

I mentioned at the outset that the Oireachtas has failed and continues to fail the elderly. This includes the current and the previous Government. Now people want to put their heads back in the sand and say everything is rosy in the garden, we do not need to set up a forum and we do not want to engage with the people who know in this area. The Minister of State's silence indicates she never bothered to meet them. We will put this issue to a division and will continue to raise it until those who cannot speak for themselves and who depend on excellent advocacy groups such as Nursing Homes Ireland or Third Age do so on their behalf have been looked after.

**An Cathaoirleach:** Is the amendment being pressed?

**Senator Marc MacSharry:** Yes.

Amendment put:

*Seanad Éireann*

The Seanad divided: Tá, 23; Níl, 14.	
Tá	Níl
Bacik, Ivana.	Barrett, Sean D.
Burke, Colm.	Cullinane, David.
Coghlan, Eamonn.	Daly, Mark.
Comiskey, Michael.	MacSharry, Marc.
Conway, Martin.	Mooney, Paschal.
Cummins, Maurice.	Mullen, Rónán.
D'Arcy, Michael.	Norris, David.
Gilroy, John.	O'Brien, Darragh.
Hayden, Aileen.	Ó Domhnaill, Brian.
Henry, Imelda.	Power, Averil.
Keane, Cáit.	Quinn, Feargal.
Kelly, John.	Reilly, Kathryn.
Moloney, Marie.	Walsh, Jim.
Moran, Mary.	Wilson, Diarmuid.
Mullins, Michael.	
Naughton, Hildegard.	
Noone, Catherine.	
O'Donnell, Marie-Louise.	
O'Keeffe, Susan.	
O'Neill, Pat.	
Sheahan, Tom.	
van Turnhout, Jillian.	
Zappone, Katherine.	

Tellers: Tá, Senators Aileen Hayden and Michael Mullins; Níl, Senators Marc MacSharry and Diarmuid Wilson.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Seanad divided: Tá, 23; Níl, 16.	
Tá	Níl
Bacik, Ivana.	Barrett, Sean D.
Burke, Colm.	Crown, John.
Coghlan, Eamonn.	Cullinane, David.
Comiskey, Michael.	Daly, Mark.
Conway, Martin.	MacSharry, Marc.



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Cummins, Maurice.	Mooney, Paschal.
D'Arcy, Michael.	Mullen, Rónán.
Gilroy, John.	Norris, David.
Hayden, Aileen.	O'Brien, Darragh.
Henry, Imelda.	Ó Clochartaigh, Trevor.
Keane, Cáit.	Ó Domhnaill, Brian.
Kelly, John.	Power, Averil.
Moloney, Marie.	Quinn, Feargal.
Moran, Mary.	Reilly, Kathryn.
Mullins, Michael.	Walsh, Jim.
Naughton, Hildegard.	Wilson, Diarmuid.
Noone, Catherine.	
O'Donnell, Marie-Louise.	
O'Keeffe, Susan.	
O'Neill, Pat.	
Sheahan, Tom.	
van Turnhout, Jillian.	
Zappone, Katherine.	

Tellers: Tá, Senators Aileen Hayden and Michael Mullins; Níl, Senators Marc MacSharry and Diarmuid Wilson.

Question declared carried.

*4 o'clock*

### **Straitéis 20 Bliain don Ghaeilge: Statements (Resumed)**

**Senator Cáit Keane:** Cuirim fáilte roimh an Aire Stáit arís chuig an Seanad chun labhairt ar an ábhar tábhachtach seo - an straitéis 20 bliain don Ghaeilge. Tá mé cinnte go bhfuil an tAire Stáit seo ag tabhairt an-bhéim agus tosaíocht ard don Ghaeilge, agus gach a mbaineann leis an teanga, chun í a chur chun tosaigh ar chlár an Rialtais. Tá mé cinnte freisin go dtiocfaidh leathnú ar úsáid na teanga sa Teach seo, sa Teach eile agus sa tír ar fad. Is fíor a rá ní hamháin go bhfuil an Ghaeilge mar theanga oifigiúil na tíre seo, ach freisin go bhfuil sí an teanga is aosta san Eoraip. Ba cheart dúinn go léir ár ndícheall a dhéanamh í a chur chun cinn. Tá an t-ádh linn, agus leis an teanga, go bhfuil an tAire Stáit seo, a bhfuil an teanga go flúirseach agus go nádúrach aige, i gceannas ar pholasaithe an Rialtais i leith na Gaeilge. Tá tuiscint faoi leith

aige ar an nGaeilge. Is iontach an rud é go bhfuil sé ag obair linn chun ár dteanga dhúchais a chur chun cinn. Ní hí an Ghaeilge mo theanga dhúchais, ach is teanga dhúchais an Aire Stáit í.

Tá beagnach gach rud clúdaithe sa straitéis 20 bliain, ina measc an t-oideachas, an Ghaeltacht, an teaghlach, seirbhísí poiblí, na meáin agus reachtaíocht. Tá moltaí iontacha sa straitéis chun an teanga a choimeád beo. Caithfidimid iad a mholadh agus - níos tábhachtaí - a lán oibre a dhéanamh chun iad a chur chun cinn. Tá na moltaí beaga sa straitéis chomh tábhachtach leis na moltaí móra. Tá Coimisinéir Teanga nua againn. Chuir mé fáilte roimh an gcoimisinéir breá sin cheana féin. Ba mhaith liom focal nó dhó a rá faoi na príomhspríocanna sa straitéis atá le baint amach thar thréimhse scór bliain. Tá sé mar aidhm sa straitéis go mbeidh eolas ag 2 mhilliún duine ar an nGaeilge agus go mbeidh ardú ar líon na gcainteoirí laethúla Gaeilge go dtí 250,000 duine. De réir torthaí dhaonáireamh 2011, ina raibh 1.77 milliún duine in aois a trí bliana nó níos sine in ann an Ghaeilge a labhairt - chuir siad é sin síos ar an bpáipéar, ar aon nós - i gcomparáid le 1.66 milliún sa bhliain 2006. Is léir, dá bhrí sin, go bhfuil dul chun cinn maidir leis na spríocanna atá leagtha síos sa straitéis á bhaint amach. Is léir, áfach, go bhfuil go leor oibre fós le déanamh.

Tá a fhios ag gach éinne go bhfuil an modh oideachais an-tábhachtach nuair atá foghlaim teanga nó aon saghas foghlaim eile ar siúl. Molaim an t-athbhreithniú atá déanta ar an gcuraclam le déanaí. Tá athrú déanta agus tá béim ar an bhfocal labhartha anois. Baineann 40% de na marcanna leis an teanga labhartha anois. Tuigim go rachaidh sé sin suas go 50% i gceann cúpla bliain. Is dóigh liom go bhfuil sé sin ar an gclár. Ceapaim go bhfuil i bhfad níos mó le déanamh mar gheall ar an modh múineadh. Fágann a lán daltaí an scoil le blas uafásach ina mbéal mar gheall ar an gcaoi ina fhoghlaim siad a gcuid Gaeilge. B'fhéidir nach bhfuil formhór na ndaoine in ann níos mó ná cúpla abairt a chur le céile - níl a fhios agam. Caithfear an teanga a dhéanamh tarraingteach do na daltaí. Ba cheart dúinn smaoineamh ar dhaltaí a spreagadh. Tá caighdeán traenála na múinteoirí sa teanga an-tábhachtach freisin. Tá múinteoirí iontacha i ngach ábhar ag déanamh an-obair sna scoileanna. Ba mhaith liom aontú leis na múinteoirí a deireann go bhfuil obair dheacair á dhéanamh acu. B'fhéidir go bhfuil líon beag de mhúinteoirí nach bhfuil grá don teanga nó suim sa teanga acu. Tá sé an-tábhachtach go mbeadh grá agus suim acu siúd atá ag múineadh na Gaeilge.

Ní fhéadfainn caint faoin teanga gan labhairt ar na gaelscoileanna agus an obair iontach atá ar siúl iontu. Tuigim go bhfuil cuid acu fós lonnaithe i bhfoirgnimh le caighdeán an-íseal ar fad. Is cinnte go bhfuil caighdeán oideachais an-ard sna gaelscoileanna. B'fhéidir go mbeidh an tAire Stáit in ann a chur ina luí ar an Aire Oideachais agus Scileanna go bhfuil a lán obair le déanamh ar ghaelscoileanna áirithe. Tá sé ráite ag na Náisiún Aontaithe go bhfuil leath de na 6,700 teanga sa domhain i ndainséir dul in éag. Caithfidimid a chinntiú de nach mbeidh an Ghaeilge ina measc. Tá a lán obair le déanamh i ngach réimse den ábhar seo, ach níl go leor ama fágtha agam chun cur síos a dhéanamh orthu.

**Senator Brian Ó Domhnaill:** Ba mhaith liom fáilte a chur roimh an Aire Stáit agus an t-oifigeach, Séamas Mac Giolla Chomhaill, atá in éineacht leis tráthnóna. Nuair a bhíonn an t-ábhar tábhachtach seo á phlé sa Dáil nó sa Seanad, is minic nach nglacann mórán Baill an Oireachtais páirt sa díospóireacht. Ní hé sin le rá nach bhfuil suim acu san ábhar, áfach. Is cinnte go bhfuil suim acu agus ag pobal na tíre - ní hamháin na daoine atá in ann an teanga a labhairt, ach na daoine atá meas acu ar an teanga fosta - sa Ghaeilge. Tá sé soiléir, daonáireamh i ndiaidh daonáireamh, go bhfuil suim ag pobal na tíre i dtaca leis an nGaeilge a choinneáil láidir, a choinneáil beo agus a fhorbairt mar theanga náisiúnta oifigiúil na tíre.

Tá go leor le bheith dearfach faoi agus muid anseo inniu. Tá cúpla milliún duine sa náisiún seo in ann an teanga a labhairt - tá cumas Gaeilge de shaghas éigin acu. Tá 93% den daonra ó Dheas go bhfuil tuigmheáil acu, nó atá ábalta an Ghaeilge a labhairt. Tá os cionn 200 gaelscoil ar fud na tíre ag tacú le daoine óga a spreagadh chun an Ghaeilge a labhairt. Cuireann na gael-scoileanna deiseanna ar fáil in áiteanna taobh amuigh den Ghaeltacht leis an nGaeilge a neartú agus a fhorbairt. Níl aon dabht ná go bhfuil go leor rudaí maithe ag tarlú, ar nós na hoibre atá ar siúl ag an Roinn leis an nGaeilge a neartú agus a chur chun cinn.

Agus muid ag caint ar chúrsaí Ghaeilge, tá sé tábhachtach tagairt a dhéanamh don mhéid atá tarlaithe le roinnt bheag ama anuas. Tá mé ag smaoineamh go háirithe ar an gcinneadh mór a dhein an t-iar-choimisinéir Seán Ó Cuirreáin, a thagann ó Chontae Dhún na nGall. Níos luaithe i mbliana - i mí Feabhra seo caite - d'fhógair sé go raibh sé i gceist aige éirí as a phost. Bhí meas ag daoine ar Sheán Ó Cuirreáin mar dhuine cumasach a d'oibrigh go díograiseach ón uair a ceapadh é mar choimisinéir níos mó ná deich mbliana ó shin leis an nGaeilge a chosaint ag gach leibhéal sa chóras Stáit. Rinne sé an-obair ar son phobal na Gaeilge agus na Gaeltachta.

Is mór an trua go raibh ar Sheán Ó Cuirreáin cinneadh a dhéanamh éirí as, de bhrí go raibh sé den tuairim nach raibh go leor á dhéanamh chun an Ghaeilge a chur chun cinn, go háirithe sa Státchóras. Nuair a thug sé óráid ag an bhfochoiste Oireachtais atá ag plé le cúrsaí Gaeilge ar 23 Eanáir i mbliana, dúirt sé go raibh cuid mhaith oibre déanta ach go raibh i bhfad níos mó le déanamh. Cheap an t-iar-choimisinéir, i ndáiríre, nach raibh go leor commitment ann an obair a dhéanamh agus na spriocanna a bhaint amach.

Ba mhaith liom mo bhuíochas a chur in iúl ar an taifead don iar-choimisinéir, Seán Ó Cuirreáin. Ba mhaith liom fosta glacadh leis an deis seo comhghairdeas a dhéanamh leis an gcoimisinéir úr atá ceaptha, Rónán Ó Domhnaill. Ós rud é go bhfuil lánchumas aige, beidh sé in ann an jab a dhéanamh go hiontach. Caithfidh an tacaíocht chuí a bheith ar fáil, áfach. Tá lúcháir orm go bhfuil U-turn déanta ag an Rialtas agus nach bhfuil sé i gceist anois Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman. Measaim gur buntáiste mór é sin. Tá sé tábhachtach go mbeidh Oifig an Choimisinéara Teanga lonnaithe sa Ghaeltacht. Tuigim anois gur sin mar a bheidh. Cuirim fáilte roimh an gcinneadh sin.

Is dóigh liom gurb í an fhadhb is mó atá ag pobal na tíre seo anois ná nach bhfuil seirbhísí Gaeilge ar fáil dóibh nuair atá siad ag iarraidh a gcuid gnó a dhéanamh leis an gcóras Stáit. Tá an fhadhb seo againn san Oireachtas, fiú. Chuir duine éigin ceist orm le gairid faoi úsáid na Gaeilge san Oireachtas agus ag leibhéal an Rialtais go ginearálta. Tá sé deacair teacht ar leagan Gaeilge de na Billí go léir atá foilsithe anseo. Tá na Billí go léir foilsithe i mBéarla. B'fhéidir go dtiocfaidh leagan Gaeilge chun cinn agus b'fhéidir nach dtiocfaidh.

Má táimid dáiríre faoin Stát agus faoin Ghaeilge, ba chóir na Billí go léir a thagann ón Ard-Aighne nó ón Rialtas a fhoilsiú sa chéad teanga oifigiúil - an Ghaeilge. Níl a fhios agam cén fáth nach bhfuil sé sin ag tarlú. Chruthódh sé go leor jabanna sa Státchóras chomh maith. B'fhéidir go mbeidh an tAire Stáit in ann freagra a thabhairt dúinn tráthnóna ar an mbuncheist sin. Ba chóir go mbeadh sé sin ag tarlú. Níl a fhios agam cén fáth nach bhfuil sé ag tarlú. Tá sé fíordheacair aistriúcháin oifigiúil a fháil ar aon Bhille nuair atá a leithéid á lorg.

Tá cóip den straitéis 20 bliain don Ghaeilge os mo chomhair amach. Rinne muid plé ar an straitéis ag cruinniú comhchoiste le gairid. Tá go leor rudaí maithe sa straitéis. Mar atá ráite ag an gCoimisinéir Teanga agus go leor daoine eile atá tar éis labhairt faoin straitéis, tá an straitéis ceart go leor, ach níl ann ach straitéis. Caithfear é a chur i bhfeidhm. Tá go leor den straitéis

nach bhfuil á chur i bhfeidhm. Tá géarghá ann é a chur i bhfeidhm.

Tá sé mar pholasaí ag an Rialtas na pleananna teanga áitiúla, atá á gcur le chéile sna ceantair éagsúla, a chur i bhfeidhm trí Údarás na Gaeltachta. Cé go bhfuil sé mar dhualgas ag na pobail éagsúla an Ghaeilge a chosaint agus a neartú sna ceantair sin mar pháirt de cur chuige an Rialtais, níl tacaíocht airgid ar fáil chun an obair speisialta a bhaineann leis an bpleanáil seo a dhéanamh. Tá a fhios agam go bhfuil ról comhairleach ag Údarás na Gaeltachta sa chomhthéacs seo, ach ní hionann sin agus a rá go bhfuil aird á thabhairt ar an seaneolas atá ag na coistí pobail. Ba chóir go mbeadh an tacaíocht fhiúntach atá riachtanach ar fáil do na coistí sin.

Tá a fhios agam go bhfuil mé thar ama. Tá súil agam gur féidir linn díospóireachtaí eile a eagrú amach anseo. Níl oiread Seanadóirí i gcónaí ag iarraidh labhairt ar chúrsaí Gaeilge anseo. Níl mé ag ardú aon cheist faoi sin, seachas a rá go mb'fhéidir gur fiú dúinn am éigin seisiún oscailte a bheith againn faoin straitéis sa Teach seo. B'fhéidir gur cheart dúinn dul fríd an straitéis líne ar líne, agus cibé am atá á lorg ag Seanadóirí a chur ar fáil. Ba chóir dúinn lá amháin a chaitheamh ag plé leis an straitéis agus ag dul fríd na pointí éagsúla. Ba cheart go mbeadh deis ag Seanadóirí ceisteanna a chur ar an Aire Stáit. Measaim go mbeadh sé sin ina bhuntáiste don Aire Stáit, do na Seanadóirí agus do phobal na Gaeilge agus na Gaeltachta.

Ba mhaith liom rud amháin eile a rá. Measaim gur botún agus lá dubh atá ann ós rud é nach mbeidh aon airgead ar fáil as seo amach do Chomhdháil Náisiúnta na Gaeilge, eagraíocht a d'oibrigh go díograiseach don Ghaeilge, don Ghaeltacht agus do phobal na tíre seo thar na blianta. Tá an t-airgead gearrtha astu anois. Más féidir teacht ar fhoinsé Stáit don eagraíocht sin, molaim don Aire Stáit é sin a dhéanamh. Tá obair iontach ar siúl ag an eagraíocht sin. Tá tábhacht faoi leith ag baint leis sin ó thaobh moltaí na straitéise agus todhchaí na teanga.

**Senator Trevor Ó Clochartaigh:** Cuirim fáilte roimh an Aire Stáit. Táimid buíoch gur tháinig sé ar ais leis an díospóireacht seo a chríochnú. An féidir liom rud éigin a dheimhniú? I just want to confirm how much time I have.

**Acting Chairman (Senator Paschal Mooney):** Cúig nóiméad.

**Senator Trevor Ó Clochartaigh:** I think those who spoke during the first part of this debate last month were given eight minutes.

**Acting Chairman (Senator Paschal Mooney):** I understand that the time limit in question applied to group spokespersons. I will give the Senator some leeway.

**Senator Trevor Ó Clochartaigh:** Go raibh maith agat. Tá neart le rá agam.

**Acting Chairman (Senator Paschal Mooney):** Senator Keane spoke for ten minutes.

**Senator Cáit Keane:** I had a few more things to say.

**Senator Trevor Ó Clochartaigh:** Tá roinnt rudaí tarlaithe ón am ar chuir muid an díospóireacht seo ar athló. Is dócha gurb é an príomhrud ná gur éirigh le Comharchumann Mhic Dara ar an gCeathrú Rua príomhdhuais Glór na nGael a bhaint amach ag ócáid an-taitneamhach a bhí ann le déanaí. Ba mhaith liom tréaslú le muintir an Cheathrú Rua agus le chuile dhuine a bhuaigh duaiseanna Glór na nGael. Bhí an-ócáid ann. Tá an-obair ar bun ar fud na tíre ag na dreamanna ar fad atá ag plé leis sin.

Tá Rónán Ó Domhnaill ceaptha mar Choimisinéir Teanga. Guímid gach rath air ina chuid

oibre. Mar a dúradh roimhe seo, táimid thar a bheith buíoch de Sheán Ó Cuirreáin as ucht an obair a rinne sé. Ó shin i leith, tá cinn an Bhille a dhéanfaidh leasú ar Acht na dTeangacha Oifigiúla 2003 foilsithe. Déanfaidh mé tagairt dóibh sin ar ball beag chomh maith céanna. Ní theastaíonn uaim dul isteach go mion sa straitéis ós rud é go bhfuil mé sásta - mar a thagair an Seanadóir Ó Domhnaill - go ndéanfaidh an fochoiste Oireachtais scrúdú líne ar líne ar dul chun cinn na straitéise. B'fhéidir go ndíreoidh mé ar na réimsí níos leithne ó thaobh polasaithe de, srl.

Tá a fhios go maith ag an Aire Stáit go bhfuil pobal na Gaeilge an-chlamhsánach leis. Bhí agóid an-mhór taobh amuigh de na geataí anseo roinnt seachtainí ó shin. Bhí 10,000 duine amuigh ar an mbóthar agus iad “dearg le fearg”. Tá agóid eile ar an ábhar céanna beartaithe go luath - i gceann cúpla lá - i mBéal Feirste. Bhí agóid mhór thiar i gConamara ó thaobh dúnadh Oifig an Choimisinéara Teanga. Fáiltím roimh Oifig an Choimisinéara Teanga a bheith ag fa-nacht neamhspleách agus lonnaithe sa Ghaeltacht. Is maith an rud é go raibh an tAire Stáit sásta éisteacht leis an bpobal ar an gceist sin.

Ní fhéadfainn a rá go bhfuil mé chomh sásta céanna maidir leis an méid atá le feiceáil ó thaobh Acht na dTeangacha Oifigiúla. Tá cinn an Bhille agus na haighneachtaí le feiceáil aníos. Is deacair a thuiscint cén fáth ar thóg sé dhá bhliain ar an Rialtas an méid seo a fhoilsiú. Is beag breise atá i gcinn an Bhille leasaitheach ná mar atá san Acht mar a sheasann sé. ar liom, tá formhór na 13 cinn ag lagú an Achta. B'fhéidir go gcuireann cinn Uimh. 6, Uimh. 9 maidir le hainmneacha agus seoltaí poist Gaeilge agus Uimh. 13 feabhas bheag ar chúrsaí ó thaobh na Gaeilge de.

Tá sé soiléir ó na haighneachtaí a cuireadh isteach go bhfuil éileamh ag an bpobal maidir le seirbhísí iomlán trí Ghaeilge a sholáthar do shaoránaigh gan cheist gan choinníoll nuair atá a leithéid á lorg. Ba cheart na seirbhísí céanna a chur ar fáil sna ceantair Ghaeltachta do phobal labhartha na Gaeilge, arís gan cheist gan choinníoll. Ní fheicim go ndéanfaidh an leasú ar Acht na dTeangacha Oifigiúla aon tacú nó aon láidriú ar an gceist sin beag ná mór; seachas sin, is dóigh liom go ndéanfaidh sé lagú ar chúrsaí.

Tá an-amhras orm maidir leis na scéimeanna teanga. D'admhaigh an tAire Stáit ag an bhfo-choiste go bhfuil backlog mór ann ó thaobh na scéimeanna teanga a dhaingniú sa Roinn. Is léir go bhfuil 75% dóibh imithe in éag. Má leanann oifigigh na Roinne ar aghaidh iad a dhaingniú chomh sciobtha is atá siad ag bogadh chun cinn i mbliana - dúradh linn go raibh deich gcinn nó 11 cheann ann ag an am sin - tógfaidh sé 40 bliain dóibh an méid atá ag seasamh amach a thabhairt suas chun dáta.

Bhí an chuid is mó de na haighneachtaí ó thaobh Acht na dTeangacha Oifigiúla a tháinig ó na gnáthdhaoine agus na heagrais phobail ag iarraidh an reachtaíocht a láidriú, ach tá aiféala orm a rá gur a mhalairt a bhí i gceist i gcás na haighneachtaí a tháinig ó leithéidí an Roinn Oideachais agus Scileanna agus an Roinn Post, Fiontar agus Nuálaíochta. Is mór an náire é gur i mBéarla a cuireadh na haighneachtaí sin isteach, in ainneoin gur ag caint faoi Acht na dTeangacha Oifigiúla a bhíomar. Bhí na Ranna Stáit sin ag iarraidh lagú nó cúngú a dhéanamh ar chúrsaí. Sílim gurb é sin bun agus barr na faidhbe, i ndáiríre.

Tá an tAire Stáit fabhrach don Ghaeilge, agus deirtear linn go bhfuil cuid mhaith Airí agus Teachtaí fabhrach don teanga. Ní bhraithim go bhfuil tacaíocht na Ranna Stáit eile aige - beag ná mór - ó thaobh gníomh a dhéanamh ar son na Gaeilge, áfach. Ba mhaith liom sampla a thabhairt mar léiriú ar sin. Sa bhliain 2012, chuir an Roinn atá freagrach as daoine a fhostú le



dul ag obair sa Státseirbhís fógra sna páipéir ag lorg oibrithe le haghaidh na Státseirbhíse. Cé go bhfuilimid ag iarraidh an Ghaeilge a chur chun cinn sa Státseirbhís, bhí an fógra iomlán i mBéarla go huile is go hiomlán.

Bhain an fógra le “temporary contracts for clerical officers” agus iad ag earcú fostaithe don Státseirbhís. Ní raibh tagairt dá laghad ó thaobh na Gaeilge de san fhógra, cé go bhfuil scéim i bhfeidhm ag an Roinn chéanna maidir le daoine a fhostú. Tá sé ráite ag an Rialtas go bhfuil siad ag iarraidh daoine le Gaeilge a thabhairt isteach sa Státseirbhís. Conas a tharlóidh sé sin nuair nach bhfuil Ranna Rialtais fiú ag fógaire i nGaeilge mar ba chóir dóibh a dhéanamh? Níl siad ag lorg daoine le Gaeilge sna hiarratais sin. Sílim go léiríonn sé sin cuid de na deacrachtaí atá againn. Níl tacaíocht na Ranna Stáit éagsúla ag an Aire Stáit.

Bhí cruinniú ar an gCeathrú Rua le déanaí maidir le cúrsaí oideachais Gaeltachta, eagraithe ag dream a bhí ag plé le hEagraíocht na Scoileanna Gaeltachta roimhe seo. Chuir sé iontas orm go raibh duine d’fheidhmeannaigh an Aire Stáit tar éis litir a chur chuig an gcrúinniú sin ag rá nach bhféadfadh sí freastal ar an gcrúinniú. Dúirt an duine seo, atá ag plé go han-ard sa Roinn maidir leis an straitéis 20 bliain don Ghaeilge, ní hamháin nach raibh sí in ann freastal, ach freisin nár bhain cúrsaí oideachais Gaeltachta leis an gcúram a bhí aici. Chuir sé sin an-iontas orm, ós rud é go bhfuil tagairtí do chúrsaí oideachais fite fuaite sa straitéis 20 bliain don Ghaeilge.

Tá an ceart ag an Seanadóir Keane sa mhéid a dúirt sí mar gheall ar na gaelscoileanna. Labhraíonn sí go minic faoi chúrsaí oideachais agus cé chomh maith is atá rudaí ag dul chun cinn. Má tá feidhmeannaigh de chuid an Aire Stáit, nó de chuid na Roinne, ag rá nach mbaineann cúrsaí oideachais Gaeltachta nó cúrsaí gaelscolaíochta lena gcúram, tá fadhb an-mhór againn. Sílim gur admhaigh an tAire Stáit é sin ag an gcrúinniú den fhochoiste ar an straitéis 20 bliain a bhí againn thíos an staighre le déanaí. Dúirt sé go bhfuil an fhreagracht air i leith cúrsaí Gaeilge agus Gaeltachta amháin, agus an méid atá ag tarlú ina Roinn. Ní fhaca sé go raibh freagracht ar bith air maidir leis na Ranna eile. Is ceap magaidh é sin.

Tá an tAire Stáit freagrach as an straitéis 20 bliain, atá fite fuaite leis na Ranna eile. Muna bhfuil an tAire Stáit ag brú agus ag tiomáint na Gaeilge chun cinn lena chuid chomh-Airí, go háirithe i gcomhthéacs cúrsaí oideachais, cúrsaí fostaíochta, cúrsaí leasa shóisialaigh agus cúrsaí sláinte, cé atá chun é a dhéanamh? Tá dreamanna éagsúla sna hearnálacha seo ar fad ag cur seirbhísí ar fáil do phobal na Gaeilge. Tá fáiltí orm nach bhfuil an t-ábhar seo á thiomáint sách láidir ag an Aire Stáit. Tá imní orm nach bhfuil tacaíocht iomlán Rialtais aige, in ainneoin go mbíonn cruinnithe ann agus mar sin de.

Is mór an trua é gur bhain an tAire Stáit maoiniú ó Eagraíocht na Scoileanna Gaeltachta, a bhí ag déanamh fíorobair a bhfuil tábhacht faoi leith ag baint leis. Sílim nach bhfuil tuiscint ag leibhéal an Rialtais maidir leis an difríocht a idir ghaelscolaíocht agus oideachas Gaeltachta. Tá riachtanais bhreise i gceist i gcás duine a bhfuil Gaeilge líofa aige nó aici cheana féin agus atá ag lorg oideachas trí mheán na Gaeilge. Ní hionann a bheith ag múineadh na Gaeilge do fhoghlaimeoir i scoil atá tar éis bheith ag feidhmiú i mBéarla agus oideachas trí mheán na Gaeilge sna hábhair iomláin a chur ar fáil do dhaoine óga a bhfuil an Ghaeilge ar a dtail acu. Tá curaclam breise agus fócas difriúil ag teastáil. Níl an Rialtas ag díriú ar sin.

Tá eagraíochtaí ar nós Tuismitheoirí na Gaeltachta ag déanamh sár-obair ar an talamh maidir le cur chun cinn na Gaeilge i measc an phobail. Níl leath dóthain maoiniú á chur ar fáil dá leithéidí sin. Tá sé fíorthábhachtach go gcuireadh an tAire Stáit breis maoiniú agus breis tacaíochta ar fáil dá leithéidí.

Cá bhfuilimid ag dul, i ndáiríre, leis an rud seo? Tá tagairt déanta ag mo chomhghleacaí, an Seanadóir Ó Domhnaill, do Chomhdháil Náisiúnta na Gaeilge. Tá atheagar á dhéanamh ar na heagrais bunmhaoinithe. Ní bheidh fágtha ach sé eagraíocht bunmhaoinithe as an 19 eagraíocht atá ann faoi láthair. Tá ceist faoi leith ann maidir le Comhdháil Náisiúnta na Gaeilge, atá luaite cheana féin. De réir mar is cosúil, tá an eagraíocht sin le scor. An bhfuil an tAire Stáit in ann a dheimhniú go n-íocfar iomarcaíocht reachtúil leo siúd ar fad a chaillfidh a bpoist de bharr cur i bhfeidhm an múnla nua maoinithe? Muna bhfuil na hacmhainní cuí ag na heagrais chun na híocaíochtaí sin a dhéanamh, an gcinnteoidh an tAire Stáit go dtacóidh Foras na Gaeilge leis na híocaíochtaí iomarcaíochta sin?

Cén fáth a bhfuil deireadh á chur le seirbhísí nuachta agus eolais *gaelport.com* nuair nach bhfuil aon chinneadh déanta maidir le céard a thiocfaidh i gcomharbacht air? Dar le Comhdháil Náisiúnta na Gaeilge, tá an-rath ag baint le seirbhísí *gaelport.com*. Caithfidh mé a rá go bhfuil go leor daoine á n-úsáid. Tá an t-éileamh ar an tseirbhís ag dul ó neart go neart. Faigheann an láithreán gréasáin sin breis is 1 milliún amas sa bhliain. Tá 7,000 síntiúsóir cláraithe dá ríomhírisí. Is iomaí duais agus gradam atá bainte amach ag *gaelport.com* le blianta.

Is léir, dá bhrí sin, leis an atheagar ar fad atá á dhéanamh, go bhfuilimid ag cailliúint cuid de na rudaí is luachmhaire atá againn. Nílím muiníneach go bhfuil an tAire Stáit ag brú na Gaeilge ar aghaidh sách láidir. Níl muinín agam as an straitéis 20 bliain don teanga. Bainfidh ó chéile é nuair a bheidh sé á phlé againn thíos ag an bhfochoiste. Sílim go bhfuil athmhachnamh iomlán á dhéanamh ar cá bhfuilimid ag dul ó thaobh na Gaeilge agus na Gaeltachta de. Tá súil agam go mbeidh an tAire Stáit in ann díriú in athuair i bhfad níos díograisí agus níos láidre ar chur chun cinn na Gaeilge. Ba cheart dúinn éirí as an gcur i gcéill, mar a thug Seán Ó Cuirreáin air agus é ag éirí as, maidir le cúrsaí Gaeilge agus Gaeltachta.

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Ba mhaith liom buíochas a ghabháil leis na Seanadóirí a ghlac páirt agus a léirigh a gcuid tuairimí le linn na díospóireachta seo ar an straitéis 20 bliain don Ghaeilge. Níl amhras ar bith ach go raibh díospóireacht an-bhríomhar agus an-tairbheach againn. Díreoidh mé ar dtús ar roinnt de na pointí suntasacha a ardaíodh lena linn, agus ina dhiaidh sin déarfadh mé cúpla focal faoin athbhreithniú ar Acht na dTeangacha Oifigiúla 2003, a foilsíodh an tseachtain seo caite.

Luaigh an Seanadóir Ó Murchú agus an Seanadóir Moran na deacrachtaí a bhíonn ag daoine a dteastaíonn uathu a gcuid gnó a dhéanamh leis an Stát trí Ghaeilge. Cé go mbíonn deacrachtaí ann, ní miste a aithint go bhfuil an Státchóras ag déanamh a dhíchill chun seirbhísí i nGaeilge a sholáthar don phobal. Tá céimeanna éagsúla idir lámha chun cumas an Státchórais a fheabhsú sa réimse seo. Mar shampla, tá comhaontú seirbhíse sínithe ag mo Roinn leis an Roinn Caiteachais Phoiblí agus Athchóirithe chun oiliúint sa Ghaeilge agus tástáil inniúlachta a sholáthar don Státseirbhís. Is é aidhm an chomhaontaithe seo ná tacú le Státseirbhísigh chun a gcuid inniúlachta sa Ghaeilge a fhorbairt agus cur le cumas na Státseirbhíse maidir le seirbhísí i nGaeilge a chur ar fáil don phobal. Tá an comhaontú seo tábhachtach i gcomhthéacs Acht na dTeangacha Oifigiúla 2003 agus an straitéis 20 bliain.

Is fiú a nótáil chomh maith, mar a dúirt mé ag tús na díospóireachta, gur thóg an Rialtas cinneadh i mí Dheireadh Fómhair 2013 go gcaithfidh Ranna Rialtais sainaitheant a dhéanamh ar phoist agus ar réimsí oibre ina dteastaíonn oifigigh le Gaeilge mar chuid den phróiseas pleanála don fhórsa oibre sa Státseirbhís. Beidh an próiseas seo lárnach chun a chinntiú go ndéanfar foráil dhóthanach i gcomórtas earcaíochta amach anseo do cheapacháin i bpoist ina dteastaíonn

oifigigh le Gaeilge. Ina theannta sin, sonrófar na poist sin ina dteastaíonn Gaeilge sna scéimeanna teanga faoi Acht na dTeangacha Oifigiúla 2003 amach anseo.

Luaigh an Seanadóir Uí Mhóráin an gá a chonaic sí leis an scéim nua Gaeltachta - an scéim seirbhísí réamhscoile agus iarscoile, a d'fhógair mé sa Teach seo ar an 12 Márta - a leathnú amach don chuid eile den tír. Is é aidhm na scéime ná tacú le teaghlaigh Ghaeltachta chun a bpáistí a thógáil le Gaeilge. Ní miste a nótáil go bhfuil scéimeanna éagsúla á reáchtáil ag Foras na Gaeilge ar bhonn uile-oileáin chun tacaíocht a thabhairt do theaghlaigh atá ag tógáil a bpáistí le Gaeilge taobh amuigh den Ghaeltacht. Faoin chóras nua maoinithe atá á chur i bhfeidhm ag Foras na Gaeilge faoi láthair, tá mé ag súil go mbeidh freastal níos fearr ná riamh á dhéanamh ar an bpobal ag na heagraíochtaí ceannais atá roghnaithe chun tosaíochtaí straitéiseacha a sheachadadh ó cheann ceann na tíre.

D'ardaigh an Seanadóir Mac Conghail dhá cheist an lá faoi dheireadh, ceann amháin faoi chóras monatóireachta don straitéis 20 bliain don Ghaeilge agus ceann eile faoin choiste chomhairleach faoin straitéis. Is ar mo Roinn atá an fhreagracht uileghabhálach an straitéis a chomhordú agus a chur i bhfeidhm i gcomhar le réimse mór páirtithe leasmhara. Déanann mo Roinn monatóireacht leanúnach ar chur i bhfeidhm na straitéise i gcomhpháirtíocht leis na páirtithe leasmhara sin. Tá an coiste comhairleach bunaithe agam i gcomhthéacs an róil chomhordaithe atá ag mo Roinn maidir le cur i bhfeidhm na straitéise. Bhí an chéad chruinniú den choiste comhairleach, atá ag feidhmiú faoi mo chathaoirleacht, ar an 2 Aibreán. Táim ag súil go dtabharfaidh bunú an choiste chomhairligh deis do na heagraíochtaí ábhartha Gaeilge agus Gaeltachta plé a dhéanamh le mo Roinn maidir leis an dóigh is fearr chun an straitéis agus an próiseas pleanála teanga a chur i bhfeidhm. Tá mé ag súil chomh maith go gcothóidh an coiste comhairleach comhoibriú agus comhthuiscint níos fearr idir na páirtithe éagsúla, i dtaca leis an straitéis agus próiseas pleanála teanga.

Ba mhaith liom díriú ar chinneadh an Rialtais an tseachtain seo caite an t-athbhreithniú ar Acht na dTeangacha Oifigiúla 2003 a fhoilsiú agus Bille dar teideal Bille na dteangacha oifigiúla (leasú) 2014 a dhréachtú chun leasú a dhéanamh ar an Acht. Eascraíonn an cinneadh seo as an ghealltanas a tugadh i gclár an Rialtais go ndéanfaí athbhreithniú ar an reachtaíocht chun a chinntiú go mbainfear an leas is fearr as caiteachas ar an teanga chun í a fhorbairt agus chun a chinntiú go bhforchuirtear dualgas go cuí de réir éilimh ó shaoránaigh. Is í an phríomhaidhm atá ag an Bhille ná an tAcht teanga a leasú chun a chinntiú go leanfaidh sé de bheith ina thacaíocht éifeachtach do gach duine ar mian leis nó léi seirbhísí d'ardchaighdeán i nGaeilge a bhaint amach. Tá Acht na dTeangacha Oifigiúla an-tábhachtach do phobal na Gaeilge agus na Gaeltachta. Tá sé tráthúil go ndéanfaí leasuithe cuí air tar éis dó a bheith i bhfeidhm le os cionn deich mbliana.

Fáiltím chomh maith roimh chinneadh an Rialtais nach bhfuil sé i gceist Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman. Tar éis tuilleadh breithniú a dhéanamh ar an chónascadh a bhí beartaithe, agus ag tógáil san áireamh torthaí an phróisis chomhairliúcháin phoiblí a léirigh tacaíocht láidir d'Oifig an Choimisinéara Teanga a choinneáil mar oifig iomlán neamhspleách, tá cinneadh déanta ag an Rialtas gan dul ar aghaidh leis an chónascadh a bhí beartaithe. Tuigtear dom go bhfuil fáilte curtha ag an gCoimisinéir Teanga, Rónán Ó Domhnaill, roimh chinneadh an Rialtais ar an mbonn gur cinneadh ciallmhar praiticiúil atá ann, dar leis, a chosnaíonn neamhspleáchas Oifig an Choimisinéara Teanga.

Ba mhaith liom díriú sna nóiméid atá fágtha agam ar phríomh-fhorálacha Bille na dteangacha oifigiúla (leasú) 2014. Fanfaidh an riachtanas doiciméid shonraithe a bhfuil tábhacht leo,

ar nós tuarascálacha bliantúla, cuntais iniúchta agus ráitis straitéise, a fhoilsiú go dátheangach, ach beidh solúbthacht ann maidir le doiciméid ina bhfuil tograí beartais phoiblí a chur ar fáil sa dá theanga oifigiúla. Méadófar tréimhse na scéimeanna teanga ó trí bliana go seacht mbliana. Tabharfaidh sé seo deis níos fearr do chomhlachtaí poiblí a gcuid tosaíochtaí a aithint agus a eagrú chun feabhas a chur de réir a chéile ar sheirbhísí trí Ghaeilge a sholáthar don phobal. Ina theannta sin, sonrófar i scéimeanna teanga na poist ina bhfuil gá le hinniúlacht sa Ghaeilge. Táthar ag beartú foráil nua faoin Acht Teanga a chiallóidh gur féidir le daoine an leagan Gaeilge nó Béarla dá n-ainmneacha agus dá seoltaí a úsáid, cibé acu is mian leo, agus iad i mbun cumarsáide le comhlachtaí poiblí.

Táthar ag beartú foráil ghinearálta a thabhairt isteach chun comhlachtaí poiblí a thabhairt faoi Acht na dTeangacha Oifigiúla 2003 in áit an chórais atá ann faoi láthair faoina gcaitear sceideal na gcomhlachtaí poiblí faoin Acht a nuashonrú de réir mar a athraíonn stádas na gcomhlachtaí poiblí. Táthar ag beartú fáil réidh leis an tagairt don Choimisiún Logainmneacha san Acht Teanga. Tá an leasú seo riachtanach i bhfianaise chinneadh an Rialtais deireadh a chur leis an gcoimisiún faoin phlean um athchóiriú na seirbhíse poiblí. Tá coiste saineolaithe, a oibríonn ar bhonn *pro bono* agus atá ceaptha ar bhonn riaracháin, curtha in áit an choimisiúin cheana féin. Tá cinn an Bhille curtha faoi bhráid an Chomhchoiste um Chomhshaol, Chultúr agus an Ghaeltacht i gcomhréir le polasaí an Rialtais. Tá mé ag súil leis an bplé a bheidh ar bun i dTithe an Oireachtais agus an Bille seo ag dul tríd an phróiseas reachtaíochta. Rinne an Rialtas cinneadh chomh maith an tseachtain seo caite roinnt tionscnamh polasaí a fhorbairt ar mhaithe le seirbhísí i nGaeilge ón Stát a fheabhsú. Déanfaidh mé cur síos ar na príomhchinn acu sin. Tá sé i gceist bearta réamhghníomhacha a thionscnamh chun an cohórt de dhátheangaigh fheidhmiúla sa Státseirbhís a mhéadú thar thréimhse ama. Cuimsíonn na bearta seo gnóthaí earcaíochta agus oiliúna. Tá réamhobair ar bun ag mo Roinn cheana féin chun seirbhís chomhroinnte aistriúcháin a bhunú chun freastal ar riachtanais Ranna agus oifigí Rialtais. Tá sé mar phlean deasc lárnach um sheirbhís do chustaiméirí a bhunú chun soláthar feabhsaithe seirbhísí i nGaeilge a chinntiú don phobal. Tá réamhobair ar bun ag mo Roinn chuige seo chomh maith.

Tá sé i gceist ag an Rialtas a chinntiú go bhfuil an Ghaeilge á húsáid go barréifeachtach ar chomharthaí tráchta bóthair. Tá obair ar bun ag an Roinn Iompair, Turasóireachta agus Spóirt chuige seo. Táimid chun a chinntiú go n-úsáidtear an Ghaeilge in ainmneacha comhlachtaí nua poiblí atá á mbunú, cosúil le hUisce Éireann. Beidh oifigigh mo Roinne ag obair as lámha a chéile leis na páirtithe leasmhara ábhartha sna míonna amach romhainn chun na tionscnaimh seo a chur i gcrích. Níl amhras ar bith ach go bhfuil feabhas tagtha ar sholáthar sheirbhísí an Stáit do phobal labhartha na Gaeilge mar gheall ar Acht na dTeangacha Oifigiúla. Is í an aidhm atá leis an reachtaíocht nua, agus leis na tionscnaimh nua polasaí, ná leanúint ag tógáil ar an dúshraith mhaith atá leagtha síos le breis agus deich mbliana anuas.

Ba mhaith liom tagairt do chuid de na pointí a rinneadh anseo tráthnóna. D'ardaigh an Seanadóir Ó Domhnaill ceist aistriúcháin na mBillí. Is fíor nach gcuirtear gach Bille ar fáil i nGaeilge agus i mBéarla ag an am céanna. Foilsíodh na Billí a raibh baint dhíreach agam leo - Bille na Gaeltachta 2012 agus an Bille um Choimisiún Thithe an Oireachtais (Leasú) 2012 - go hiomlán i nGaeilge. Aontaím leis an Seanadóir gur féidir feabhas a chur ar an ábhar seo. Luaigh an Seanadóir an straitéis 20 bliain fosta. Mar a dúirt an Seanadóir Ó Clochartaigh, beidh an straitéis á plé againn ag an bhfochoiste.

Aithním go bhfuil obair mhór déanta ag Comhdháil Náisiúnta na Gaeilge le blianta fada. Bhí aithne agus eolas agam ar obair na comhdhála i gcónaí. Thug mé cuairt orthu go minic i Sráid na bhFíiníní, sular aistrigh siad go dtí Sráid Chill Dara, nuair a bhíodh an t-uisce ag teacht

isteach fríd an díon orthu. Ar ndóigh, is cinneadh de chuid Fhoras na Gaeilge atá i gceist anseo. Tá sé bunaithe ar an gcinneadh a rinne an Chomhairle Aireachta Thuaidh-Theas sé cinn as an 19 eagraíocht a bhí sa tír a roghnú mar eagraíochtaí ceannais. Ar ndóigh, ní bheidh Comhdháil Náisiúnta na Gaeilge mar cheann de na heagraíochtaí sin. Tá lúcháir orm go bhfuil ionadaíocht ag Comhdháil Náisiúnta na Gaeilge ar an gcoiste comhairleach a chur mé le chéile seachtain ó shin. Bhí ionadaí ón gcomhdháil ag an gcéad chruinniú.

Tá na scéimeanna teanga ag dul ar aghaidh. Tá méadú curtha ar oifig na scéimeanna teanga. Is dul chun cinn é go mbeidh an oifig lonnaithe in aon áit amháin anois. Sílim go bhfuil oifig bhreise ceaptha le déileáil le scéimeanna breise. Tá níos mó acu ag teacht amach anois ná mar a bhí le roinnt blianta anuas. Tá go leor oibre le déanamh. Tá foireann iomlán ar láthair amháin ag plé leis na scéimeanna anois. Léiríonn sé sin go dtuigeann muid an gá atá leo. Ba cheart dúinn iad a fhoilsiú chomh maith agus is féidir. Ba mhaith liom buíochas a ghabháil arís le gach duine a labhair.

**Senator Trevor Ó Clochartaigh:** Chuir mé ceist faoi chúrsaí iomarcaíochta na hoibrithe i gComhdháil Náisiúnta na Gaeilge

**Deputy Dinny McGinley:** Ar ndóigh, beidh an cheist sin á plé ag Foras na Gaeilge agus ag na heagraíochtaí ceannais. Tá mé cinnte go gcloífadh siad leis na dlíthe a bhaineann le cúrsaí iomarcaíochta, más rud é go n-éiríonn ceist iomarcaíochta sa socrú atá déanta.

**Senator Trevor Ó Clochartaigh:** An bhfuil aon rud le rá ag an Aire Stáit faoin suíomh gréasáin gaelport.com, atá le himeacht de bharr na socrúithe atá déanta?

**Deputy Dinny McGinley:** Is dócha nach bhfuil aon fáth nach bhféadfadh sé sin dul ar aghaidh. Tá oifigí ansin go fóill. D'fhéadfadh sé dul ar aghaidh ar bhonn deonach. Tá mé cinnte go mbeidh na heagraíochtaí ceannais ag amharc sa phlé a bheidh ar siúl acu ar na féidearthachtaí atá ann leanúint le seirbhís mar sin.

**Senator Trevor Ó Clochartaigh:** Labhair mé freisin mar gheall ar fhógra i mBéarla a chuir an Státseirbhís amach.

**Deputy Dinny McGinley:** Ní fhaca mé an fógra sin. Aontaím leis an Seanadóir gur chóir go mbeadh a leithéid d'fhógraí dátheangach. Is dócha go mbeidh fógra ag dul amach san am amach romhainn ag cuardach oifigigh feidhmiúcháin sa tseirbhís phoiblí agus go mbeidh painéal curtha le chéile de dhaoine a bhfuil inniúlacht agus cumas Gaeilge acu. Nuair a bheidh na folúntais sin á bhfógairt, tá mé cinnte go mbeidh an fógra dátheangach.

**Senator Trevor Ó Clochartaigh:** An bhfuil an tAire Stáit sásta go mbeidh daoine le Gaeilge á lorg?

**An Cathaoirleach:** There is no provision for questions at the end of the debate. When is it proposed to sit again?

**Acting Chairman (Senator Cáit Keane):** Maidin amárach ag a leathuair tar éis a deich.

## **Adjournment Matters**



09 April 2014

## Medical Card Eligibility

**An Cathaoirleach:** I welcome the Minister of State at the Department of Health, Deputy Alex White, to the House. I call on Senator D'Arcy who has four minutes.

**Senator Michael D'Arcy:** The Minister of State is very welcome. Many of us who do our day-to-day work in constituency offices receive queries concerning medical cards. One area of continuing confusion is the notional rate of interest that is applied to applicants' savings. I am referring to the full medical card. When I tried to discover how the rate is applied, I found the situation was confused. The Department and the HSE did not seem to know themselves. I was given a number of different rates and was also told there was no rate.

I have tabled this Adjournment matter in order to clarify the matter. I hope the Minister of State can explain how the nominal interest rate is calculated by the HSE on savings as part of the means test for medical card applicants. The net rate for couples is very low, so I would like to hear what the Minister of State has to say about the matter.

**Minister of State at the Department of Health (Deputy Alex White):** I thank Senator Michael D'Arcy for raising this issue. For the record, we are agreed that the text of this Adjournment debate matter should read "notional" rate as opposed to "nominal" rate.

As the Senator will be aware, medical cards are provided to persons who, under the provisions of the Health Act 1970, as amended, are in the opinion of the Health Service Executive unable without undue hardship, having regard to their overall financial situation, to arrange GP services for themselves and their dependants. The assessment for a medical card is, therefore, determined primarily by reference to the means, including the income and expenditure, of the applicant and his or her partner and dependants.

The notional interest rate to which the Senator refers, is only relevant to the supplementary assessment process for medical cards for persons aged 70 and over, where means testing is on a gross income basis. The gross income qualifying limits under this scheme are €500 per week for a single person and €900 per week for a couple. For the purposes of assessment for this medical card, savings or similar investments of €36,000 for a single person or €72,000 for a couple are disregarded. For amounts in excess of these limits a notional rate of interest is applied to the savings to determine the amount to be taken into account as income for assessment purposes.

The notional rate is set by the HSE on a quarterly basis by taking an average of the current deposit interest rates of a number of the major Irish banks and building societies on 1 January, 1 April, 1 July and 1 October. The notional rate is 2.3 % with effect from 1 January 2014, having been reduced from a previous 3%. It is therefore the average of the current deposit interest rates, which is determined by taking four different readings throughout the year and then determining the average.

Alternatively, a medical card applicant may opt to have the actual income in interest received from the financial institution applied for the purpose of means assessment. In those circumstances, the applicant must provide a certificate of interest paid on savings in the last full calendar year.

*5 o'clock*

In respect of fixed-term or long-term savings products in respect of which interest is applied following a fixed period - and if the applicant so wishes - the HSE can take account of the interest earned in the year of maturity of the investment or apply the notional rate to determine the income. Interest on savings or investments that are the proceeds of certain State compensation or redress schemes are exempt from assessment of means for medical card-GP visit card eligibility. Therefore, only the interest or income earned on savings and similar investments above a certain value will be counted as income and not the total values of the savings or investments themselves.

**Senator Michael D’Arcy:** In light of what the Minister of State is saying, I presume the notional figure will change again on 1 January 2015. While people will receive certificate of interests, I am of the view that deposit interest retention tax, DIRT, which is charged at a rate of 41%, is going to have to be taken into consideration in the context of the calculation of interest. For a single person, interest is earned at a rate of 2.3% on all moneys additional to the first €36,000, while the figure which applies in this regard for a couple is €72,000.

In my opinion, the rate of 2.3% should be reduced by the amount of DIRT paid in order that actual amount of money any couple or individual have can be calculated. The calculation relating to the notional rate of 2.3% is fair and reasonable. However, I ask the Minister to State to consider reducing this by the amount of DIRT paid, which is charged at a rate of 41%. The final amount involved is, after all, that which remains when the latter has been paid, not that which obtains when the 2.3% rate has been applied. I ask the Minister of State to bring my view on this matter to the attention of the HSE and the relevant policymakers in order that they might be considered. While people are nominally benefitting from a rate of 2.3%, their savings, etc., are being automatically reduced by 41%.

**Deputy Alex White:** I understand the point the Deputy is making. Deposit interest retention tax or DIRT applies right across the board and not just to the individuals affected in this instance. However, I will certainly take into account the Senator’s observations. If he wishes to write to me separately, I will ensure that he receives a response. I will certainly communicate his views through the system.

### **Harbours and Piers Development**

**Senator Trevor Ó Clochartaigh:** Cuirim fáilte roimh an Aire Stáit. I am very grateful to him for coming before the House to take this matter, which relates to Ros a’Mhíl harbour in Connemara.

In 1999 HGL O’Connor & Co. carried out a feasibility study for deep water jetty at Ros a’ Mhíl for Roinn na Gaeltachta. In 2000 the then Department of the Marine and Natural Resources commissioned O’Hare & Associates to assess the viability of the development of a deep water pier in Ros a’ Mhíl. This report justified the development on safety and economic grounds and recommended that there be two separate developments, the first of which related to the provision of a dedicated ferry berth and the second to the construction of a deep-water pier, 200 m in length and with minimum depth of 8 m. Mott McDonald EPO Limited produced design and costings for the development at that time and estimated that the overall cost would be £21 million. In November 2000, the then Minister for the Marine and Natural Resources announced the provision of £14.8 investment for Ros a’ Mhíl Harbour under the national development plan, NDP. In December of that year some £7 million was allocated to Ros a’ Mhíl

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under the budget for 2001. To date, some €6 million has been spent on the project. Planning permission has been obtained for the further development of the deep-water berth and all necessary statutory permits are in place. The only requirements necessary for this project to proceed are funding and support from the Government.

The development to which I refer is needed because Ros a' Mhíl is a major fishery harbour centre and it is situated closest to the most productive fishing grounds in western Europe. Landings of fish have declined in recent years as the new generation of vessels produced under the whitefish fleet renewal scheme require greater depth and cannot access the pier on a 24-hour basis. Fishing boats over 100 ft. in length have been prohibited from entering the harbour due to a lack of deep-water berthage. Unless deep-water facilities are provided at Ros a' Mhíl this declining trend in fish landings will continue.

From a tourism perspective, Ros a' Mhíl is the main port of access to the Aran Islands, with an excess of 350,000 passenger movements per annum. It is the fourth largest port in the country in the context of passenger movements. Given that a ferry company is operating out of the harbour, this makes it a very important tourism hub. We are delighted by the fact that pontoons have been put in place in the harbour to facilitate the ferry services.

In the context of the commercial aspect, Coiste Pobail Ros a' Mhíl has surveyed 50 national and international companies operating in the area. All the companies which responded stated that the development of a deep-water harbour at Ros a' Mhíl would allow them to expand their operations and create additional employment. The development of a deep-water harbour would give rise to a domino effect, encourage the growth of entrepreneurial ventures in the region and create a new gateway into the west of Ireland. Marine transport is the most cost-efficient method of bulk transport. A deep-water pier would facilitate the development of industries in the Border, midlands and west, BMW, area which produce bulk cargos. This method of transport dramatically reduces the number of heavy goods vehicles on the roads. A deep-water pier would also be ideal in the context of servicing other industries in the region.

From a services perspective, the development of Ros a' Mhíl would create employment in related service industries, such as transport, engineering, hotels, restaurants, etc. In addition, a deep-water facility would provide a safe and accessible harbour for State services operating off the west coast.

Ros a' Mhíl is a safe, sheltered, natural harbour located 24 miles west of Galway city. Most of the land in the harbour area is State owned and designated for industrial development. The road infrastructure could be improved if the outer ring road is upgraded. The project relating to Ros a' Mhíl has been actively supported by a number of Government Departments. Where does the Minister for Agriculture, Food and the Marine currently stand in the context of the development of Ros a' Mhíl as a port, particularly in the context of the putting in place of a deep-water berth there? If the harbour is developed, this will ensure the best possible use of facilities in the west and will give rise to the creation of much badly-need employment. The western region has been badly affected by the emigration that has resulted from the economic downturn. I look forward to the Minister of State's reply, which he will deliver on behalf of the Minister for Agriculture, Food and the Marine.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):** I am taking this matter on behalf of the Minister for Agriculture, Food and the Marine, Deputy Coveney, who is unable to be present.

The harbour at Ros a' Mhíl is one of the six designated fishery harbour centres which are owned, managed and maintained by the Department. Funding is made available on an annual basis by the Department to the fishery harbour centres, including Ros a' Mhíl, via the fishery harbour and coastal infrastructure capital development programme. Ros a' Mhíl Harbour consists of the well-sheltered Cashla Bay, within which lies the inner harbour area. The bay is strategically located at the northern approaches to Galway Bay. It was designated as a fishery harbour centre in 1981. A phased programme for the infrastructural development of Ros a' Mhíl fishery harbour centre has been progressed in recent years. Over €22 million was invested in capital developments at Ros a' Mhíl fishery harbour centre between 2002 and 2013. This level of investment is a significant commitment to the harbour and has facilitated the manufacture and installation of modern ferry pontoons, dredging works and the provision of a small craft harbour. A state-of-the-art embarkation point for residents and visitors to the Aran Islands is now in place and this enhances the services provided to and the safety of all Ros a' Mhíl fishery harbour centre uses. This is a major contribution to local tourism, with an estimated 500,000 passengers having used the ferry since 2011.

As part of the 2014 capital programme, the Minister, Deputy Coveney, has approved total funding of €329,000 for harbour maintenance and development at Ros a' Mhíl. Specifically, he approved €133,000 for the design and planning of a new slipway in Ros a' Mhíl Harbour. The latter will allow for greater use of the harbour by small craft, the existing fishing fleet and aquaculture operators. Subject to available finances, the development will be completed in stages. The final cost is expected to be in the region of €2.5 million. Additionally, the Minister has allocated €31,000 as part of the 2014 capital programme to fund the design and planning of phase 2 of the small craft harbour which will further benefit and service the ever-increasing marine tourism and leisure activities on the west coast.

Proposals for the deep water quay at Ros a' Mhíl have been mooted for some time and planning permission was sought and obtained. Due to budgetary constraints, the project has not yet progressed. Most recently, an economic survey on Ros a' Mhíl has been undertaken by Bord Iascaigh Mhara with a view to informing further strategic development of the seafood sector in the area. It is expected that this will be published in the near future. Any future decision regarding the provision of a deep water quay at Ros a' Mhíl fishery harbour centre will be informed by sound economic considerations, competing priorities and the availability of Exchequer funding.

On a broader note, the Department of Agriculture, Food and the Marine also funds local authority projects for the development of piers, harbours and slipways in local authority ownership in addition to separate funding for selected marine and other leisure projects. In 2013, €450,000 was spent on four Galway County Council owned harbours. The Minister has also allocated €3 million in 2014 for such programmes nationally. His expectation is to seek applications from Galway County Council for appropriate projects in the coming weeks. On 20 March this year, the Minister announced €8.5 million in funding for a programme to repair publicly owned piers, harbours and slipways damaged by the winter storms. This is a once-off measure as part of the Government's overall response to the damage inflicted on our national piers and harbours infrastructure this winter. In particular, €7 million has been allocated to 11 coastal local authorities in respect of 111 projects. In this context, the Minister has approved funding of €2 million for Galway County Council to repair 15 piers and harbours around the county's coastline.

**Senator Trevor Ó Clochartaigh:** I thank the Minister of State for his reply. I am glad Ros a' Mhíl is still on the agenda, but the economic case has to be proven. A great deal of

documentation has been sent to the Minister on that. I will talk to local people who are on the committee to put the material back on the Minister's desk. Will the Minister of State indicate to the Minister, Deputy Coveney, that the potential to open up the land bank around Ros a' Mhíl and create a ripple effect for jobs on the west coast is completely dependent on the development of the deep water berth? It is essential that the Minister places the matter higher up the list of priorities as it is not just about the pier itself or a storm damage scenario but also an investment in the future that will create jobs and employment. The multiplier effect for the west in general would be very great.

**Deputy John Perry:** As the embarkation point for 500,000 visitors to the Aran Islands, it is very much welcome that development aid provides for a dedicated ferry berth with a water depth of 3 m. Also included in this portion was provision for a limited amount of dredging in the inner harbour area and navigation channel, which has been completed. As the Minister said, a great deal of money has been spent to date. BIM is carrying out due diligence on the aquaculture potential of the area. I have no doubt that when that is on the Minister's desk, there will be a debate in the Seanad on how best to progress matters.

### **Homeless Accommodation Provision**

**Senator Mary Moran:** I thank the Minister of State, Deputy Jan O'Sullivan, for taking this matter. I raise the case of a young family, and this case is relevant to the broader question of housing. The family has been struggling to find suitable rented accommodation in Dundalk where a landlord will accept rent allowance. They have been having this problem for a number of months. I have been in contact with the family daily as they have recorded the difficulty they have experienced in finding accommodation. The family has only been on the housing list in recent months on foot of various factors and therefore cannot be assisted by Louth County Council as the father was in employment until December. The problem has escalated since then.

Currently, the family has €374 coming in. The family knew this was coming up and has been preparing and searching. The mother has put an advertisement on *daft.ie* seeking a response but has had no success. The family members met the homelessness officer in our area to discuss their situation as they were nearing the time when they knew they would have to move out of their rented accommodation. I was shocked to hear that they were told the mother would be put into one hostel and the father into another while the children would be taken into care. That was confirmed again for me today. This is just pushing a problem from one agency to another. Something must be done to make rent allowance more acceptable to landlords. The only solution that has been presented to the family is clearly a drastic one.

The family has become homeless in recent days and now faces the threat of their children being taken into foster care. That is not the intended use of foster care. These are excellent parents and want to continue to be. It is very sad that a family should have to be split up over something that is out of their control. The mother is recovering from recent and extensive surgery and needs accommodation that is conducive to meeting her medical needs. A hostel would not be appropriate.

While I hate to use the word "crisis", there is a housing crisis, not only in County Louth but nationally. There are people in serious circumstances, both financial and medical, who are waiting year after year for accommodation. The Minister of State is well aware of the housing



issues and I commend her on the work she has done. I ask that she look into this sad and unfortunate case as well as the general situation to see if there is something that can be done to help people relying on rent allowance to find accommodation.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** I thank the Senator for raising the issue. It is always very difficult when one meets a family in circumstances such as those outlined. There are a variety of complex reasons people become homeless. It is challenging to find solutions to every individual's problems. Certainly, loss of employment, to which the Senator referred, is often the trigger, combined with the current general decline in the supply of available, accessible and affordable rentals.

Increasing both public and private housing supply is a critical issue for the Government. I have published a homelessness policy statement outlining a housing-led approach, which is about avoiding people going to hostels and ensuring they go into homes where they can receive support when that is needed. I have established a homelessness oversight group, which has submitted its first report to me. The report considers the lack of social housing for homeless households and those interested can access it on my Department's website.

We also established a high level homeless policy implementation team and its job is to implement the oversight group's report and to bring forward a structured, practical plan to make the transition from a shelter-led response to a sustainable housing-led response to homelessness and to achieve the 2016 goals for homelessness. The team will report on this plan to the Cabinet Committee on Social Policy later this month and I will report directly to the Cabinet on the issue.

Significant moneys are provided for homelessness services and for the new provision of new homes. I expect that approximately 5,000 social housing units will be provided this year. Large numbers of people are on housing waiting lists and I am committed to developing innovative and sustainable approaches to the provision of social housing. I would like to increase the supply of new social homes and to ensure every available appropriate unit is transformed into a home as quickly as is reasonably possible. We will provide funding for void or empty local authority houses in the next few weeks, which will bring some houses back into use.

The purpose of this Department of Social Protection-led rent supplement scheme is to provide short-term income support to assist with reasonable accommodation costs of eligible people living in private rented accommodation. Currently, there are approximately 78,000 rent supplement recipients for whom the Government will provide more than €344 million in 2014. My Department understands 2,400 rent supplement recipients reside in County Louth with 1,100 in Dundalk. This is what I have been told but I acknowledge the Senator is on the ground. A significant number of landlords, therefore, accommodate applicants on the scheme. The analysis suggests properties are available in County Louth and Dundalk within the current maximum rent supplement limits but I understand that may not be appropriate for the size of family to which the Senator refers and that every case is unique. The Minister for Social Protection and I are moving towards introducing the housing assistance payment, HAP, which will transfer responsibility for long-term rent supplement recipients to local authorities. This will make it easier to find appropriate accommodation for people. I appreciate the Senator has an urgent case on her hands and it is distressing for the family concerned.

Homelessness is a major problem in the Dublin area and a co-operative system has been set

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up among the local authorities and community welfare officers from the Department of Social Protection to intervene where families, in particular, are in danger of homelessness and to address the issues they face. Louth County Council is the lead authority in the north east homeless region and the Senator said the family approached the homeless unit. However, we have not cut the funding for homelessness this year and we have given the same amount to each region. I appreciate the family is stuck in this position and if there is any way I can provide advice, I will but, in general, we are trying to move towards a system that is more concentrated on ensuring families do not become homeless and to intervene as early as possible.

**Senator Mary Moran:** I thank the Minister of State. I was shocked by the solution offered to the family. I am glad that measures are being taken but, unfortunately, they will do nothing to alleviate the problem faced by this family. I would have hoped this would have been addressed before the problem arose, which is why I encouraged them to speak to the homelessness officer weeks before they knew they would have to leave their house and, therefore, I would appreciate any advice the Minister of State might have on any other avenue or assistance that can be explored. I have spoken to Louth County Council officials who have stated the number of houses and landlords with property available in Dundalk but, unfortunately, the family has had a major problem sourcing accommodation under the rent supplement scheme. This is why they had to leave the house they were in.

I commend the Minister of State's initiative to reduce the number of vacant houses. That will be particularly welcome in Dundalk and other towns in which there are such houses, as they can now be provided for people.

**Deputy Jan O'Sullivan:** I am determined to make sure there are no vacant houses in areas where people need homes. We need to match people with the houses. There are specific issues relating to the increase in rents which this family has been caught up in. I will be happy to advise the Senator in this regard following the Adjournment.

The Seanad adjourned at 5.25 p.m. until 10.30 a.m. on Thursday, 10 April 2014.