



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 24 Meán Fómhair 2014

Wednesday, 24 September 2014

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Cathaoirleach: I have received notice from Senator Martin Conway that, on the motion for the Adjournment today, he proposes to raise the following matter:

The need for the Minister for the Environment, Community and Local Government to intervene in a case (details supplied) regarding an exemption from motor tax for a refuse vehicle used in a private facility.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

Ag iarraidh ar an tAire Ealaíon, Oidhreachta agus Gaeltachta go n-iarrfadh sí gó hoifigiúil deireadh a chur leis an maolú ar stádas na Gaeilge mar theanga oifigiúil den Aontas Eorpach.

I have also received notice from Senator Jim D'Arcy of the following matter:

Ag iarraidh ar an tAire Ealaíon, Oidhreachta agus Gaeltachta an bhfuil aon plean le liúntas a thabhairt do na mná nó fir tithe maidir leis na coláistí samhraidh agus na coláistí oiliúna mar gheall ar na táillí uisce agus má tá, an méid atá i gceist mar liúntas.

I have also received notice from Senator Terry Brennan of the following matter:

The need for the Minister of State at the Department of Finance with responsibility for the Office of Public Works to confirm when restoration works at King John's Castle, Carlingford, County Louth will recommence in view of the long delay in completing this very important tourism project.

I regard the matters raised by Senators Conway, D'Arcy and Brennan as suitable for discussion on the Adjournment and they will be taken at the conclusion of business. I regret I have had to rule out of order the matter raised by Senator Ó Domhnaill as it involves a repeat of the reply to a similar matter on the Adjournment on 12 June 2014.

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Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, Medical Practitioners (Amendment) Bill 2014 - Order for Second Stage and Second Stage, to be taken at 11.45 a.m. with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes; No. 2, Civil Registration (Amendment) Bill 2014 - Report and Final Stages, to be taken at 2 p.m. and to adjourn no later than 4 p.m., if not previously concluded; No. 3, Betting (Amendment) Bill 2013 - Second Stage, to be taken at 4 p.m. and to adjourn no later than 6 p.m., if not previously concluded, with the contributions of group spokespersons not to exceed ten minutes and those of all other Senators not to exceed six minutes; and No. 57, motion No. 10, Private Members' business with the time allocated for this debate not to exceed two hours.

Senator Darragh O'Brien: I welcome the tabling of the Betting (Amendment) Bill 2013. Will it be completed over the next few weeks? It is important legislation and, therefore, I am wondering whether the Leader knows the timeline for its passage.

Most of us agree the appointment of Mr. John McNulty, the Government's Seanad by-election candidate, to IMMA, which was debated yesterday, is a grubby little affair. There was no mention of this when I visited IMMA's website earlier.

An Cathaoirleach: This is not relevant to the Order of Business.

Senator Darragh O'Brien: It is because appointments to State boards was the subject of a firm commitment by Fine Gael prior to the 2011 general election. The party stated it would do things differently. It rightly criticised previous Governments in respect of how appointments were made. Since 2011, Fine Gael has used State boards as personal fiefdoms or waiting rooms for party hacks and supporters in every area. I commend my colleague, Senator Byrne, on raising this matter yesterday. I am worried that the Minister for Arts, Heritage and the Gaeltacht did not answer any of the specific questions that were put to her when we debated the issue last evening. If Mr. McNulty did not apply to join the board, who gave the direction for him to be put on the board of IMMA? Is the Leader aware that, in 2010, the composition of the such boards was restricted to nine members? However, the Government has appointed two additional members and increased the number to 11. Was the chairperson, Mr. Eoin McGonigal, consulted about this? Who made the application and who gave the direction?

Senator Terry Leyden: Mr. Curran, the secretary general of Fine Gael.

An Cathaoirleach: Senator O'Brien, without interruption.

Senator Darragh O'Brien: Fine Gael may treat State boards like it owns them. This board, in particular, is important. IMMA's mission statement says: "The members of the board and the chairperson are artists and other people with an active interest and expertise in modern and contemporary art. They are appointed in their capacity as individuals."

Senator Maurice Cummins: This Senator did not complete the statement; he only read part of it.

Senator Darragh O'Brien: I can read the entire statement into the record if the Leader gives me time.

An Cathaoirleach: Is the Senator seeking a debate on this issue?

Senator Darragh O'Brien: I will get to that.

An Cathaoirleach: The Senator is running out of time.

Senator Darragh O'Brien: Who gave the direction to appoint the Government's Seanad by-election candidate to the board? I commend Senator Bacik on having the guts yesterday to stand up and say this is effectively wrong. The Seanad by-election is coming up shortly and my Labour Party colleagues in the Oireachtas can make a decision as to whether this is wrong by not voting for this individual. I am sure the Taoiseach was gravely disappointed again yesterday that the Seanad was not abolished.

An Cathaoirleach: Has the Senator a question for the Leader?

Senator Darragh O'Brien: I have asked many questions. This appointment and many others prove that the manner in which individuals have been appointed to State boards by this and previous Governments has been wrong and we still have not got a handle on this. The Minister for Arts, Heritage and the Gaeltacht did not answer any specific questions yesterday evening. She did not answer how this individual got on the board or why he is on it. We know the reason is to put belts and braces on his candidacy for the Seanad by-election because his own candidacy does not stack up.

An Cathaoirleach: The Senator is way over time.

Senator Darragh O'Brien: The guy has been appointed for three weeks in order that he get elected to the House with all the Government Members voting for him. Because the Minister did not answer questions directly, I propose amendment to the Order of Business: "That the Minister for Arts, Heritage and the Gaeltacht come to the House and answer the specific questions she was asked yesterday, which she did not answer". Who gave the direction for this individual to be appointed to the board of IMMA? I understand from reading media reports this morning that a discussion on this took place in the Fine Gael party rooms and involved people like Tom Curran and Mark Kenneally who decided that-----

An Cathaoirleach: The Senator can make these points during the debate he is looking for.

Senator Darragh O'Brien: I will. Perhaps if the Leader has answers to these questions, we will not have to drag the Minister in here again today. This is serious. I formally propose an amendment to the Order of Business that the Minister come to the House to address these questions once and for all and give the answers people are seeking. She did not use the opportunity yesterday to answer any specific questions.

Senator Aideen Hayden: Senator O'Brien has raised a number of valid points but some of his contribution was pure speculation at the end of the day. There is a wider issue regarding the governance of State bodies, which is the subject of a code of conduct. I am glad the Senator acknowledged a great deal of board fixing went on under previous Governments and I could name boards to which this happened. There is an openness and transparency issue regarding how people are appointed to State boards. There is supposed to be a skills matrix on which appointments are based but the appropriate forum for the debate the Senator is seeking is the joint committee with responsibility for IMMA's governance.

Senator Darragh O'Brien: He has been appointed.

An Cathaoirleach: Senator Hayden, without interruption.

Senator Aideen Hayden: A proper list of questions should be prepared by the committee and given to the IMMA board and these should be answered in the normal course. There is nothing to be gained by dragging the Minister into the House one more time to seek answers to questions that are better answered at the joint committee with responsibility for IMMA.

Last weekend, Mr. Shay Cody, the general secretary of IMPACT put out a call for rent controls to be introduced, equating it to controls that were put in place by previous Governments on the price of a pint, which was an interesting observation. SIPTU has also agreed to support rent controls. I have raised this issue previously and do so again because it is a matter of great urgency which merits a serious debate. Some 2,400 people, all of whom are unique cases, presented as homeless in the Dublin region in the second quarter of this year. We are in a major crisis.

I was disappointed with the response of the Irish Property Owners Association to IMPACT's call. It stated interference in the market, including the decision to eliminate bedsit accommodation, was the reason for the increase in the numbers of people presenting as homeless. I do not know if the IPOA is aware that the vast majority of the bedsit units that were closed down were firetraps which were no better than slum accommodation. If the association's attitude to the homeless is to suggest they be placed in such accommodation, it is an absolute disgrace.

I welcome the call made by the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, that €250 million be allocated immediately towards the construction of social housing. While we all know such a sum would make little difference in dealing with the problem, it would cross the Rubicon in terms of the destruction of the construction sector and the economy. We need to debate ways in which local authorities can be facilitated to borrow money off balance sheet in order that they can again provide some level of social housing accommodation. I suggest €1 billion will be required in each of the next five to ten years if we are to make inroads into addressing the problem of social housing.

Senator Sean D. Barrett: I extend good wishes to the new Ministers appointed to the Northern Ireland Executive yesterday. One of them, Mr. Jim Wells, is well known here because he is a member of the North-South Inter-Parliamentary Association and has spoken in this Chamber at meetings of that body. He states in a newspaper that he was once listed as the Chairman of the Oireachtas Joint Committee on Health and Children because someone had mixed up the captions at a North-South meeting. I am glad that being chairman of a health committee is not seen as a deterrent to holding ministerial office, at least in Belfast. Mr. Mervyn Storey is the other new Minister.

The Joint Committee on Transport and Communications yesterday interviewed the chairman-designate of Dublin Bus, Mr. Ultan Courtney. Mr. Courtney has had a distinguished career. Having started his working life as a bus conductor, he subsequently worked as a driver. It was wonderful and most impressive to see someone becoming chairman-designate of a public company having worked in the day-to-day business of the company in question.

Senator Hildegard Naughton: Given the recent surge in the property market, I propose to raise the issue of gazumping - where a vendor accepts a higher offer for a property after a sale has been agreed. This practice may not be illegal, but it is immoral. As we emerge from the recession, many people in Galway and elsewhere are trying to get their foot on the property

ladder, while others are seeking to trade down. People should never be subject to this extremely unfair practice which feeds into the greed that dominated the housing market during the so-called boom. The Property Services Regulatory Authority does not have any statutory function in the matter. I request the Leader to invite the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, to the House to debate this issue. Given the need to build more houses, it is in everyone's interest to have a housing market that operates in an ethical manner.

Senator Paschal Mooney: I second the amendment proposed by my party leader in the House, Senator Darragh O'Brien. I also endorse the comments made by Senator Sean D. Barrett with whom I sit on the Joint Committee on Transport and Communications. Yesterday's meeting of the committee was unique in that members of all parties and none unanimously welcomed the appointment of the chairman-designate of Dublin Bus, Mr. Ultan Courtney. Listening to Senator Darragh O'Brien, it occurred to me that we could further extend the system of having chairpersons-designate of State boards make a presentation before the relevant committees in which they inform members of their qualifications for the job in question. Those whom the Government proposes to appoint to State boards should appear before the relevant committee. While the Government could point to the large number of such appointments, it should be noted that these appointments are staggered. Appointments to the board of the Irish Museum of Modern Art, for example, have been staggered in the past five years. It would not be beyond the capacity of the relevant committees to hear from people whom the Government was proposing to appoint to State boards. This would allow members of committees to establish the credentials, credibility and qualifications of Government nominees. It would also be interesting to establish whether, under such a system, some of those being proposed would withdraw from the process because they would come under scrutiny. I have no doubt that if the gentleman to whom Senator Darragh O'Brien referred, Mr. McNulty, were to come before the relevant committee, he would not last five minutes as all members would send the strong message to the Government that he was not qualified to serve on the board of the IMMA.

An Cathaoirleach: The Senator's point is not relevant.

Senator Paschal Mooney: It is relevant in the context of the proposal I have made.

An Cathaoirleach: Senators may not discuss the character of individuals, as it is grossly unfair to do so.

Senator Darragh O'Brien: We are discussing the qualifications, rather than character, of the individual in question.

Senator Aideen Hayden: On a point of order, Senator Paschal Mooney has impugned a person's character and reputation, which is not fair.

Senator Paschal Mooney: I have done nothing more than what others have done, namely, question whether the gentleman is qualified to be a member of the board of the IMMA.

Senator Aideen Hayden: The Senator went further than that.

Senator Paschal Mooney: That is exactly what I did. I also referred to the possibility of him coming before a committee to be questioned on his qualifications. I do not know what would be the outcome of such a process, but I can surmise what it would be in the light of the debate surrounding the gentlemen in question. I am not in any way impugning his character

but speaking, as Senator Darragh O'Brien has done, about his qualifications to sit on the board of the IMMA and the reasons behind his appointment to it. It would be worth considering, as part of a new process of appointing people to State boards, whether we should give committees of the Houses an opportunity to discuss with Government nominees whether they are qualified for the relevant position. I am not saying for one moment that a committee would throw out a nomination. As Senator Sean D. Barrett will concur, at yesterday's meeting all sides were so impressed by Mr. Courtney's curriculum vitae that members complimented the Minister on finding and proposing him for a very important job. I wish Mr. Courtney well in his new position.

Senator Mary Moran: Yesterday I spoke about soccer hooliganism. I again ask that the House debate this issue following the dreadful behaviour of Shamrock Rovers fans at the weekend when they caused physical damage in Dundalk and subjected people in the town to mental abuse. Today I commend a young Dundalk player, Keith Ward, who handed his medal to one of the children present at the game. His gesture was a sign of great sportsmanship and showed sport at its best. I am looking at the bright side.

As the new school year begins, parents and families are feeling the burden of back to school costs, which are one of my priorities as my party's spokesperson on education. The former Minister for Education and Skills, Deputy Ruairi Quinn, issued a circular late last year in an effort to strengthen the role of parents in the decision making process on school uniform policy. The Department suggested schools send the questionnaire by February 2014 before deciding on the position to be adopted for the following academic year. As the new school year has started, I request that the findings of the survey be made available to the participating parents and the House for further discussion on how we could ease the financial burden on families. It is vital that we also examine how many schools participated in the survey. We should also be provided with reasons where schools declined to participate. I ask the Minister for Education and Schools, Deputy Jan O'Sullivan, come to the House to discuss the issue of back to school costs, specifically the school uniform circular issued by the Department in December 2013. It is crucial that we establish consultation with parents in the education of their children, particularly in this area. I ask that the results of the survey on school uniforms be made available and that further consultation take place with parents on the issue of school costs.

11 o'clock

Senator David Cullinane: Last week I requested that we have a debate on water charges. The Leader said yesterday that we had had plenty of time last year when the Water Services (No. 2) Bill was before the House to debate these issues. I do not accept that, because circumstances have changed since then, but also, during those lengthy debates, we were given an assurance by the then Minister of State that this House and the Dáil would be consulted on the pricing regime. The Leader will be aware that the Commission for Energy Regulation has put out for public consultation the water services plan, which includes the charges and the charging mechanism. Is he telling me that Members of the Seanad and the Dáil will not have the opportunity to question the Minister on this issue? We were told, as part of that debate, that we would be informed and consulted, yet it is not happening. What we do know is that households are now facing an even bigger charge than that proposed by the Government, and many people will not be able to afford to pay. The Leader might be able to give advice to people who cannot even pay their mortgages, put food on the table, pay utility bills such as gas or electricity or put heating oil in their tanks but who will now be landed with a water charge. What advice would he give those people? Which bills should they not pay? He should talk directly to his

constituents in Waterford who, I am sure, will be coming to him asking him to explain how they can pay these charges. It is outrageous that the Government is pressing ahead with this measure without having a debate with the democratically elected representatives of the Seanad and Dáil. I again call for such a debate to take place as soon as possible, because not to do so would be to row back on the commitment given to all of us on this side of the House when we challenged the then Minister of State regarding the charging regime and how it would work out. We were promised that we would be consulted, and I hope the Leader will be able to follow through on that and allow those of us on this side of the House to have our input.

Senator Martin Conway: I listened with interest to the debate yesterday evening with the Minister for Arts, Heritage and the Gaeltacht, Deputy Humphreys. The Minister deserves credit for making herself available to this House, and I thank her for that, but there are always ways of improving matters. Senator Mooney's suggestion merits serious consideration. If an Oireachtas committee felt it necessary to call an appointee to a State board to come before it, as happens currently for chairpersons designate, I do not see much wrong with that process. It may be impractical to call every appointee to every State board before an Oireachtas committee, but there is nothing wrong with the suggestion that certain individuals should appear before an Oireachtas committee to give an account of their qualifications to steward on a board. The Leader might raise that with the appropriate authorities in due course.

I support my colleague Senator Hildegard Naughton on the issue of gazumping. Gazumping was one of the most disgusting elements of our Celtic tiger period. It was certainly one of the most vulgar, and it should be outlawed, as it is in many other countries. Gazumping appears to be unique to Ireland. It does not happen in the United States or in the majority of European countries, and it should not happen here. It was one of the lessons we did not learn from the Celtic tiger period, and as yet we have not legislated to make gazumping illegal. I call on the Leader to request the Minister with responsibility for housing to come to the House for a discussion on gazumping with a view to assisting in the crafting of legislation to ensure unfortunate people struggling to purchase homes do not find themselves having to pay out an extra €10,000, €20,000 or, in some cases, tens of thousands of euro to greedy people.

An Cathaoirleach: The Senator is over time.

Senator Martin Conway: The Government parties campaigned on this issue in opposition and committed to making gazumping illegal. That commitment should be honoured.

Senator Terry Leyden: I welcome one of the most distinguished journalists in the history of the State, Vincent Browne, to the House. He has just left the Chamber.

On the appointment of Mr. McNulty to the board of IMMA, there is a procedure in place regarding the qualifications, which are important, but would the candidate be qualified if he had not been appointed by the Minister to the position? That is an important point.

An Cathaoirleach: That is not a matter for the Seanad.

Senator Terry Leyden: The approach regarding the qualifications, which we all go through and of which I am well aware-----

An Cathaoirleach: Senator, all of that is set out in the Seanad Electoral (Panel Members) Act 1947-----

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Senator Terry Leyden: But it is an excellent point.

An Cathaoirleach: -----and the Seanad has no role in it.

Senator Terry Leyden: I understand that-----

An Cathaoirleach: It is overseen by a High Court judge.

Senator Terry Leyden: I understand a High Court judge was an arbitrator regarding the qualifications.

An Cathaoirleach: It is overseen by a High Court judge.

Senator Terry Leyden: I understand that, but I understand it is only in the event of a question mark over the qualification. I do not believe the High Court judge would be required if questions did not arise. It is a matter for the Clerk of the Seanad to decide on the qualifications of the person, subject to appeal to a High Court judge.

An Cathaoirleach: Senator Leyden, the Act sets out all the procedures, and the procedures as set out in the Act were adhered to.

Senator Terry Leyden: Why was it necessary to appoint the candidate to the board-----

An Cathaoirleach: That is not an issue for the Seanad, the Clerk or the High Court judge.

Senator Terry Leyden: It is a question, and people are talking to me about it.

Senator Fidelma Healy Eames: It is a matter of public concern.

An Cathaoirleach: We are not discussing the appointment of people to State boards. We have no role in that.

Senator Terry Leyden: I am not questioning the-----

An Cathaoirleach: It is not relevant to the Order of Business.

Senator Terry Leyden: No, but I request that the Minister come to the House. She is getting a baptism of fire at last and is finding out that it is difficult being in Government, particularly when she did not decide on the appointment. She was told to appoint Mr. McNulty to this board.

An Cathaoirleach: Senator, that is speculation, and it is not relevant to the Order of Business.

Senator Terry Leyden: It is one of many mini-scandals to affect this Government.

An Cathaoirleach: Senator, do you have a question for the Leader? You are way over time.

Senator Terry Leyden: I think it will damage the candidate in the by-election in Roscommon-South Leitrim also.

Senator Paul Coughlan: I listened carefully to Senator O'Brien, as I always do, and all the Members who spoke earlier, but, with respect, the Senator is being unfair to both Mr. McNulty and the Minister, Deputy Humphreys, who treated this House with courtesy and respect yester-

day evening on the matter. This man is as well qualified as anybody else who is on that board. They are not all artists. It is not a requirement that one should be an artist. One must have an interest in arts, culture and heritage, and it is clear this man has that, as outlined to us by the Minister-----

An Cathaoirleach: We are not discussing this man's qualifications, Senator.

Senator Paul Coghlan: I accept that, but these people serve *pro bono*, and there are three others on that board who are suitably qualified. One is a barrister, one is a company director and one is a former councillor. I would not object to the appointment of any of them, but-----

A Senator: Particularly if they vote for you.

Senator Paul Coghlan: -----there is a more appropriate way of dealing with this matter. A committee of the joint Houses deals with these boards, under whose aegis this board comes, and if it is to be discussed anywhere, that is where it should happen. With respect, the Members opposite are being cheap on this issue; I am reading it from the smiles on their faces. They are milking it. They got one headline. I doubt if they will get many more.

Senator Diarmuid Wilson: If you put the cow into the byre you have to-----

Senator Paul Coghlan: They are playing the man, not the ball, and not for the first time.

Senator Terry Leyden: Paul, your P45 is on the way.

Senator Mary M. White: The World Health Organization published its first report on suicide prevention this month. The World Health Organization speaks for and addresses 193 countries. In her personal introduction to the report on prevention of suicide, Dr. Margaret Chan, the director general of the organisation, stated:

Despite an increase in research and knowledge about suicide and its prevention, the taboo and stigma surrounding suicide persists, and often people do not seek help or are left alone. And if they do seek help, many health systems and services fail to provide timely and effective help.

Dr. Chan's words are addressed to the 193 countries around the world, but they resonate in local communities throughout Ireland. She offers hope because she says suicide can be prevented. A total of 550 people died from suicide in the Twenty-six Counties last year, which is over ten people per week. It is a frightening thought. We must prioritise measures to help the prevention of suicide in Ireland. Dr. Chan says that with timely and effective evidence-based intervention, treatment and support, both suicide and attempted suicide can be prevented. Ireland must update its national suicide prevention strategy to reflect the World Health Organization's recommendations. At its heart is the crying need for timely access for all citizens, rich and poor, with suicidal thoughts to medical and psychiatric help.

There is an emerging trend of slow change, with more openness in Ireland to talking about mental health and suicide and the emergence of community based initiatives such as Living Links, which provides support for families of those at risk. However, the bottom line is that we are a failed democracy. We live in cloud cuckoo land about our country. We will not have a true liberal democracy unless there is access for all our citizens, rich or poor. As was said yesterday, there are waiting lists for people with disabilities and for mental health and psychiatric services. The horror of the reality in this country is that in many towns in Ireland there is no psychiatric

help available for people with suicidal thoughts.

Senator Diarmuid Wilson: Well said.

Senator Michael Mullins: The issue I wish to raise is one my colleague, Senator Colm Burke, has raised on many occasions, namely, the acute shortage of doctors in our hospital system and the dependency on agency doctors, at enormous cost. It was mentioned in the House yesterday that we have more medical colleges per head of population than any other country in the developed world and we are investing heavily in the training and education of our doctors. However, we are failing to keep them within the system or to attract them to work in the HSE. As a result, we are dependent on doctors from developing countries. That is wrong because we are depriving those countries of the skills they require to improve their health systems.

An urgent debate is required with the new Minister for Health on what steps the HSE is taking to address this crisis in the health system. As I am aware from my local hospital, every six months there is a crisis when the junior hospital doctors move on to their next assignment, as the HSE is having huge difficulty attracting doctors to work in many of the hospitals throughout the country. We must have a discussion about that with the Minister as a matter of urgency.

Senator Fidelma Healy Eames: Too many questions remain unanswered about the appointment of Mr. McNulty to the board of the Irish Museum of Modern Art, IMMA. What makes it appear more suspicious and shady is the fact that the Minister, Deputy Heather Humphreys, when she graced us with her presence so promptly yesterday, did not answer any questions. That is appalling. The purpose of her coming to the Seanad was to clarify it for us. Until the questions are answered, this will continue to be an issue because a House of Parliament is being used and abused. As I said yesterday, what other job could one get without being appropriately qualified? If Mr. McNulty was appropriately qualified on his merit in advance, why make the State appointment, given that he will have to step down in two to three weeks once he is elected?

There are other worrying issues about this, for example, learning that five women were recommended for the position within the inner sanctum of Fine Gael. When do words mean something? No woman was appointed a Minister of State and now women have been overlooked again.

An Cathaoirleach: That is not relevant to the Order of Business.

Senator Fidelma Healy Eames: It is.

An Cathaoirleach: It is not relevant.

Senator Diarmuid Wilson: It is relevant.

An Cathaoirleach: The Seanad has no role in any of that.

Senator Fidelma Healy Eames: I stood on a ticket for Fine Gael in the last general election which promised we would do our business differently. In fact, Fine Gael in this case is worse than what went before us.

Senator Mary M. White: That is what was promised in the local elections.

An Cathaoirleach: Does the Senator have a question for the Leader?

Senator Fidelma Healy Eames: Can the Leader get our questions answered? The House deserves this. The key question is who brought Mr. McNulty to the attention of the Minister, Deputy Heather Humphreys, for appointment.

Senator Jim Walsh: The Taoiseach.

Senator Fidelma Healy Eames: The House must get that answer officially.

Senator Colm Burke: All those appointed to a board are suitably qualified if they are self-employed and running their own business. If they are able to manage their business, they are well able to serve on a board of directors, regardless of what that board is for.

Senator Darragh O'Brien: Really?

Senator Colm Burke: The issue I wish to raise relates to the health sector. I agree with the remarks made by Senator Mullins. The general doctors issue is getting quite serious and by this time next year we will face a major problem. For the last 15 to 20 years we have been relying on doctors from non-EU countries to come here and apply for the jobs in this country, but the number of doctors from non-EU countries will decrease by up to 50% over the next 12 months. Part of the reason for that is the introduction of the working time directive.

The basic salary of general doctors was reduced four or five years ago. Nobody questioned it at the time because people were getting additional hours of overtime and therefore were being suitably rewarded for their work. Now there is a restriction on the number of hours they can work. Everybody sought that and it is correct, but the basic salary has remained at the same level as five years ago. As a result, the number of doctors coming here from abroad will decrease substantially over the next 12 months, so there will be a major shortfall. We have done absolutely nothing about it. The MacCraith report was published in three separate reports over the last nine months and I submitted a question to the HSE on what is being done on its implementation. There is a serious question as to whether there is a commitment to the implementation of that report.

Another issue in the health sector relates to dieticians employed in hospitals. At present, dieticians employed by the HSE are not required to visit nursing homes. If a person in a nursing home requires a consultation with a dietician, he or she must be taken to attend the clinic at a hospital, at huge cost. Any new dietician who is employed should be required to visit nursing homes. The State is incurring a huge cost with the current procedure. This relates to Senator Mullins's request for a serious debate on all the issues in health with the new Minister. There are many issues we have not mentioned which must be examined and reformed. The employment of dieticians is one such area in respect of how they are employed and their responsibilities to a group of people for whom it is extremely important that they get proper care and back-up support.

Senator Feargal Quinn: Interestingly, I raised the issue of doctors yesterday and spoke about medical students, the huge tax implications and how it might be possible to overcome that in some way. Unless we solve that, we will be unable to reach a solution for the issues raised by Senators Mullins and Colm Burke. It is a big challenge but it is our responsibility to do something about it.

Some days ago I met a man from Australia who is now living in Ireland. He remarked that while Ireland wishes to establish itself as a leader in high technology, he had noted that our

cars use the old fashioned method, dating from 1904 or so, of displaying tax, national car test, NCT, and insurance discs on the front windscreen. He said that in New South Wales some years ago a modern method to do it was identified. Every police car is equipped with a scanner that can read the registration of every car in the country and they can immediately tell whether the owner has paid the tax, insurance or NCT. If we are trying to lead the world in technology, we are way behind if we do not remove all the old-fashioned ways of measuring compliance regarding cars. Britain is attempting to implement a modern method of identifying cars but is not getting there easily. It is in the interests of efficiency and of Ireland's image as being involved in technology and we should do it immediately.

Senator Jim Walsh: Much has been ventilated over the past 48 hours about the appointment of Mr. John McNulty to the board of the Irish Museum of Modern Art. I concur with those who suggest that appointees to all public boards should be subject to scrutiny by the appropriate Oireachtas committee.

Senator Fidelma Healy Eames: Hear, hear.

Senator Jim Walsh: It would be easy to do. Alternatively, a select committee of the Seanad could scrutinise them. Some mechanism should be introduced to deal with it. Recently I saw the Leader at his committee which was interviewing the chairman designate of the Port of Waterford. The chairman designate acquitted himself well and the process was good, and it should be extended to all boards. Given the importance of our public boards and the deficiencies which have been identified in many of them in recent years, it is imperative that people of the highest calibre who can make a contribution and have influence on boards are appointed.

The second issue I raise goes to the core of the undermining of our democracy, namely, the public cynicism which can only be fuelled when the Government appoints a person to a board whom it knows will, within weeks, be ineligible to serve on the board. It is an abuse of the process of appointing people and goes against all best practices of our democracy. It is no wonder people are disillusioned with politicians and the public service. There is no good reason why a by-election to the Seanad should be confined to a small portion of the electorate which is controlled by the Government, and we should take this matter up. Why would we not allow the full Seanad electorate to participate in deciding who will fill the position in Seanad Éireann?

Senator Fidelma Healy Eames: Like any other election.

Senator Jim Walsh: It can be done very easily, as the vote is done by post.

While the Government is diverting our attention to these peripheral matters, parents who are trying to get their children who have special needs into pre-school and school where they can enhance their prospects of playing a meaningful part in their lives and development, are not being supported as they should be. Everybody recognises that early intervention is essential in all these cases. There should be more support from the HSE for certain bodies. Resources are being curtailed, but these should be priorities. I ask the Leader to bring it to the Minister's attention and arrange an early debate to focus on these important issues which affect a significant proportion of people who are doing their best in difficult circumstances to ensure their children are given a better opportunity in life. We should support it.

Senator Rónán Mullen: One year ago I tabled a motion asking that the Minister for Education and Skills implement the recommendations in the National Council for Special Education report of May 2013. I called on the then Minister to ensure his Department introduced

a robust regulatory enrolment framework for schools to ensure that all children with special educational needs, particularly those with Down's syndrome, would be protected from school enrolment practices or policies that would have overt or covert barriers that would block their access to local schools. The Government amended my motion to ask the Minister to "consider" taking that step. The amendment was supported by some of the same Senators putting tonight's motion before the House. I assume they share my disappointment that nothing has happened to tackle the barriers some children with disabilities face when enrolling in certain schools. I will return to this topic this evening.

Many people will be nervous as they await their first water bill in January, charging for water from October. Given the meagre allowance, and the fact that people will be charged on a usage basis, Irish Water should allow people to see their bills on a monthly basis either with an online account, mobile text service or by calling a phone number.

Senator Fidelma Healy Eames: Hear, hear.

Senator Rónán Mullen: This would mean that at least during the first quarter, October to December, people would get a sense of their consumption so as to know how much of their allowance remains and what their charge is likely to be in January. This would allow families to plan water usage and, hopefully, lessen the fear factor associated with yet another deluge of bills flooding into already struggling families. I would be grateful for the Leader's response.

Senator Fidelma Healy Eames: It is an excellent suggestion.

Senator Paul Bradford: I concur with Senator Mullen's suggestion, which was made here on Second Stage of the Water Services (No. 2) Bill last year. I hope it will be taken on board. I support what Senator Hayden requested regarding the very obvious housing crisis. It is a long-playing record among those of us who are interested in housing and I have frequently called for urgent debates on our housing policy. While I appreciate that there is a new Minister who is talking about spending a certain amount of money, we must reflect on how the money should be spent. Let us not rush to resolve our housing crisis and cause a further social crisis. We must ensure our house building programme and mix of housing is appropriate and allows people a future in a community, not just in a housing estate.

During the 1960s and 1970s there was a very urgent housing need and a rushed building programme produced third-rate houses and corralled people into ghettos where social problems emerged. We must be careful how we respond to the problem and ensure the Government sees housing as a social need rather than an economic activity. I am worried that, judging by the media headlines, people see the building of houses and the extraordinary increase in house prices as signs of economic progress. We saw the tragic consequences of this during the past decade. Let us see housing as a human right, a social need and something which must be provided for the common good, not for the good of millionaire developers. While I concur with Senator Hayden's request for an urgent debate, we must think in much broader ways than previously. The solution is not "one size fits all". The building of huge local authority housing estates did not work previously and we need a good social mix. First, we urgently need a debate.

Senator John Crown: The longer one is in a place such as this, the more grounds one has for cynicism and despondency. As somebody who has consistently for 20 years espoused fundamental reform of our health system, who is prepared to blame successive health Ministers from the Labour Party, Fianna Fáil, the Progressive Democrats and Fine Gael for the problems

in our health system, who endorsed the candidacy for Minister for Health of Fine Gael and Labour Party candidates because we were promised reform of the health system, the waiting list figures reported in today's *Irish Examiner* were way past depressing. Despite all the spin and claims that it had decreased, the number of people on waiting lists has increased from 309,000 to 360,000. This is extraordinary. The number of people on nine-month waiting lists has gone up from 9,400 to 38,000. The mere fact that anyone in a civilised country would be on a nine-month waiting list for anything in the health service is just so profoundly abnormal that it says volumes about the normalisation of the abnormal to which we have become so numbed and accustomed in our society over the years. I am not singling out the current Minister, his predecessor or the current Government parties. This has been a systematic failure to reform the health system which has been going on for 20 years. The arithmetic is very simple; if a hospital is given an amount of money in January which must last it until midnight on New Year's Eve, regardless of how good or bad is the hospital, how many patients choose to come to that hospital, how many patients choose to go some place else, how good are the doctors and nurses at attracting patients, how bad are they so that it encourages patients to go somewhere else. The amount of money in the hospital's budget is set. The only way this system can respond to increases in demand is to cut back and to increase waiting lists.

I propose an amendment to the Order of Business yet again today - "that the Minister for Health come to the House to clarify the extraordinary discrepancy in what we have been told over the past year by the same Administration on the actual numbers of patients on waiting lists and the numbers of patients on long-term waiting lists and to give the House an indication of the timeframe for health service reform or a commitment to such reform".

It is very regrettable we did not have an opportunity to ask all our questions yesterday evening and such questions as were asked were not answered. I refer to a couple of core questions which the Minister, Deputy Humphreys, needs to answer. Part of the qualification of anyone to serve on a State board - I would not dispute the qualifications of the gentleman, Mr. McNulty in terms of his life experience or career trajectory - but part of the qualifications for any job - I know because it has been asked of me when I have gone to interviews - is whether the applicant can actually do the job, whether he or she will be here in a year's time or in two years' time or whether he or she intends to leave. The hard question that the Minister needs to answer is if, when she nominated Mr. McNulty, she realised that it was overwhelmingly likely that this gentleman would become a Fine Gael Senator within a very few short weeks into his tenure as a member of the board of the Irish Museum of Modern Art. That is a key question which in my view was not answered and to which we need an answer.

Senator Ned O'Sullivan: I second Senator Crown's amendment to the Order of Business.

People in our business are advised not to question the media because it is akin to putting one's head in the lion's mouth and the media, of its very nature, will always have the last word. I ask for a debate on the online newspaper business, in particular, the manner in which online newspapers provide a facility for nameless, anonymous commentators to be very critical and sometimes quite abusive of politicians in general. We read many of these newspapers, the best-known being *thejournal.ie*, which I read regularly. It provides a very good service which is informative, interesting and has some very good articles by the main contributors. However, it also allows a facility for nameless, anonymous individuals to comment freely from the safety of total anonymity on not only politicians but on people in general. In my view there should be some form of registration and identification expected from people who want to contribute in this way. Print newspapers are quite happy to print letters from the public and this is to be

welcomed by us all but no respectable newspaper will allow a letter to be printed which is critical of any politician or anybody else, unless that person provides a name and address. This is as it should be. However, I refer to these kind of anorak bloggers who appear all over the place on whatever is the issue of the day and sometimes their comments can verge on the abusive in their language and personal criticism of people's appearance and so on. I ask for a debate on this issue and I would like to have the publications in question participating in that debate and outlining their view as to the future of that type of anonymous commentary they seem to be facilitating.

Senator Maurice Cummins: Senator O'Brien asked about the Betting (Amendment) Bill. The Department of Finance needs to engage in further consultation with the European Commission on this Bill. It is most likely that it will be late next month before Committee Stage is scheduled. In any event, I have no intention of rushing this Bill through the House. The Second Stage of the Bill will be taken in the House today and, if not concluded today, will be resumed next week.

Senators Darragh O'Brien, Mooney, Leyden, Conway, Paul Coghlan, Healy Eames, Walsh, Crown and others, raised the issue of appointments to State boards. All appointments to State boards have been completed. Those appointed are very well qualified, including the person to whom speakers alluded yesterday when the Minister came to the House. The Minister outlined the qualifications of the gentleman in question. In my opinion he is well qualified for the position and for the cultural and educational panel.

Senator John Crown: Can I ask the Leader-----

An Cathaoirleach: The Leader without interruption.

Senator Maurice Cummins: One should not believe everything one reads in the papers. It has been suggested that in addition to the chairpersons of State boards being examined by Oireachtas joint committees that every member appointed would be vetted by the Oireachtas committee in question. I will put that suggestion to the Government. There will certainly be a queue for appointment to committees. If this is the view I will put that suggestion to the Government for its consideration.

Senators Hayden and Bradford raised the issue of housing. Senator Hayden made the point that in recent weeks several trade unions have called for rent control measures. She spoke about the need for imaginative policies to combat housing shortages. Senator Bradford said that housing should be regarded as a social rather than an economic need. He spoke about the need for a programme of house building with a good social mix. I have asked the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, to come to the House as he is responsible for housing. He has indicated he will come to the House before the end of October for a comprehensive debate on the issue.

Senator Barrett asked for a debate on the changes in the Northern Ireland Assembly. He welcomed the appointment of Jim Wells who is a member of the British Irish Parliamentary Association. Senators Naughton and Conway condemned the practice of gazumping. We can have that debate when the Minister comes to the House.

Senator Moran asked for a debate on soccer hooliganism and the back to school costs. She referred to the survey on school uniforms. I will bring this to the attention of the Minister for Education and Science.

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Senator Cullinane asked for a debate on the water charges and the Water Services Bill. The Government's priority is to make water charges as fair and as affordable as possible. The average bill will be €240 per year, as promised. The charge for water will include a free household allowance of 30,000 litres per year. It was always planned that children will go free. There will be a further allowance for households with children which will mean that water charges do not apply to them. We have also provided allowances for other vulnerable groups. A person living alone will have approximately 40% of his or her water needs provided by the allowance and the cost for such persons will be approximately €138 per year or less than 50 cent per day. Financial assistance of €100 per year will also be provided to those in need who are eligible for the household benefits package, pensioners, carers and recipients of disability payments.

Senator David Cullinane: That is a draft-----

Senator Maurice Cummins: The Senator asked for an answer, which I am giving.

Senator David Cullinane: It is a draft.

Senator Maurice Cummins: Thankfully, the Senator is here to listen to the answer, because when I gave it previously he was not here.

Senator David Cullinane: I am looking for a debate.

An Cathaoirleach: The Leader without interruption.

Senator David Cullinane: I was here, actually.

Senator Maurice Cummins: Charges will be capped for people who have high water usage due to certain medical conditions.

Senator David Cullinane: The Senator should answer the questions he was asked.

Senator Maurice Cummins: I am giving the Senator the answers to the questions he asked.

Senator David Cullinane: No, he is not.

An Cathaoirleach: The Leader without interruption.

Senator David Cullinane: That is a draft for consultation.

Senator Maurice Cummins: These reforms are essential-----

(Interruptions).

An Cathaoirleach: The Leader without interruption.

Senator Maurice Cummins: The Senator obviously does not like what he is hearing, like his colleague in the other House yesterday in the context of Sinn Féin's lunatic policies on the economy.

Senator David Cullinane: The lunatic policies come from the Senator's party.

Senator Maurice Cummins: These reforms are essential for the future provision of high-quality water services following decades of a fragmented approach by Fianna Fáil Govern-

ments which have left us with a broken water system, as we all know. A total of 23,500 people are on boil-water notices, 40% of our water supply is lost to leakage, 16% of our water supplies are at risk, which affects more than one million people, and one-third of secondary wastewater treatment plants had inadequate effluent standards in 2012. There is virtually no spare supply capacity in Dublin, which threatens job creation. The establishment of Irish Water as a single utility company to replace the current 34 separate water authorities will result in more co-ordinated investment and improve water quality nationwide.

Fianna Fáil had one policy on water charges-----

Senator Darragh O'Brien: That is not true.

Senator Maurice Cummins: That was the original deal with the troika, which would have resulted in an annual charge of €400 from last year, with no allowances for anybody.

Senator Darragh O'Brien: That is not true.

Senator Maurice Cummins: As regards Sinn Féin, water is already charged for indirectly in Northern Ireland as part of the domestic rates regime, which includes a property tax. Sinn Féin recently deferred the introduction of direct charges for water until 2016.

Senator David Cullinane: There are no water charges in Northern Ireland, as the Leader well knows.

Senator Maurice Cummins: An average of €950 per household in domestic rates in Northern Ireland is already far in excess of the equivalent in the South.

Senator David Cullinane: Perhaps the Leader should stand in elections to the Assembly.

(Interruptions).

An Cathaoirleach: Allow the Leader to answer questions that have been raised on the Order of Business.

Senator Maurice Cummins: This is as comprehensive an answer as I can give. Obviously the answer is not going down well with Sinn Féin, because it does not want to hear the answers to the questions.

Senator David Cullinane: The Sinn Féin vote went up, not down like that of the Senator's party.

Senator Maurice Cummins: Sinn Féin does not want the policies it advocates pointed out.

Senator David Cullinane: Fine Gael got its answer in the local elections in Waterford.

An Cathaoirleach: The Leader without interruption.

Senator David Cullinane: Fine Gael will get it again in the general election.

An Cathaoirleach: Can we have the Leader without interruption?

Senator Maurice Cummins: We believe in democracy and listening to people. I have listened to everybody, but obviously the Senator wants to interrupt because he does not like what he hears.

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Senator David Cullinane: I asked for a debate, which we are obviously not going to get.

An Cathaoirleach: Can we have the Leader without interruption?

Senator Maurice Cummins: Senator White spoke about the WHO report on suicide and made very important points. I am providing answers to some people who asked questions and then left the House, so they did not even show the courtesy of waiting for a reply. This is the case for quite a number of people on both sides of the House this morning and on many other occasions, but I will reply to Senator White. The Government is, of course, concerned by the recent data about the level of suicide in Ireland. Preventing suicide is a priority for the Government and, since coming to office, it has increased funding to this very sensitive area. The programme for Government contained a commitment of a special allocation of €35 million in 2012 and 2013, primarily to strengthen community mental health teams in both adult and children's mental health services and to further develop suicide prevention initiatives. The allocation of €20 million in ring-fenced funding in 2014 sought to strengthen and consolidate progress, and there has been an additional investment of €90 million in the past three years. Most of the recommendations in Reach Out: Irish National Strategy for Action on Suicide Prevention 2005-2014 have been implemented. A new framework document for suicide prevention for the period from 2015 to 2018 is being developed, and this will build on the current strategy. The objective is to have this framework completed by the end of the year and to reflect on the WHO report, as Senator White mentioned. A total of 890 posts were provided to develop our community mental health services in 2012 and 2013. With €17 million invested, more than 748, or 83%, of these posts are now in place, with the remaining posts at different stages of HSE recruitment or approval.

In budget 2014, the Government again committed to the continuation of the development of our mental health services in these extremely challenging times. This means that despite the serious resource pressures overall, funding of €90 million has been made available from 2012 to the end of 2014 which has been specifically earmarked for mental health and suicide prevention. The allocation of €20 million in ring-fenced funding in 2014 will enable the HSE to continue to develop and modernise our mental health services in line with the recommendations of A Vision for Change and will allow for the further recruitment of between 250 and 280 additional staff to further enhance our adult community mental health teams, our child and adolescent mental health teams and specialist mental health teams. That is a comprehensive update in respect of mental health services, which is a matter that has been raised in the House on several occasions.

Senators Colm Burke and Michael Mullins spoke about the importance of keeping our junior doctors and the problems associated with the EU working time directive. Senator Burke also raised the question of the employment of dieticians and argued that there should be a requirement for them to visit nursing homes, which does not pertain at present. I will certainly bring that matter to the attention of the Minister.

Senator Quinn spoke about the use of high-tech methods, eliminating the need for tax, NCT, insurance discs and so on, the advances that are being made in other countries, and the need for us to embrace this change.

Senator Jim Walsh spoke about early intervention in respect of children with special needs. These points were made by his Leader and other Members in the House yesterday on the Order of Business.

Senator Bradford spoke about the housing crisis. Senator Crown spoke about the significant increase in hospital waiting lists, as mentioned in one of the newspapers this morning, and the need for meaningful reforms of the health service and a timescale for reform. Finally, Senator O’Sullivan spoke about the online newspaper business and the need for identification of people making comments about other people. I share the Senator’s concerns in this regard and I think a debate on the question of the media, which we promised some months ago, is probably overdue.

I do not propose to accept the amendments to the Order of Business.

Senator John Crown: May I ask the Leader to take a question?

An Cathaoirleach: The Senator is too late. We are on the amendments now.

Senator John Crown: It is not a Standing Order. I cannot quote a Standing Order for a point of order, but there is a point of information. I would like to know whether the Leader-----

An Cathaoirleach: There is no provision for a point of information unless it is a point of order.

Senator John Crown: For the record, my question remains unanswered.

An Cathaoirleach: Senator Darragh O’Brien has proposed an amendment to the Order of Business: “That a debate with the Minister for Arts, Heritage and the Gaeltacht to address questions regarding the appointment of Mr. John McNulty to the board of the Irish Museum of Modern Art be taken today.” Is the amendment being pressed?

Senator Darragh O’Brien: Yes.

Amendment put.

The Seanad divided by electronic means.

12 o’clock

Senator Ned O’Sullivan: As a teller, under Standing Order 62(3), I propose that the vote be taken other than by electronic means.

Amendment put:

The Seanad divided: Tá, 18; Níl, 21.	
Tá	Níl
Byrne, Thomas.	Bacik, Ivana.
Crown, John.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Healy Eames, Fidelma.	Coghlan, Eamonn.
Leyden, Terry.	Coghlan, Paul.
Mooney, Paschal.	Comiskey, Michael.
Mullen, Rónán.	Conway, Martin.
Ó Domhnaill, Brian.	Cummins, Maurice.
Ó Murchú, Labhrás.	D’Arcy, Jim.
O’Brien, Darragh.	Gilroy, John.

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O'Sullivan, Ned.	Hayden, Aideen.
Power, Averil.	Moloney, Marie.
Quinn, Feargal.	Moran, Mary.
Reilly, Kathryn.	Mulcahy, Tony.
Walsh, Jim.	Mullins, Michael.
White, Mary M.	Naughton, Hildegarde.
Wilson, Diarmuid.	Noone, Catherine.
Zappone, Katherine.	O'Donnell, Marie-Louise.
	O'Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.

Tellers: Tá, Senators Ned O'Sullivan and Diarmuid Wilson; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

An Cathaoirleach: Senator John Crown has proposed an amendment to the Order of Business: "That a debate with the Minister for Health on the discrepancies in the numbers of patients on waiting lists and on his timeframe for health service reform be held today." Is the amendment being pressed?

Senator John Crown: Yes.

Amendment put:

The Seanad divided: Tá, 17; Níl, 22.	
Tá	Níl
Byrne, Thomas.	Bacik, Ivana.
Crown, John.	Brennan, Terry.
Cullinane, David.	Burke, Colm.
Healy Eames, Fidelma.	Coghlan, Eamonn.
Leyden, Terry.	Coghlan, Paul.
Mooney, Paschal.	Comiskey, Michael.
Mullen, Rónán.	Conway, Martin.
Ó Domhnaill, Brian.	Cummins, Maurice.
Ó Murchú, Labhrás.	D'Arcy, Jim.
O'Brien, Darragh.	Gilroy, John.
O'Sullivan, Ned.	Hayden, Aideen.
Power, Averil.	Moloney, Marie.
Quinn, Feargal.	Moran, Mary.

Seanad Éireann

Reilly, Kathryn.	Mulcahy, Tony.
Walsh, Jim.	Mullins, Michael.
White, Mary M.	Naughton, Hildegarde.
Wilson, Diarmuid.	Noone, Catherine.
	O'Donnell, Marie-Louise.
	O'Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.
	Zappone, Katherine.

Tellers: Tá, Senators John Crown and Ned O'Sullivan; Níl, Senators Paul Coghlan and Aileen Hayden.

Amendment declared lost.

Question put: "That the Order of Business be agreed to."

The Seanad divided: Tá, 22; Níl, 16.	
Tá	Níl
Bacik, Ivana.	Byrne, Thomas.
Brennan, Terry.	Crown, John.
Burke, Colm.	Cullinane, David.
Coghlan, Eamonn.	Healy Eames, Fidelma.
Coghlan, Paul.	Leyden, Terry.
Comiskey, Michael.	Mooney, Paschal.
Conway, Martin.	Mullen, Rónán.
Cummins, Maurice.	Ó Domhnaill, Brian.
D'Arcy, Jim.	Ó Murchú, Labhrás.
Gilroy, John.	O'Brien, Darragh.
Hayden, Aileen.	O'Sullivan, Ned.
Moloney, Marie.	Power, Averil.
Moran, Mary.	Quinn, Feargal.
Mulcahy, Tony.	Walsh, Jim.
Mullins, Michael.	White, Mary M.
Naughton, Hildegarde.	Wilson, Diarmuid.
Noone, Catherine.	
O'Donnell, Marie-Louise.	
O'Neill, Pat.	
Sheahan, Tom.	
van Turnhout, Jillian.	

Zappone, Katherine.	
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Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Ned O’Sullivan and Diarmuid Wilson.

Question declared carried.

Senator Maurice Cummins: I propose to amend the Order of Business. I omitted to say the debate on the Bill would be adjourned at 2 p.m, if not previously concluded.

Acting Chairman (Senator Diarmuid Wilson): Is the amendment to the Order of Business agreed to? Agreed.

Medical Practitioners (Amendment) Bill 2014: Order for Second Stage

Bill to amend the Medical Practitioners Act 2007 to provide for a requirement for registered medical practitioners to have medical indemnity insurance except in certain circumstances; to give effect to Article 4(2)(d) of Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients’ rights in cross-border healthcare; and to provide for related matters.

Senator Maurice Cummins: I move: “That Second Stage be taken now.”

Question put and agreed to.

Medical Practitioners (Amendment) Bill 2014: Second Stage

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

Minister for Health (Deputy Leo Varadkar): I am pleased to have the opportunity to participate in the debate on Second Stage of the Medical Practitioners (Amendment) Bill 2014. The Bill will make it mandatory for medical practitioners engaged in medical practice to provide evidence to the Medical Council of minimum levels of indemnity cover. It provides that the Medical Council, following consultation with the State Claims Agency, will set the minimum levels of cover. It places a statutory duty on medical practitioners, as they register with the Medical Council, to have indemnity or insurance for liabilities which may be incurred in carrying out work as a registered health care professional. A condition of registration and staying on the register is that a medical practitioner must have the appropriate indemnity cover. He or she must show evidence of this to the Medical Council when he or she first registers and also annually when retaining registration.

There is currently no legal obligation on a medical practitioner to have medical indemnity insurance cover. As a result, some patients and the users of medical practitioner services may be unable to seek redress in the event of a medical mishap or negligent care on the part of a medical practitioner. The Medical Council requests all medical practitioners, on registering for the first time and on annual retention of registration, to confirm whether they have medical indemnity cover. The vast majority have indemnity cover. However, the proposed legislation will place a legal obligation on medical practitioners to have cover and provide evidence that it is adequate for the medical practice in which they are engaged.

Article 4.2(d) of EU Directive 2011/24/EU of the European Parliament and the Council of 9 March 2011 deals with the application of patients' rights in cross-border health care. It obliges member states to ensure systems of professional liability insurance, or a guarantee or similar arrangement, are in place for treatment provided by medical practitioners. The legislation will fulfil Ireland's obligations under the directive in relation to medical practitioners. Similar legislation will be drafted as soon as possible which will apply to other registered health professionals.

The Bill places a statutory duty on registrants to have insurance or indemnity cover in respect of liabilities which may be incurred in carrying out work as a registered health care professional. A statutory condition of registration will be that the medical practitioner must show evidence of indemnity cover. The Medical Practitioners (Amendment) Bill 2014 is good news for patients. It will reassure them that they will be able to obtain redress in the event of a medical mishap or negligent care. To comply with the legislation, medical practitioners must ensure the indemnity cover they have is in accordance with the minimum levels appropriate for their practice. The Medical Council is best placed to ascertain whether doctors have indemnity cover as all doctors who practise in the State must, in compliance with the Medical Practitioners Act 2007, register with the council and retain this registration annually.

The Bill should not require medical practitioners to have any more than what would be the normal indemnity cover which is adequate for the medical practice in which they are engaged. If a medical practitioner is not engaged in medical practice and does not pose a risk to another person in his or her medical practice - for example, a medical practitioner who is a full-time lecturer - there is no legal obligation on that medical practitioner to have medical indemnity cover. The Medical Council will specify which classes of medical practitioners require indemnity.

The Bill is divided into 12 sections. Section 1 notes that the "Principal Act" referred to in the Bill is the Medical Practitioners Act 2007. Section 2 amends section 2 of the Medical Practitioners Act, to include definitions of the terms used in the Bill. In the Bill indemnity is defined as a policy of medical indemnity insurance or other indemnity arrangement against losses arising from claims in respect of civil liability incurred by a medical practitioner for any act or omission of that medical practitioner arising from his or her practice as a medical practitioner.

Section 3 amends section 7(2) of the Act to introduce a new function for the Medical Council, in that it must specify the minimum levels of indemnity which will apply to various classes of medical practitioners.

Section 4 amends section 11(2) of the Medical Practitioners Act and it gives power to the Medical Council to make rules to specify the evidence that a medical practitioner has to give to the Medical Council to prove that he or she has the appropriate minimum level and how this should be displayed.

Section 5 amends section 36(1)(c) of the Act to allow for a fee to be charged by the Medical Council to put a medical practitioner back on the register where the registration has been removed because he or she failed to provide evidence of the minimum level of indemnity cover.

Section 6 is one of the most important sections in the Bill. It inserts a new section - Section 38A into the Act. This section puts the onus on a medical practitioner to have the level of indemnity appropriate for his or her practice in place at all times while he or she is registered, unless he or she is a medical practitioner who does not require indemnity. A medical practitioner who contravenes this must notify the Medical Council within 14 days.

Section 7 amends section 43 of the Act and requires that the medical practitioner displays at all times where he or she works, the evidence of minimum level of indemnity cover, where practicable.

Section 8 inserts a new section 43A after section 43 of the Medical Practitioners Act. Subsection (1) of this new section requires the Medical Council to publish a notice in *Iris Oifigiúil* setting out the minimum levels of indemnity which apply to different classes of medical practitioners, following consultation with the State Claims Agency and any other person the Medical Council considers appropriate.

Subsection (2) requires that the notice in *Iris Oifigiúil* would specify the dates from which the levels of indemnity take effect for different classes of medical practitioners.

Subsection (3) sets out the criteria which the Medical Council must take into account when setting minimum levels of indemnity in respect of certain classes of medical practitioners. This includes the risks identified by providers of indemnity which are particularly associated with the medical specialty practised by various classes of medical practitioners. The criteria also include awards or settlements where the cause of action arose out of an alleged breach of duty involving a member of that class of medical practitioners in his or her capacity as a medical practitioner who falls within that class.

Section 9 amends section 45 of the Act to introduce a new subsection. This section of the Act deals with registration of medical practitioners. The new subsection requires a medical practitioner to provide evidence that he or she has the appropriate level of indemnity. It also provides that a medical practitioner who does not fall into a class of medical practitioners who must have medical indemnity, to provide evidence that he or she is not required to have indemnity. This new subsection also provides that the Medical Council shall not register a medical practitioner who should have indemnity, but does not provide evidence of the indemnity required.

Section 10 amends section 50 of the Act to require that a visiting EEA practitioner may not practise medicine in the State unless he or she furnishes evidence that he or she has the appropriate minimum level of indemnity.

Section 11 inserts a new section, section 80A. into the Act. Subsection (1) enables the Medical Council to remove a medical practitioner from the register if he or she fails to provide evidence of the minimum level of indemnity. Subsection (2) provides, however, that the medical practitioner would not be removed from the register, if the medical practitioner was the subject of a complaint which was ongoing. This power allows the council to proceed with that complaint, whereas if the medical practitioner was no longer registered, the council could not do so.

A further section 80B is added after 80A. This section sets out the steps to be followed by the medical practitioner in order to be restored on the register, for which a fee will be charged by the Medical Council.

Section 12(1) gives the Short Title of the Act - Medical Practitioners (Amendment) Act 2014. Subsection (2) stipulates that the Act will come into operation when the Minister signs a commencement order and different parts of the Bill may be commenced at different times.

The role of the health service is to improve the health and well-being of people in Ireland in a manner that promotes better health for everyone, fair access, responsive and appropriate care delivery, and high performance. The main purpose of the Medical Practitioners Act in 2007 was to protect the public and to have an active system of robust registration and regulation of the medical profession, in order to minimise the risk to the public and safeguard the health and wellbeing of people accessing health services.

The Medical Council is doing an excellent job, in providing an efficient and accountable system for the regulation of the medical profession. The public can be satisfied that registered medical practitioners are both appropriately qualified, and competent to practise in a safe manner. Given the high cost of litigation and the long-term consequences of some adverse events this legislation is to be welcomed as patient-focused and progressive.

I commend the Bill to the House.

Acting Chairman (Senator Diarmuid Wilson): I welcome the Minister for Health to the House. This is my first opportunity to welcome the Minister in his new role and I wish him well in his new portfolio as Minister for Health.

Senator Paschal Mooney: I welcome the Minister, Deputy Varadkar and I too congratulate him on his new appointment as Minister for Health. I know that with his medical background and political acumen he will bring a particular dimension to health matters. I have every confidence the Minister will address the issues and problems in a Department that was referred to by a predecessor who had served in that Department - the former Taoiseach, Brian Cowen - as "Angola". I remember on one occasion when listening to Vincent Browne - who visited the Seanad earlier this morning - when this reference was made on a television programme asking the then Minister for Health, Brian Cowen, what did it mean. It was spelled out to him. Angola, following its civil war was full of landmines all over its territory. Perhaps members of the public were not aware of the situation then, but the analogy has stuck. There is a general sympathy and understanding for the Minister with the problems he is facing, by those in these Houses who know the intractable problem the health Ministry has inherited. I know the Minister will be fighting for money but it is not just about money; I hope he will bring his unique experience to solve the problems in the best interests of everybody.

As the Minister said, this Bill is about protecting the patients' interests and providing public confidence in medical services so that people can go to a competent medical practitioner in the full knowledge that if anything happens they are indemnified against negligence that may arise. I understand that in excess of 99% of medical practitioners are already registered for insurance.

I am sure the Minister is aware of some concerns raised by consultants. During the summer the Irish Hospital Consultants Association expressed its grave concern at the decision by the Medical Protection Society, MPS, to significantly increase its charges for clinical indemnification. It is expected that this will result in a growing number of patients seeking care in public

hospitals at a time when these hospitals do not have the capacity to treat more patients due to a lack of front-line resources and an insufficient number of consultants. As I said earlier the Minister will face problems and difficulties in this Ministry in terms of providing resources. The increase in charges for clinical indemnification might result in patients using the public service, which will put extra strain on public services. I had a brief discussion with my friend and colleague, Professor Crown, and he believes that may not be the case. It will be interesting to know whether that could happen or is it scaremongering by the Irish Hospital Consultants Association?

The Medical Protection Society, MPS, which is the main provider of clinical indemnity in Ireland stated that the primary reason for the increase is the growth in the cost of settling claims and the lack of progress in reforming the law relating to medical negligence claims in Ireland in contrast with other jurisdictions. It stated that the summer increases had come on top of previous increases of between 50% and 67% since 2008, including increases of up to 33% in 2013 alone. These are quite significant increases. Does the Minister have an opinion on whether they will have an adverse impact on what he is attempting to do here?

The society has said that medical indemnification is already a considerable cost for consultants. However, I take my cue again from Senator Crown by saying that it would be foolhardy to suggest that consultants would not have adequate cover - they all do. I am talking about those who come into this country, perhaps, or those who set up in this country, as fly-by-night operators. One of the inspirations behind the original 2007 Bill was issues surrounding the cosmetic surgery industry; questions were raised about the way patients were treated in a particular clinic in Dublin. Also, a number of recommendations were made by the working group on medical negligence, chaired by Ms Justice Mary Irvine, which submitted a report to the President of the High Court and the Minister for Justice and Equality with recommendations on the introduction of pre-action protocols, including the related draft legislation. Perhaps the Minister has an opinion on those recommendations. The consultants are seeking the introduction of these changes and other reforms without delay to ensure the continued availability of care for private patients which would otherwise become financially unviable.

The Minister has already given the background by saying that the previous Government introduced the Medical Practitioners Act 2007, which was about enhancing patient safety and is at the heart of the health reform agenda. It was part of a series of Bills that would also bring accountability to health professionals. The Bill was consistent with the then Government's commitment, as outlined in the health strategy, to strengthen and expand the provisions for statutory registration of health professionals, including doctors. If we are to maintain the trust of patients in the doctors who treat them, we need to demonstrate and maintain quality at all levels. The Minister made a strong reference to this aim in his presentation. Patients want to know the service they receive from doctors is based on evidence of best practice and meets the highest standards.

One of the priorities of this legislation, on which I commend the Minister, is to strengthen and clarify accountability. It aims to ensure that members of the public are guided, protected and informed in order that they can be confident that doctors are properly qualified, competent and fit to practise on an ongoing basis.

Before I finish I would like to pay tribute to my colleague Senator Colm Burke, on his Private Members' Bill, the Medical Practitioners Bill, which we debated extensively in this House. I commend him not only on having the initiative to bring forward the Bill but also on

the wide consultation that he undertook, which was quite awe-inspiring. He covered the ground extensively and spoke to everybody and anybody in the health area before drafting the Bill. It is a flaw in the whole system of how legislation works in this country that when a Senator introduced a Bill of this quality, which was highly commended by all sides of the House at the time and debated extensively, the Government, when it reached the critical point of moving it to Committee Stage, said “Sorry, we cannot support it, but we will think about introducing our own Bill.” That is exactly what has happened. This Bill is an exact copy of the one Senator Colm Burke introduced. There may be some slight changes here and there. That happens to every Bill that goes through Committee Stage, where it is further improved and expanded. I would put on the record that Senator Burke did a great service not only to these Houses but also to the general public, which has resulted in our having this debate today and will ultimately result in the passing of the Bill. I commend the Bill, and we in Fianna Fáil support it. I would appreciate if the Minister could respond to some of the queries that have been raised. Once again, I reiterate that we on this side of the House wish the Minister well in his new Ministry and have a degree of sympathy for his situation.

Debate adjourned.

Visit of Iranian Delegation

Acting Chairman (Senator Diarmuid Wilson): Before I call Senator Colm Burke, I am sure Members of the House will wish to join with me in welcoming members of the Iran-Ireland Parliamentary Friendship Group, led by Dr. Javad Heravi. On my behalf and that of my colleagues in Seanad Éireann, I extend a very warm welcome to them and good wishes for a very successful visit to Ireland.

Medical Practitioners (Amendment) Bill 2014: Second Stage (Resumed)

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

Senator Colm Burke: I welcome the Minister to the House, and join with my colleague in wishing him well in his new portfolio of health. It is a difficult challenge and there are a lot of issues that need to be dealt with. I have no doubt whatsoever that he is up to the challenge and will continue to improve and reform the current health service.

I welcome the publication of this Bill. It follows on from the work done by the former Minister, Deputy James Reilly, who published a Bill on this matter in October 2009. He was concerned about the fact that in this country one could not drive a car or practise as a solicitor without insurance but there was no insurance requirement for medical practitioners. The then Minister, Mary Harney, stated that by January 2010 the Department would have examined the matter and it would go forward in implementing legislation in this area in the early part of 2010. Unfortunately, that did not happen. As a result of a consultation I had with Deputy Reilly in 2012, I took on the challenge of meeting the various groups involved in the health care sector and produced a draft Bill. The Bill that the current Minister has produced is a further improve-

ment on what was drafted in 2009 and what I drafted in 2012. Therefore, I welcome the publication of this Bill.

It is important that every medical practitioner has insurance. It is also important that medical practitioners have insurance to cover all the work they carry out. One of the issues that is beginning to arise in this country is that of medical practitioners who have insurance that does not necessarily cover all of their work. People have raised with me the issue of whether scanning services are covered by insurance. Another issue is that of people who are setting themselves up as cosmetic surgeons and whether their insurance is adequate to cover their work. This is not just about having insurance but is also about ensuring that the insurance covers the work done, which is an important part of the legislation. We must make sure that when medical practitioners get insurance they have checked that everything done in their medical practice is covered by their insurance policy.

One of the people I met during the consultation process in 2012 was Dr. Peter Meagher, secretary of the Irish Association of Plastic Surgeons. One of the big issues he raised with me was the fact that at the time people were coming into the country, particularly Dublin, and carrying out procedures, but at 5 p.m. their practices closed, which meant that if anything went wrong those patients ended up in public hospitals. Dr. Meagher said that he and his colleagues, who work permanently in Dublin, had to pick up the pieces. One of the consultants also made the point that 10% of his work was redoing work that had been badly done by people who had come to Ireland from abroad. That is one of the reasons it is important that everyone who is practising here has adequate insurance.

In terms of the consultation process, I thank all of the people involved, with whom I am sure the Department of Health was also involved. In particular, I thank the Medical Council, Mr. Ciarán Breen of the State Claims Agency, the Medical Protection Society, which was very helpful in giving advice, the Irish Medical Organisation, the Irish Hospital Consultants' Association and all of the people involved in medical practice. They were very forthcoming in giving their views on what the legislation should contain. I have no doubt whatsoever that those consultations were also held by the Department of Health in the preparation of this legislation. It is only through working together that we can make sure all of the t's are crossed and the i's are dotted when it comes to having adequate insurance.

My colleagues raised the issue of the cost of insurance, which is something we need to examine. Recently I met a medical consultant who started working in a private hospital in Ireland about 18 months ago. His insurance premium for his first 12 months was €20,000, but the premium for his second 12 months has increased to €70,000. If there is movement away from the private sector back into the public sector, the public sector will not be able to accommodate any further increase in demand for services.

One of the issues we need to examine is that of the current capping procedure in the area of insurance. Insurance companies provide cover up to a certain figure and the State then takes over. In some areas the capping level is too high. The MPS is not a profit-making organisation, rather it is non-profit. All of the premiums it receives are used to meet compensation and administration costs. I understand MPS pulled out of Australia a number of years ago and concerns were raised during the summer that this was its long-term plan. It was in contact with me and reassured me that there was no intention on its part to move out of the Irish market. However, the capping levels need to be reviewed. We need to take this into account.

We also need to take into account how we can decrease the level of litigation and restructure the way in which medical negligence claims are handled. We fundamentally changed the way in which we dealt with claims relating to road traffic and industrial accidents, but we did not change how we deal with medical negligence claims. We still have a long-drawn out procedure at huge cost to the State. This is something we need to examine and we need to put in place a better structure sooner rather than later. We could study how other jurisdictions deal with this issue and how we could reduce the cost of litigation and the number of claims made.

Insurance compensation does not necessarily put a person back into the position he or she was in prior to a procedure going wrong; it is important, therefore, to reduce the number of incidents from which claims arise. Every effort should be made to try to improve safety to ensure the work carried out is of the highest possible standard and the level of litigation reduced. In recent years the level of litigation has increased and we need to consider how we can tackle the problem. Insurance cover is only one aspect; the other is making sure the number of claims is reduced substantially. We all have a part to play in that regard.

I refer to medical practitioners and the role of the Irish Medical Council. Many stay on the medical register, even though they might be working outside the country. I am not sure what we can do about this or whether the matter has been dealt with. Some people have paid the registration fee and want to return to Ireland to practise. The figures published recently by the Irish Medical Council showed that there were over 18,000 on the register, but they did not state whether all of those registered were practising in Ireland. The report published lacks clarity on the issue; it is important, therefore, that we have the figures.

I am concerned about other figures included in the report. The numbers registered decreased by 800 between 2011 and 2013, a decrease of about 3.5%. I have had no indication of the decrease in the number of medical practitioners actually working in the country, but this is something we need to examine and address. I have already said the number of non-EU doctors who will come into the country in the next 12 months will reduce, something which will present a major challenge for the health service and up to which we will have to face. We have to do so before 31 December to make sure we can reverse the trend of Irish graduates leaving and non-EU graduates no longer coming here. I welcome publication of the Bill, the decision of the Department to proceed with it and ensure the participation of all parties concerned to make sure we will have comprehensive legislation in place to deal with the matter.

Senator John Crown: I welcome the Minister. I am very proud that he, as a representative of my profession, is in this high office and I have no doubt that he will bring his well documented and considerable organisational, intellectual and analytical skills to bear on the broad array of problems he faces. I am very taken by the fact that at the outset of the debate six Members of Parliament are present in the Chamber, two of whom have medical degrees and one of whom is a nurse. This is perhaps the highest level of technically relevant representation we have had in either House since the last occasion on which the Dáil debated the registration of public houses Bill.

It is well recognised that in Ireland we have a crisis in medical litigation. We have one of the highest medical litigation rates in the world. This is considered to be one of the most dangerous environments for doctors to work in; historically it has been one of the most challenging environments in which medical indemnity insurers such as the Medical Defence Union and the Medical Protection Society act. Premiums in many specialties are typically many times higher than for equivalent specialists in the United Kingdom, reflecting the sense that there is a much

higher rate of risk associated with practice here.

I tried to find the exact figures. I teach a course on risk management and oncology. The United States is No. 1, but historically Ireland and New Zealand have been behind it. There will be much cultural analysis of what aspects of the Irish personality or the structure of Irish society lead to a high rate of medical litigation. The explanation is simpler and sadder than one might think. We have generally a fairly mediocre health service which is in urgent need of improvement and reform. The Minister knows these facts, but it is important, given that this is one of our first public engagements, that I have the chance to make some points that I know he will consider and address.

We have the lowest number of career level doctors per head of population of any country in the OECD. The closest country to Ireland, the United Kingdom, is not particularly close. The United Kingdom is substantially below the third closest country. We have a very abnormal career structure in Ireland. Built into the health system, especially the hospital component, is an understanding that most of the care provided will be provided by trainees. We use highfalutin terms like “registrar” and “specialist registrar”, but they are trainees. If the Minister or I lost a wedding ring or a precious piece of jewellery down a drainpipe, we would call a fully trained professional plumber to find it. If, however, one of our precious children appeared in a public hospital and required surgery for acute appendicitis or an injury, there would be a very high chance that his or her care would be provided by a trainee. This is wrong and it is not because of some closed shop operated by consultants because no consultant can create consultant jobs. Only the Government, through its agents which historically have been Comhairle na nOispidéal and the HSE, can create jobs. Successive Governments and Ministers from different political parties have made a structural, ongoing and, as yet, unreformed decision that this is the shape the health service will take. As a result, many people who engage with the health service do not engage with a fully trained specialist in a specific area and receive care which, I am afraid, does not meet the standards to which a modern, educated, sophisticated country that is in the top 22 of the OECD’s list of economically developed countries would aspire. That tension will cause medical malpractice.

The case for fixing the problem of medical malpractice in Ireland is not, as is the case in the United States, based on a case for tort reform but rather on health care reform. We urgently need to reform the system. We need to make sure decisions are made by fully trained, rather than junior, doctors. We need to do something to address the extraordinary shortage of specialists. I include specialists in family practice in that. We have an extraordinarily small number of specialists.

I o'clock

We are hanging off the bottom of the charts in respect of everything from neurosurgeons to oncologists to cardiologists to urologists to neurologists and, as a result, even if a person is in a system where it is likely that he or she will be seen by a fully-trained specialist, this will not happen for a long period because there will be waiting lists involved. Bad things happen to people who are on waiting lists.

I have stated for many years that if - as both the Minister and I do - one believes in social democracy as it applies to medicine and health care, then it is not a question of public versus private or whether the system is run by the State. Rather, it is a question of what is the right way for society to assume collective responsibility in order to ensure that what would be regarded as

a basic set of guarantees will be extended to people. The most basic of these guarantees is that if one needs care or treatment, one will receive it and that this will not be determined by one's ability to pay. I am of the view that there is general agreement throughout society in respect of this matter and I suspect no one would suggest that we should adopt a more neo-Darwinian approach based on the survival of the fittest. The consensus will break down in the context of how we achieve that to which I refer. A large number of theoreticians believe that such services can only be administered if they are delivered by a single entity, namely, the Republic itself via its Government, and that the system must be funded, regulated, delivered, staffed and policed by the same monopolistic entity. I differ from the group that espouses the view of social democracy to the effect that everybody should pay their taxes to the State and that the latter should decide how health care should be provided.

The most successful social democratic health systems in the world, namely, those which according to OECD figures and statistics on speed and quality of access and outcomes, deliver alternative models which are firmly based on the precepts of social democracy and which involve a diversity of contracts and providers. There is, however, one aspect to these systems which is not diverse, namely, all of those in society are in it together, everyone pays over what is probably a fixed percentage of his or her income and this is specifically invested in health care. Rich people pay more, poor people pay less and those who have no incomes pay nothing at all and are paid for by others, which is fine. With such systems, everyone has a freely negotiable insurance instrument which he or she can take to the doctor or hospital of his or her choice. This instrument may be administered by a state-run insurance company similar to the VHI or some of the non-for-profit health systems in Canada, Israel and elsewhere. Some of the entities involved may be private concerns but they should only be allowed to enter the market on the proviso that they play by the same rules, namely, community rating, no cherry-picking and equality of access. If such providers want to put in place additional policies whereby people can obtain access to different types of hospital rooms or menus during their stay, that is fine. However, the actual care provided must be the same.

I am not describing some pie-in-the-sky utopia, I am outlining what happens in most of the countries which have Bismarckian systems of health-care delivery. The cliché that was thrown about in the run-up to the most recent general election - during which I specifically espoused the cause of the Minister's party and that of its prospective coalition partner because I liked their health policies - involved reference to the "Dutch model". What actually emerged from the synthesised post-election negotiations was the Deutsche or German model. Germany has the most successful health care system of any large country in the world. A salutary lesson can be learned from the fact that such a large, complex and diverse entity which faced extraordinary challenges in the past retains the system introduced by the Iron Chancellor, Otto von Bismarck, in the 1880s as a bulwark against the encroachment of the new movement of Marxism. The system in question survived the Franco-Prussian War, the First World War, the abdication of the German monarchy, the Great Depression, the Weimar Republic, the rise of Hitler, the Second World War, the partition of Germany, the Cold War and the reunification process. It remains in place and is essentially the same as when it was introduced 140 years ago. I accept that the German system is a little more expensive than others.

One final message I wish to convey to the Minister from the John Crown book of guerilla health economics is that there is nothing wrong with spending money on health care. It is always wrong to waste money and Government should never waste money on anything. However, the mere fact that money is being spent on health care does not mean it is money badly

spent. It must, however, be spent efficiently and in a fashion which incentivises appropriate social outcomes and economic returns.

I have really great hopes for the Minister. I informed his predecessor that he was dealt a rotten, awful set of cards when he entered office and I still believe that to be the case. I also believe that members of the previous Minister's party, when they had voted in favour of the various austerity budgets, did not treat him particularly well when expressing great surprise about the fact that things were not going well within the health service. That is the reality but let us draw a line under the matter. The new Minister will have a relatively short tenure in his current position. He may enjoy a longer tenure there if his party is returned to power and if he elects to remain in the Department of Health rather than moving elsewhere. I hope he takes an ambitious attitude to the cause of health care reform and understands that the opportunity is there for the taking. The person who has the vision to tackle the bureaucracy and who understands how the system can be made to work can put his mark on Irish history if this is done right. I am certainly of the view that what I have outlined can be achieved in a year to 18 months.

Senator John Gilroy: I welcome the Minister and wish him well in his new job. The magnitude of the responsibilities involved and the frustrations to which the job gives rise turned his predecessors grey, not just in terms of their hair but also, perhaps, in the context of their reputations. I have every confidence that this will not happen to the Minister. He has begun his tenure very well and some of his recent pronouncements have brought certainty in respect of the position with regard to health care. He will enjoy the support of the Labour Party as long as he continues to do that. If he fails to do it, however, our support cannot be automatically taken for granted.

The legislation before the House is extremely important. As Senator Mooney pointed out, it is more or less the same as that which was introduced by Senator Colm Burke some time ago. Senator Colm Burke has been gracious and generous enough to state that the Bill is an improvement on his legislation. I am not sure whether that is the case or whether the Senator's natural generosity prompted him to make his statement to that effect. As Senator Mooney also indicated, there is something wrong if perfectly good legislation is introduced and then the Government finds it necessary to remove it before bringing forward a virtually identical Bill.

While I may have been surprised by the fact that Senator Colm Burke's legislation was not accepted, I was even more surprised when I discovered that medical practitioners have heretofore not been required to provide evidence of indemnity cover. That is extraordinary. Is the Minister in a position to indicate the number of medical practitioners who have been operating without indemnity cover? Is he aware of any instances where people before the courts have been found not to have indemnity and can he outline what were the consequences in that regard? The legislation before the House addressed two aspects of this matter, the first of which relates to public safety. When practitioners are registering, they will now be required to provide proof of competency, experience and indemnity cover. That is only right and proper. The second aspect relates to public confidence. Patients are going to be able to rest assured that the medical practitioners under whose care they may find themselves will all be in possession of the relevant insurance.

My colleagues have already covered the various matters which arise in the context of the Bill. However, Senator Colm Burke referred to the fact that the amount of indemnity or insurance cover which medical practitioners are obliged to pay is €70,000. Is account taken, in section 6 or elsewhere in the legislation, of people who are not full-time medical practitioners? I

refer, for example, to people who may be job-sharing and who might see three or four patients per week? I refer to individuals who may wish to keep their hand in, so to speak, but who are not practising on a full-time basis. These people would not make a fraction of €70,000 in terms of their annual income, so the cover may prove to be out of their reach financially.

The Minister stated that the legislation will fulfil Ireland's obligation under the EU directive relating to medical practitioners and that similar legislation that will apply to other registered health professionals will be drafted as soon as possible. Who might these other health professionals be? Senator Crown referred to the fact that I am a psychiatric nurse. Will nurses fall under this legislation? There is already a requirement for a professional register for nurses. I understand that when nurses are practising within the health service they are automatically covered by their employers, but in certain circumstances nurses work for agencies in the private sector - for example, looking after patients in their own homes. Is there a requirement in such cases for the agency to provide indemnity, or is the individual practitioner required to so provide?

I look forward to discussing this in greater detail on Committee Stage and I will have more questions for the Minister at that stage. Anyway, if the Minister could have my considerations addressed at this time I would be most appreciative.

Senator David Cullinane: I welcome the Minister to the House. I gather it is his first time here since his recent appointment, or perhaps not, but it is the first time I have seen him. I commend Senator Burke on proposing a similar Bill some time ago. It was not accepted but the substance of what he proposed at the time is largely in this Bill. He deserves credit for his work on this issue and for bringing this issue to the Seanad initially.

Senator John Crown: Hear, hear.

Senator David Cullinane: We welcome this Bill. For many people, it seems strange that such a system was not in place already, and people have been surprised to learn that it was not. I imagine the current status whereby medical professionals have no legal obligation to have adequate medical indemnity insurance seems strange to the vast majority of citizens. Under this Bill, medical practitioners must ensure they have suitable cover. The Medical Council will be in a position to sanction a medical practitioner engaging in medical practice without indemnity. I welcome the fact that there will be an exemption from indemnity for those who are not actively engaged in medical practice. This is a common-sense and necessary exception.

This is a short Bill and one that we certainly support. I am taking this opportunity, as previous Senators have done, to discuss briefly issues in the health service, given that the Minister is in the House. We have called for statements on health care. I hope that at some point in the coming weeks the Minister will be able to come to the House and take part in a more thorough debate. People have serious concerns about the Government's health policy at the moment. With the greatest of respect to the Minister's predecessor - he did some good work in the health service - he talked tough and promised a good deal. Senator Crown referred to his having had a vision and a plan and so on. He certainly seemed to have a vision, but the plan was not in place and we did not get the delivery. We were promised that the HSE would be abolished and that it would be replaced with a more accountable body, but that has not happened. We are unsure where universal health insurance has gone. That is something the Minister will have to work out. Then he will have to come back to all of us and spell out not only his vision but also his plan in terms of how he will make it a reality. Promises were made for free general practitioner

care for those under six years of age. Where is that? When will that be up and running and when will people be able to avail of it?

Bizarrely, as we are discussing this issue, and for the first time in my lifetime in politics, I have seen GPs protesting outside Leinster House, and I believe they have a valid reason. Our health service is under serious pressure. I accept that the Minister is aware of this. He is conscious of it and, if we are to believe what we hear and see in the media - although I do not always believe it - he is making the case for more investment in health care and the need for a triple approach involving reform of the system, efficiencies and greater investment in the health service. That is certainly to be welcomed. There is a need for the Minister to come to the House again to have a more thorough debate. We are owed that much by the Minister.

The horrors of the Michael Neary and the symphysiotomy scandal highlight why it is important to have robust and transparent systems in place for those who are injured by medical practitioners and who seek redress. The House must also be able to ensure that the public can trust the medical profession. It is alarming that someone irresponsible could practise here without the appropriate medical negligence insurance and that in the event of negligence or unsatisfactory treatment a patient may have no redress or recourse to compensation. That is something I do not believe any of us can stand over. It seems now that it is something that will be finally addressed. I commend the Minister on his introduction of this Bill. I commend Senator Burke on his work in this area and on bringing forward a similar Bill in the past.

I agree with many of the statements Senator Crown made about the Minister in respect of his ability. Ability and vision are one thing, but the Minister needs a plan and to be able to spell out to us exactly how he will reform the health service in the coming 18 months. Major changes can be made. We hear all the time from the media and those within the political establishment that the health service or the health Ministry is a poisoned chalice. It is only a poisoned chalice if we do not reform it or if we make the wrong policy choices. Far better to deliver on a plan and a vision that improves the health service generally, reduces waiting times across the board and takes the pressure off front-line services to ensure that people are treated on the basis of equality rather than how much money they might have in their pockets. If the Minister were to reform the health service along those lines and end the two-tier health system, he would be seen as one of the greatest health Ministers of our generation. Anyway, that is up to the Minister, and he must decide how that will be delivered. I wish the Minister well in that work and I welcome the Bill.

Acting Chairman (Senator Diarmuid Wilson): Senator Quinn, you have five minutes.

Senator Feargal Quinn: Thank you. I will be careful with my time. The Minister is very welcome. He has been a regular in the House not only in his previous ministerial post but in this post as well. I am pleased to see him in the House again. Senator Crown, in particular, and Senator Cullinane used the opportunity to remind the Minister of the confidence we have in him. There is confidence in the Minister. The fact that he has such a good background means we believe he can get the job done. It is not an easy task to get done.

Credit must go to Senator Burke for his hard work over the years on this legislation. It is perfectly sensible to make it compulsory for medical practitioners to have insurance and it surprised us that this was not in place already. While his name is not on the Bill, I reckon Senator Burke should get great credit for the Bill before the House. In this respect, I am pleased to see another clear tranche of law that aims to improve the lives of citizens coming from the Seanad.

The legislation clears up an apparent loophole, one which surprised all of us. Insurance is in the interests of the customer - I always refer to patients as customers. I was chairman of a hospital at one time and I tried to get the term “patient” substituted by the word “customer”. I was not very successful in that, but I did my best.

Senator John Gilroy: Rightly so, thanks be to God.

Senator Feargal Quinn: Insurance is in the interests of the customer - that is, the patient - and the doctor as well. Such required insurance is the norm in many European Union countries and we need to move towards that standard. I am pleased to note that the Bill also brings the EU directive regarding patients’ rights into effect. Will the Minister give patients more information on how they can get some sort of redress or compensation if they believe they have been mistreated abroad? This is relevant given the considerable number of people who go abroad for treatment.

Every patient should be allowed to get his medical records online in a simple manner. It is technically correct and possible to do. Unfortunately, the HSE has not done this heretofore, but across the water in the United Kingdom the health services are planning to allow the public access to online records by 2015 - that is, next year. We should allow patients access to online medical records to empower them to make better and more informed decisions on their own health. The old cliché holds that information is power. That is exactly the case when it comes to health care and the patient. Previously, I have called for the HSE to be far more progressive in this area. In this day and age and with the Government insisting that the country is cutting-edge in terms of technology, it should be no problem for the Government to introduce measures to ensure that a patient can access all his medical records online. It would allow patients to track their health and make educated decisions. According to a study conducted for the European Commission, only 4% of European hospitals grant patients online access to their medical records. Surely they should be available online here in order that people could make their own decisions. Why can the HSE not allow patients greater access to their medical records? What is it doing in this regard, considering the hundreds of millions of euro available in its budget? Under EU law, the right to access personal health data is guaranteed; however, patients often need to submit a formal request and procedures can be long and complicated, with the result that it can take time to access records. How can we reduce red tape? Information is power and having access to such information could allow people to make better decisions on their own health. Patients could educate themselves about their health and possible treatments and, with their doctors, decide on the way forward.

It is a pity that this is yet another example of HSE inaction in giving people the tools to make more informed decisions. The deterrent effect of the legislation will be great. The Bill states there will be no additional costs to the Exchequer, although the Medical Council of Ireland will incur costs of approximately €200,000. The cost will have to be borne by doctors. Can we get any guarantee that no additional costs will be passed on to patients?

The Bill is worthy of support and there will be no opposition to it. While there may be amendments to try to improve it, the Minister has the House behind him and I wish him well.

Minister for Health (Deputy Leo Varadkar): I thank Senators for their contributions and the broad welcome for the Bill from all parties and independent Members.

Senator Paschal Mooney mentioned issues around medical indemnity insurers, which have

increased their premiums considerably. There is a cap of €565,000 in a case of negligence, above which the Government picks up the bill, even when the negligence occurs in a private hospital on the part of a fully private consultant. There are issues of equity as to whether the taxpayer should be liable for this. The Senator made the valid point that if all of these patients were to appear as private patients in public hospitals or the public system, there could be potential costs and issues. There was an element of this regarding Mount Carmel Hospital, a private obstetric hospital which became unviable for various reasons. Many of the patients who would have attended the hospital are in the National Maternity Hospital and other hospitals. The Senator's point is well made and valid and we are examining it. I will bring an amendment before the Government in the coming months after we have assessed the case on both sides because there is always a risk that the case being made by the consultants is being overstated and we must ensure we protect the taxpayer's interests.

Senator Paschal Mooney: Of course.

Deputy Leo Varadkar: We can take a number of measures to reduce liability costs. The Department of Justice and Equality is introducing legislation to allow for periodic payment orders. In Ireland people receive a big lump sum up front, which can be very large and costly, whereas in other jurisdictions payments are made periodically over time. This is less costly and allows the courts and others to assess a person's needs, instead of guessing what they will be for the rest of his or her life. I would like to re-examine the possibility of having a no-fault system in the case of cerebral palsy and birth injuries because the current position is very unsatisfactory. Parents who have children with cerebral palsy have to go to court to prove negligence and it can be many years before they obtain a settlement. There must be a better system all round for us to look after children with cerebral palsy. Some work was done on the issue 13 years ago, but it was not followed through. The time has come to revisit it.

For the medical profession in general, it is very important that we adopt a greater duty of candour. Doctors and hospitals should not be afraid to tell patients if something went wrong and explain it. Doctors and hospitals can sometimes be too defensive and fear being sued. When litigation occurs, it is often compounded by the fact that patients were not given all of the information or treated disrespectfully. There is enormous evidence to support the view that where there is candour, mistakes are admitted and restitution is offered immediately, the litigation we have seen does not occur. I understand Senator John Crown's point on doctors in training, which may or may not be true, but I have yet to see evidence to support the view that many adverse events occur because of the high number of doctors in training rather than consultants. It may be that consultants do not take responsibility for what has happened to patients under their care and do not show candour and honesty in explaining to patients what happened and offering restitution. The Senator's separate point, that fully qualified consultants would provide better and safer care than those in training, must be logically true; however, I do not know if there is a direct link between this and the high level of litigation in Ireland.

Senator Colm Burke asked about people who were registered and out of the country. I do not have figures, although the Medical Council produces very detailed figures which may include the information sought. Because of continuous professional development, CPD, requirements it is increasingly difficult for people to maintain their registration when they are no longer in the State. As far as the Bill is concerned, those who are out of the State will not be required to have insurance in Ireland.

There were questions about the number of incidences of people being on the register but not

being insured. Although the legislation does not yet require it, the Medical Council asks doctors, at the point of annual retention, whether they are indemnified and follows up with those who are not. Very small numbers – two or three – are registered but say they are not indemnified. There could be more who say they are indemnified but are not and that does not become apparent until a case arises. If other professionals such as dentists, therapists and nurses are working in a State or private hospital or for an agency, it is expected that their employers would cover their insurance. However, we will see more nurses such as clinical specialists and others operating independently and they will need to be insured.

Senator David Cullinane mentioned the GP protest. I am under no illusions about the fact that GPs are under pressure. Their incomes have decreased and their workloads increased. It is also important to know the facts. While many young GPs may be emigrating and many GPs are approaching retirement, the number of GPs contracted to the HSE is at an all-time high, up from 2,258 at the end of 2010 when the Government took office to 2,416 today. We have never had more GPs contracted to the State and looking after GMS patients. Listening to some of the commentary one would think the number of GPs was decreasing. While it may need to increase faster, it is certainly not decreasing.

Similarly, the amount of money paid by the Government to GPs under the GMS scheme has increased from €438 million in 2011 when the Government took office to €447 million in 2013. GPs will, rightly, argue that they have to see more patients because there are more patients with medical cards than before. While that is true, funding has not been cut to general practice in cash terms since the Government took office - it is the reverse - and people have to do more for more, not more for less. There is an opportunity to provide more resources for general practice. The Government wants to do this by extending GP care to all those aged under six years and over 70 and has initiated contract negotiations with the IMO on a new replacement contract to replace the Childers contract which, believe it or not, is still in operation in general practice. I hope the IMO and GPs seize the opportunity to obtain more resources for general practice because they might not be there forever; they might not always have a Government or a Minister in office that is as committed to general practice as the current regime is. The protest today is by the National Association of General Practitioners which does not have a negotiating licence and is, therefore, not involved in the talks. The IMO is.

There were some good questions about records being online and people having access to them. The fundamental problem in Ireland is that most records are not available online. We still largely use paper records in the health care system and hospitals. There has been enormous under-investment in information and communications technology, ICT, in the health service in the past decade or so. I assume this is due the aftertaste of the personnel, payroll and related systems, PPARS. It did not go as wrong as people claimed, but it did go wrong and became very expensive. As a result, there has, unfortunately, been huge under-investment in ICT in the health care system. General practice has embraced IT and most GP surgeries will have electronic patient records, but that is not the norm in hospitals where there is a huge distance to catch up in ICT. However, it is intended that the new children's hospital, the design team for which I launched today and which will be under construction by the end of next year, will be fully electronic and virtually paperless when it opens. In the case of children, at least, we can start the process of putting records online.

Another initiative that will be rolled out from the start of quarter one of 2015 involves the individual patient identifier or health identifier. Everybody will have a single number which can be used to identify him or her. It will be a little like a personal public service, PPS, number

for health. There are many reasons one cannot use the PPS number, into which I will not go, but it will be similar to it. It means that we will be able to identify people. At present, if one is attending a GP practice and one or two hospitals, the records do not talk to each other. The first step in doing this is to have an individual health identifier for everybody. It will be very messy because there are different systems throughout the country and somebody will have to tag this new number to all of these records. It will be far easier with children. We hope to register with it all children under six years of age next year, but seeding the old data and getting to these numbers will be complicated. It is not a project that should be rushed.

Senator John Crown made a number of points. I do not have time to deal with all of them, but I will address a few. While I acknowledge that the health service is consultant-led rather than consultant-delivered which is a fancy way of saying most of the doctors the patient sees are in training and not specialists, we have more consultants than ever working in the health service. There are also in total more doctors than ever working in the health service. Although there has been a recruitment embargo in the health service in recent years, it does not apply to doctors. A record number of doctors and dentists are working in the health service. As that fact is not well known, it is important to highlight it. In contrast, the number of management and administration grades has fallen to a ten year low. One would not think this when one sees what passes for media commentary these days, but it is the case.

Over time we will have to increase the number of consultants considerably and reduce the number of doctors in training somewhat. However, the first step is the far more practical one of filling the 200 vacancies across the health service for consultants. We are finding it very difficult to recruit them for a number of reasons, not all of which are financial, but finance is part of it. I hope the IMO will ballot in favour of the new salary scales, thus allowing us to fill these 200 vacant posts next year. Currently, they are filled through agencies and by locum consultants at enormous cost for reduced quality. That is the first thing to be done. If we can get it done next year, it will be good progress.

On the general issue of health reform, I am a strong supporter of universal health care. I agree with Senator John Crown and many other Members of the House that it is not a radical idea. It is the norm in almost all of the western world. Ireland missed the boat in embracing the concept in the 1940s and 1950s for various reasons. There are many models and the German model is as good as any. I will not go into the detail of it today, but I will in time. The first step for this country is the introduction of universal GP care. I hope to make this a reality in the coming months in extending GP care without fees to young children and everybody over 70 years of age. People will only believe universal health care will happen when they start to see practical things such as this. We have had many White Papers and plans, but it is only when people see it start to happen that they might start to believe it.

On the wider issue of universal health insurance, the Health Research Board, with the assistance of the Economic and Social Research Institute, ESRI, is doing detailed work on universal health insurance and its cost. We hope to have the findings of this work by the end of the first quarter of next year. It is an interesting piece of work which will give an indication of what the cost will be. As Senator John Crown said, it might well cost a little more and we should not tell people anything other than this.

One can use many statistics such as gross domestic product, GDP, and gross national product, GNP, *per capita* and so forth, but health services in Ireland are under-funded relative to most such services in Europe. It is not the case that one can deliver universal health care sim-

ply through efficiencies. Universal health insurance will involve cost and payments. What we must do is calculate the cost for individuals and families and work out how they pay for it. Whether it is the German model proposed by Senator John Crown - a percentage of income and an opt-out for the better-off - or a compulsory insurance system, as is the case in other countries, if there is to be a proper debate on it to find out what people want, it will be necessary to have figures to show them what it would cost. I hope to have them next year.

The difficulty in making it happen in 18 months, of course, is that the public system must be reorganised and become competitive in order that it can compete with private hospitals for patients. It is not in that position and the hospital groups are a big step in the direction of making the public health service competitive with the private health service. However, there are many other issues involved. We are locked into public pay scales and other terms and conditions that do not make implementation straightforward. However, as far as the Government and I are concerned, there is no departure from the vision of universal health care. That is still what we intend to do, but we will try to be very practical about it in the short term.

Question put and agreed to.

Acting Chairman (Senator Diarmuid Wilson): When is it proposed to take Committee Stage?

Senator Colm Burke: Next Tuesday.

Committee Stage ordered for Tuesday, 30 September 2014.

Sitting suspended at 1.40 p.m. and resumed at 2 p.m.

2 o'clock

Civil Registration (Amendment) Bill 2014: Report and Final Stages

Acting Chairman (Senator Terry Leyden): I welcome the Minister of State at the Department of Social Protection, Deputy Kevin Humphreys, and his officials to the House and wish the Minister of State every success in his Ministry.

Before we commence, I remind Members that a Senator may speak only once on Report Stage, except the proposer of the amendment, who may reply to the discussion on the amendment. On Report Stage, each amendment must be seconded. Amendment No. 1, in the names of Senators Walsh and Mooney, arises from Committee proceedings. Amendments Nos. 1 to 4, inclusive, are related and may be discussed together, by agreement.

Senator Jim Walsh: I object to discussing the amendments together.

Acting Chairman (Senator Terry Leyden): The matter has been examined by the officials and this is their recommendation.

Senator Jim Walsh: What if the proposers of the amendments object? I will be honest in

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stating the reason for my objection is that I do not have a seconder at the moment and taking the amendments individually would allow me to get a seconder.

Acting Chairman (Senator Terry Leyden): We will take the amendments individually if that is the Senator's wish.

Senator Jim Walsh: It is my wish.

Acting Chairman (Senator Terry Leyden): That is agreed.

Senator Jim Walsh: I move amendment No. 1:

In page 6, between lines 38 and 39, to insert the following:

““stillborn child” means a child who, at birth, weighs not less than 500 grammes or has a gestational age of not less than 24 weeks and shows no sign of life, and “stillbirth” shall be construed accordingly. These also include an unborn child who dies in the womb of the mother due to death of the mother but otherwise meets the weight or age criteria herein;”.

I welcome the Minister of State to the House. We had a long debate on this issue on Committee Stage last week when the Minister of State undertook to meet me. I thank him for that meeting during which he and I had an open discussion on the issue that arises in this context.

I propose the amendment in response to the Committee Stage debate during which the Minister of State indicated that the World Health Organization had a view on stillborn children and there was, therefore, some reluctance to act as such a decision could have ramifications. Having examined the issue and taken some advice, we have left the definition of a stillborn child. The amendment defines a stillborn child as “a child who, at birth, weighs not less than 500 grammes or has a gestational age of not less than 24 weeks and shows no sign of life, and “stillbirth” shall be construed accordingly.” This reflects the definition in the legislation. However, it also extends the definition of “stillborn child” to include “an unborn child who dies in the womb of the mother due to death of the mother but otherwise meets the weight or age criteria herein”.

The proposed change does not interfere with the register or with stillborn remaining as a provision in the Act. What we are doing is seeking to respond to a highly unfortunate case, one of many where these regrettable circumstances have arisen. These cases are clearly very difficult for families to contend and cope with. In this and other cases, they are seeking to have their daughter, granddaughter or niece recognised by being included on the register. This is a principle to which one would expect families to be entitled when one considers that a stillborn baby is so registered and its parents have, if one likes, at least some comfort that the State has recognised the existence of their child. I understand that where a pregnant mother will die, perhaps as result of trauma sustained in an accident, but survives for a period that is sufficient for the child to be removed, albeit dead, from the womb, the child will be registered on the stillborn register. There is, however, no legal provision for registering a child on the stillborn register where the mother dies before the baby has been removed. While I am aware of cases where coroners have issued certificates in order that the death of a child could be registered, I am informed that the law does not provide a legal basis for doing this. The amendment proposes to address this anomaly.

There is a growing awareness in jurisprudence of the need to recognise circumstances such as those I have outlined. A court of appeal in Northern Ireland recently ruled that a coroner

could hold an inquest into the death of a baby who was stillborn in Altnagelvin Hospital. This was a ground-breaking decision in terms of recognising the unborn by registering a death. The case in question was taken by the Attorney General for Northern Ireland who had failed to secure the decision he sought in the lower courts. I understand his successful appeal relates to section 18 of the Coroners Act 1959 of Northern Ireland.

That jurisprudence in this area is evolving is another reason for addressing the issue. It is reasonable to expect that those who have been bereaved and left behind in the tragic circumstances I have described - parents, grandparents and siblings - would, by virtue of the issuing of a death certificate, receive an acknowledgement that the baby existed. It is for that reason that I am making this case to the Minister of State. From our discussions on the last occasion and our discussions in the Minister of State's office, I think that he is sympathetic to the arguments being made.

I know that in all such situations, there are always concerns about the consequences if we do this. However, the amendment is very clear. First of all, it recognises that the mother has died so it is a situation where the mother has died and where having been removed from the mother, that baby meets the same criteria as currently exists for stillborn babies - either the weight or age of gestation at least matches the minimum in current legislation. I have to say that I find it difficult to envisage circumstances where there would be other ramifications because it is very specific. The mother must have died for whatever reason and the baby in the womb, which obviously is dead otherwise this issue would not arise, meets either a weight or a gestational period criterion which already exists in our legislation. I make a strong appeal to the Minister of State to accept this particular amendment, which may be the easier of the amendments to accept. It is very clear and possibly brings about the least amount of change to existing legislation. I look forward to the Minister of State's response.

Senator Paschal Mooney: I second the amendment. We had an exhaustive debate on this with the Minister of State and I know that Senator Walsh has said that the Minister of State met with him subsequent to the debate and discussed this. Subsequent to the previous debate, I was reminded of just how emotive this issue is for parents and grandparents. I was reminded that my first cousin had a late miscarriage some years ago which I had forgotten about. The miscarriage coincided with the death of her father so they may have been related. What I particularly remember about the funeral is that the unborn baby was placed in the coffin alongside her grandfather and the unborn baby was named and treated as a living entity by the parents - as a real person. It occurred to me that if that particular event was experienced by that family, how many other families across the country feel the same, have adopted the same course of action and hold and treasure the memory of what they accept as a living being.

I appreciate that the circumstances and context for Senator Walsh's amendment are somewhat different but all of this has the same emotional impact on those involved. As Senator Walsh has outlined, I hope that there would be some legal framework that would accommodate Senator Walsh's amendment, prevent the sadness and discomfort that has surrounded this particular case and many cases like it and bring closure of some sort - at least the closure of a chapter for the surviving grandparents.

Senator David Cullinane: I wish to speak to the content of amendment No. 4. I agree with much of what Senator Walsh said but I cannot support amendments Nos. 1, 2 and 3. I do not think they are nuanced enough in the first instance and I would also be reluctant to get into a debate about the definition of the unborn child as well in the context of this Bill. I know the

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Minister has been lobbied and we certainly have been lobbied by the grandfather whose daughter died. Obviously, his granddaughter died as well. The daughter was seven months pregnant and was killed in a car accident. I know it would have meant an awful lot for that family to be able to register the granddaughter and I think that is a reasonable request.

Our amendment basically gives the family a choice. If the family wants to register the child in any instance, it will be given the opportunity to do so. I do know that for some families that may not be a choice they would want. It might add to the grief but for those who do, I genuinely believe they should have the option. I will not delay the Minister of State. It is a fairly straightforward amendment. The Minister of State has rehearsed this on Second and Committee Stages but we feel amendment No. 4 is worded better than amendments Nos. 1, 2 and 3 and we think it is a better fix or fit.

Acting Chairman (Senator Terry Leyden): Does anyone else wish to speak on these amendments? Otherwise they cannot speak after the Minister of State responds.

Minister of State at the Department of Social Protection (Deputy Kevin Humphreys): I acknowledge Senator Walsh and thank him for the engagement that took place during the week. We tried to work in a co-operative manner to move things forward. I would like to address amendments Nos. 1 and 3 in the first instance. The registration of stillbirth was first provided for in the Stillbirths Registration Act 1994. The definition of stillbirth contained in that Act was carried forward to the Civil Registration Act 2004. The registration of stillbirth is provided for in section 28 of the 2004 Act.

When the Act was introduced in 1994, it was primarily to afford comfort to bereaved parents. For this reason, it was felt that the definition of stillbirth would be as wide as possible consistent with accepted medical norms. During the passage of the Act, detailed consideration was given by the Oireachtas as to what the most appropriate definition of stillbirth should be. The definition of a stillborn child is contained in section 2(1) of the 2004 Act and provides that a stillborn child means a child who, at birth, weighs not less than 500 grammes or has a gestational age of not less than 24 weeks and shows no sign of life as the Senator has outlined. The position varies from country to country and some countries use gestational age while others use weight or a combination of both. For international comparative purposes, the WHO recommends that a stillbirth be defined as the birth of a baby that shows no sign of life at or after 20 weeks.

We have had those discussions and I have listened to the Senator very carefully. It is in light of the issues raised by Senator Walsh regarding the scenario where the death of the mother results in the death of the child *in utero* and where the child satisfies the stillbirth criteria in respect of age or weight that consideration is being given to an amendment which may be tabled on Committee Stage in the Dáil in respect of the definition of a stillbirth under the 2004 Act. However, in the short time available since the Senator's amendment was tabled, we have not been able to fully scope the unforeseen or unintended consequences of changing the definition or whether such a change is required. As the matter is complex and will require detailed legal advice, I do not propose to accept the amendments.

I recognise the good intentions of the Senator in trying to bring forward a solution to this problem, but we need to take time. It is a complex matter which requires detailed legal advice. Before I came to the House I told the Senator I would be happy to discuss this further with him as the advice comes along. The amendments have been tabled at short notice. That is a result

of the procedures of the House and I do not intend that comment as a sign of blame. However, we will work on this over the coming weeks.

I refer to the amendment with regard to the registration by a superintendent or registrar of a death in the circumstances outlined. Procedures for the registration of deaths are provided for under Part 5 of the Civil Registration Act 2004. Under section 41, where a death is referred to a coroner, the death is registered by a registrar on foot of a certificate provided by the coroner containing the required particulars of the death. Under section 42, when a death occurs, it is registered on foot of a certificate of cause of death supplied by a registered medical practitioner who attended the deceased. These are the only circumstances in which a death can be registered by the registrar. We must be clear and precise because we must uphold the integrity of the register. There cannot be a grey area in which a registrar can register a death outside these procedures in the absence of a certificate of death provided by either a medical practitioner or a coroner in cases in which the family requests that the death be registered. The maintenance of the integrity of the register is of the utmost importance. We need either the coroner or a doctor to certify the death. For this reason, I do not propose to accept the amendment.

Senator Jim Walsh: I thank the Minister of State for his reply. I am disappointed that the amendment is not being accepted. I appreciate the dilemma raised by him, which we briefly touched on yesterday. In the short time we have had it has been difficult for him to obtain legal advice and examine any unintended consequences that may occur and that we cannot identify at this stage. The case for doing this is compelling. As the Minister of State correctly pointed out, the registration of stillbirths was introduced to recognise the distress and trauma of parents and to provide some comfort to them by registering the birth of stillborn babies.

A criterion of a weight of 500 grams was included to define such a baby. Molly Enright weighed approximately 2,200 grams. A gestational period of 24 weeks was also provided for, and Molly Enright had a gestational period of 29 weeks. She therefore meets both criteria. Her mother, Mary, was unfortunately killed in a tragic traffic accident which involved a suicide, and the baby was lost. There are other circumstances in which this can occur, but this circumstance occurs from time to time. The same response from the point of view of comfort for the parents of stillborn babies applies in this circumstance. She left behind a father and a grandfather who, in particular, have taken up the cudgels on this and who have been in touch with many politicians, including the Tánaiste and Minister for Social Protection. The case was taken up with the Minister for Justice and Equality at the coroners' conference last weekend. Most politicians - the Minister of State has epitomised this well - are sympathetic to this compelling argument.

The Minister of State is dealing with the first Bill he has introduced in either House, and I understand he must be cautious in this regard. I am also conscious that the leader of Sinn Féin in the House stated that he would not support the amendments. I am caught in a dilemma as to whether I should press them. There is a practical issue in that if I do not have Sinn Féin support, there is not much hope of getting them through anyway. In withdrawing them, I am depending on the Minister of State's bona fides, and when the legislation is taken in the Dáil, I ask him to table a Government amendment, which will be automatically passed. The fact that he has offered the opportunity to me and perhaps members of the family to meet and discuss the issue with him before we get to that stage gives me hope. Knowing him as I do, I am confident that we will have a positive outcome. I hope we will.

Amendment, by leave, withdrawn.

Amendments Nos. 2 to 4, inclusive, not moved.

Senator Jillian van Turnhout: I move amendment No. 5:

In page 37, between lines 19 and 20, to insert the following:

“Amendment of Adoption Act 2010

36. Section 89 of the Adoption Act 2010 is amended in subsection (2) to now read “A certificate referred to in subsection (1) must disclose that the person to whom the certificate relates is an adopted person.””.

I thank the Minister of State, the Tánaiste and Minister for Social Protection and the officials of their Department and the Department of Children and Youth Affairs for their engagement over the past few days. I propose an amendment to the Adoption Act 2010 and I thank my colleagues, Senators Mac Conghail, O’Donnell, Zappone and Mary Ann O’Brien, for supporting it. I also thank Treoir, which raised the issue with me, as well as a number of other individuals.

The amendment is based on a relatively new law introduced in 2010 which has had unintended consequences. The Adoption Act 2010 replaced the Adoption Act 1952. Prior to 2010, under adoption legislation, an adopted person applying for a birth certificate would receive it from the adopted children’s register, clearly indicating that he or she was adopted. The Adoption Act 2010 provides that the State may not disclose that somebody was adopted. While I accept that we will discuss the right to identity when we debate the information and tracing legislation, the right to know one is adopted is central. Article 8 of the UN Convention on the Rights of the Child states that state parties, including Ireland - our next periodic review is due shortly - “undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference”. Article 8 further states, “Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.” The difficulty in my view is that in an ideal scenario the fact that a child is adopted should never be an issue. A child should never not know that he or she is adopted. In most cases the child does not remember the moment he or she was told this fact because it was never a secret. I do not regard that being adopted is a stigma in the Ireland of today. However, there are some parents - I know such people and I know from cases I deal with - who will conceal the fact that the child is adopted. The State cannot collude with that concealment. For example, a parent applying for an adopted child’s birth certificate will be asked if he or she wishes this fact to be stated on the birth certificate. Such a parent can say that he or she wants no trace of that fact on the birth certificate. Therefore, the birth certificate will be, so to speak, clean. The parents will obtain a passport for the child and any renewal only requires the expired passport so there is no need to present the birth certificate.

Only when an adult undergoes a significant life event such as getting married, purchasing property, going to university, will he or she be required to produce a birth certificate. It may be that the parents will have handed on the original certificate which gives no indication that the person is adopted. I understand that it is not anyone else’s business to know if a person is adopted. However, I think we are adding to the stigma. For me it is a fact; a stigma means marking out or describing something as bad. One can safely describe the current situation as the stigmatisation by omission of adoption, whereby the considered effort to disguise or hide the matter of fact infers that there is something shameful or inherently wrong with the practice.

This is not the message about adoption that we should be espousing.

Why is the case being made for this cover-up? We have a shameful past with regard to adoption and we have a long way to go in dealing with that past. A child being adopted in Ireland today is still denied the right to his or her identity because Ireland is one of the few European countries operating a closed adoption system. Therefore, the situation for Philomena Lee and many others like her, is still in place and we still cover up. An adopted child has no right to ever know the identity of his or her natural parents. At the very least we should give them a signal in the civil registration legislation that an adopted child has the right to know that he or she is adopted.

There are many reasons to need to know why one is adopted such as genetic medical conditions, for example. However, need to know identity is very strong and very powerful. I am fortunate in that I am not adopted and nobody in my family is adopted so I do not understand that need. I come from an average Irish family with a keen interest in genealogy and I have found great strength in knowing about my past and my roots and understanding where I came from; I cannot imagine if information about one or both sides of my family was cut off. I accept the good intentions of the original provision in the 2010 Act but the unintended consequences were overlooked. It is important that the adopted person knows for sure if he or she is adopted. There must be a way in which the fact can be stated while I assert that there is no stigma attached to being adopted.

I referred to our shameful past. The most recent revelations following the discovery of a mass grave at Tuam by historian, Catherine Corless, made all Members hang our heads in shame. This discovery led to the establishment of the inquiry into mother and baby homes. I look forward to the opportunity to review the terms of reference of the inquiry. I hope the issue of legality of adoptions prior to the Adoption Act 1952 will be addressed by this inquiry.

I refer to the definition of an illegal adoption. It is not a *de facto* adoption through the Adoption Authority. An illegal adoption is where the child was registered as the natural child of the adoptive parents. However, in my opinion what we are doing with the birth certificates is very similar to what happened in the past. Parents are given a certificate to certify that this is their child over whom they have ownership and the State will not indicate that this child is adopted.

I am arguing my case from the perspective of children's rights. I have strong views about the integrity of State documents which should be beyond question. If the State starts to conceal actual facts in official documents, it is a fine line and there is a question of where this practice will lead. I have heard the argument that individuals do not wish others to know their private business but there are very few occasions in life when a birth certificate is required. I have been told that one of the reasons is that no parent wants his or her child to be regarded as different from other children. This reasoning could also be applied to where the father's name does not appear on the birth certificate. Is it right to add the father's name to avoid the child being stigmatised? Where is the line to be drawn? A birth certificate is an official document in which the State should clearly mark the facts.

The most popular male first and last name combination is Jack Murphy. I wonder if the State will put that name on every birth certificate where a blank occurs. A State document is a document of fact. If a birth certificate records the names of the mother and father I should assume that they are the natural parents of that child and the child should also naturally assume it. However, when the child becomes an adult and is getting married, he or she will apply for

his or her birth certificate. Is this when the State wants that person to find out that he or she is adopted? By means of the birth certificate the State will have partaken in not telling the person the fact that he or she has been adopted. The State should not conceal the truth. I wonder if in years to come an adopted child could argue that the State colluded with his or her parents in concealing that truth.

I am very passionate on this issue. I have been in this Chamber when we have talked about our shameful past but this issue is about our current legislation which legislates for a birth certificate issued last week, this week or next week. The legislation was enacted in 2010 and I agree it had very good intentions but the unintended consequences were not foreseen. Those consequences are now known and it is time to make the change to rectify this situation. I do not want to be part of any future legacies. I want to be able to say that I was willing to stand up and identify it. It is important that we take action in this regard. No doubt I will be told that there will be an information and tracing Bill which will be a more appropriate vehicle. When will we have that Bill before the House? Birth certificates are being issued every day which do not clearly indicate that the child is adopted. I ask that something should be on the birth certificate to indicate that the parents listed are the adoptive parents. I am not asking for floodlights. Prior to 2010 the information was noted as coming from the register of adopted children. I ask for a statement of fact that the parents listed are the adoptive parents.

The Department of Children and Youth Affairs will need more resources if these Bills are coming forward. I plead with the Minister of State to accept this amendment. It is not right that we do not state the facts on a State document. It is a birth certificate and there must be integrity in State documents. More important from my perspective are the rights of children. We have come a long way in recent years in Ireland to strengthen and uphold the rights of children but we cannot let any law stand if it goes against those rights.

Senator David Cullinane: I second the amendment.

Acting Chairman (Senator Terry Leyden): Is Senator Cullinane reserving his right to speak?

Senator David Cullinane: No.

Senator Paschal Mooney: I admire Senator Jillian van Turnhout for the passion she brings to this issue. I also admire her for her extraordinary work as the former CEO of the Children's Rights Alliance and her consistency in raising issues of this nature, where children's rights are involved, in the House.

The nub of the issue is that her entire contribution emphasised the right of the child. She referred to the birth certificate being handed to the parents of the adopted child who are told that they now own the child. I do not own my children.

Senator Jillian van Turnhout: I did not intend it that way.

Senator Paschal Mooney: That is the inference.

Senator Jillian van Turnhout: I said in some small number of cases.

Senator Paschal Mooney: All I kept waiting for was the parents' rights in all of this. Children go through developmental phases and there are times in the development of the child when parents take it upon themselves to inform the children of certain facts to educate them. I

have no idea whether parents of adopted children in this country have deliberately concealed that fact. I am aware of a significant number of adopted children who know they are adopted because the parents, at a particular time in the children's development, informed them of that fact. What struck me is that parents may be waiting for the right time to inform their children that they were adopted. If the amendment is carried, in advance of that decision by parents, children can go to the birth registration office, get the birth certificate and discover, without the parents having told them, that they are adopted. I refer to the impact of this on the relationship between the adopted child and the parents.

I am pointing out that there is complexity and it is not as simple as Senator van Turnhout has outlined, passionate and coherent as her contribution was. There was never any recognition of the parents' role in all of this. It was about the parents concealing or conspiring and not telling the adopted child about adoption right up until marriage. The child found out at 21 years of age. I am not necessarily against what the Senator is saying in principle but I have an understanding of why the 2010 law took the course it did. It is a real issue.

I am trying to apply it to myself as a parent. If I had an adopted child and if I was aware from the beginning that it was on the birth certificate, I would be dreading the day the child would come to me and say that I had never told him or her about the adoption. It could happen at school. These things get out and Senator van Turnhout made reference to a slagging match going on. It usually comes from the parent of another child. We can apply it across a range of issues in the schoolyard where things are thrown at children. Children are very cruel to one another and it usually comes from the home, when someone has found out, the neighbours have found out or the parents have confided in a neighbour or friend. At some point, the neighbour or friend tells another child that someone is adopted. Then, the slagging starts in the schoolyard. It is not directly relevant to adoption but I subjected to it in the schoolyard because of an operation I had to have when I was ten years old. It was thrown at me because word got out somehow. I do not know how it happened but it brought it home to me. I have seen many instances of it since. I am talking about how parental rights do not seem to be part of this proposed amendment.

Senator Jim Walsh: It is an important issue and we should first acknowledge that parents who adopt children play a tremendous role in society. Many adoptees sing the praises of their adoptive parents, who gave them opportunities in life they would never have had otherwise. That is why adoption is such a sensitive issue and should be based, in so far as possible, on an unapologetic, clear and positive bias in favour of giving a child a father and a mother. Children need that and are entitled to it for the ideal development opportunity.

Senator Mooney put his finger on issues attaching to it and how it is handled in respect of the child more than on the birth certificate. We should focus on that area. Senator Mooney gave examples of mature children finding out unexpectedly and it being a real difficulty for them at that stage. There is an approach to this on the part of the parents from an early stage that leads naturally to the child being aware and accepting that there is no difference between an adopted child and a biological child the family might have. It is successful in many families. Many adopted people say that. It is a sensitive area. I am unsure about the birth certificate and whether the fact that the child is adopted should be recognised on the birth certificate. I am probably not convinced that, in all cases, later in life the child will welcome it as a notation on the birth certificate.

We touched on certain issues on Committee Stage. I fundamentally have a deep conviction

that a child has an entitlement to know at a certain stage who the biological parents are, from the point of view of knowing one's genetic make-up and having a sense of identity, which we all like to know about, but also from the point of view of medical history. It is an important part of our DNA. When considering a serious illness, one of the first questions a medical practitioner will ask concerns family history. Sometimes, that guides towards detection and medical investigative procedures. It is a complex area but is one that should be looked at comprehensively by the Government.

The last day I referred to sperm donors. The case of Dr. Joanna Rose-----

Acting Chairman (Senator Terry Leyden): The Senator is going somewhat outside the amendment.

Senator Jim Walsh: The amendment brings in these issues although I am somewhat to the side of the amendment. Attached to the amendment is the biological background of the child and the entitlement of the child, at some stage, to become aware and to be informed of this and to be able to access it. Dr. Joanna Rose gave a talk to Oireachtas Members in a neighbouring hotel and she said she had 300 brothers and sisters. There was a case in Britain that I mentioned last year in which a couple got married only to discover subsequently they were biological brother and sister. This raises an interesting point but we need to have a much wider debate. It really needs to be addressed, particularly with the advances in medical science and the many social changes, including surrogacy. All of these areas need to be considered carefully and regulated. Unfortunately in our jurisdiction, we are devoid of regulation in almost all of these areas. This subject will require deep research before we reach conclusions on the basis of which we can legislate on these issues effectively.

Senator Marie Moloney: As with Senator Mooney, I have great admiration for Senator van Turnhout. She works tirelessly on behalf of children and has, at every given opportunity in the House, raised the plight of children. I have listened today to two compelling arguments on the same subject. It is very hard to say one is right and the other wrong because, as Senator van Turnhout said, the certificate is an official document. Should we weigh up whether we are obliged to include the true facts in an official document? We must take into consideration the views of the parents adopting the child. Adoptive parents are not pulled out of the sky; they must go through a rigorous vetting system and they are scrutinised to ascertain whether they are worthy of adopting a child. Anybody who has adopted a child will know that. We cannot take away from the rights of adoptive parents. It is their right to bring up the child as they see fit and to tell the child it is adopted. When is a good age to tell the child? Is it when the child comes out of the cradle or when he or she is making his or her communion or confirmation? When does one decide the time at which a child should know he or she is adopted? Until a child is 16 or 18, he or she is under the care of the adoptive parents. Consider what happens if he or she goes to the doctor and a medical history is required. Including that one is adopted on one's birth certificate does not amount to giving a medical history. One really needs to know the identity of one's true parents to get one's medical history.

I do not know whether the Minister of State is accepting this amendment but I do not believe we should just write it off. This matter requires much wider debate. I commend Senator van Turnhout on raising this because it needs to be discussed. As Senators Walsh and Mooney said, we really need to go into greater detail on this in a wider forum to ensure we get it right.

Senator van Turnhout said she could not comprehend what it must be like not to know the

history of one's family on one side. I am in that position. I do not know anything about my father's parents or grandparents because he was adopted. I know exactly what the Senator was speaking about. I have said before in the House on a number of occasions that, until the day my father died, at 55 years of age, he never spoke about his having been adopted. He would not speak to us about it when we were young. Unfortunately, he died suddenly when we were approaching adulthood and could speak to him about such matters. We never really got to know his family background or the medical history of his family. Therefore, I know what it is like not to know one's family history. It is nice to know this history, where one came from and who one's grandparents were. Unfortunately, I know what it is like not to know.

Deputy Kevin Humphreys: The debate this afternoon outlines the problems very clearly. There is unanimity on the matter. If we made this amendment now, people would see change out of the blue without having had an opportunity to discuss the matter and engage in proper consultation.

The adoption (information and tracing) Bill is a priority, not only for me but also for the Tánaiste. We will certainly consider putting in place the resources needed to ensure that Bill will go through. It is a priority of the Government. It is probably the best vehicle for dealing with this matter. It can be flagged at a very early stage. It will give an opportunity for what I would say is a proper consultation period in which the pros and cons can be discussed and argued without any preconceptions. One should enter the process with an open mind and everybody's views should be heard. This should be a proper and healthy debate because the priority of everybody is the child in the case of adoption. When we deal with this matter in the House, the very first objective is to put the child at the forefront.

Ireland has changed and is changing very quickly. Views have changed since I was a young man. I do not attach any stigma to adoption and I look forward to the day on which there is absolutely no stigmatisation. Unfortunately, in certain generations the fact that a child is slightly different can result in bullying in the schoolyard, as Senator Mooney said. Differences can be very mild. A slight difference isolates a child in the schoolyard, and this can result in his being bullied. We have to be conscious of it.

We must also be very conscious of the child's rights. It was highlighted on Committee Stage that the abridged certificate may in some cases facilitate parents in hiding from the child the fact that he or she is adopted. However, this amendment would have an immediate consequence for everybody adopted and his or her family. It would remove the ability that currently exists for parents to opt for the abridged certificate. It would remove from them the choice regarding when and to whom they should disclose personal information. For many people, losing this choice may not be an issue but for others it could be a great concern.

I can only speculate on people's views because there has not been broad consultation on this issue. Therefore, I am not prepared to accept the amendment. I noted very clearly the Senators' concern and passion. I have examined international best practice on this matter and concluded there should be a balancing of rights. My view is that the child comes first. My Department has written to the Department of Children and Youth Affairs advising officials who are currently engaged in reviewing the Adoption Act 2010 and it has indicated this matter will be examined in the context of the review. For this reason and many others, I do not support the amendment. However, I thank all the Senators for their engagement on this. It is a very important issue that merits consideration and consultation. We must remember this is quite a technical Bill covering a wide range of areas. Without sufficient consultation, I am not prepared to accept the amend-

ment. It will be dealt with more properly in the information and tracing legislation and in the revisiting of the general discussion on the adoption of children.

Let me move away from the amendment briefly. Senator Healy Eames has arrived. I commend her on the amendment that was passed on Committee Stage on the registration of foreign deaths and the role she played in that regard.

Senator Fidelma Healy Eames: I thank the Minister of State. I appreciate that.

Deputy Kevin Humphreys: I just wanted to mark that as the Senator entered the Chamber.

Senator Jillian van Turnhout: Obviously, I am disappointed, but I am a realistic person who believes it is always good and positive to have consultation. Having taken the initiative to allow for consultation, the Minister of State should limit the period therefor because I do not want what is occurring to go on any longer.

3 o'clock

I agree that we need to find a balance.

Perhaps I was not clear enough in my replies to some questions. I said in the vast majority of cases everything is good and children and parents know the situation. I am trying to address the small but significant number of cases where a parent conceals information. I have dealt with cases where, to this day, parents are actively concealing that a child is adopted. I do not refer to concealing information regarding a two year old, but rather people who are now 20 years old. The difficulty is that parents can continue to conceal this information until a child obtains his or her birth certificate. If a person does not have a birth certificate, where can he or she go to find out whether he or she is adopted? Where is the signal for people to look for that information? If one does not know one is adopted one does not know one needs to go to the Adoption Authority or the adoption registrar to check one's name.

The right to be adopted belongs clearly and firmly with the child under all international law. It is not a right for a parent to adopt a child, rather it is the right of a child to be adopted. I know we have to balance rights but this is an absolute and unequivocal right. The best interests of the child are of paramount consideration. That does not take in any way from the amazing work done by adoptive parents. I have many good friends who have adopted children and have had very positive experiences. I recently had dinner with four female friends, three of whom had experience of adoption. It is part of society today and is all around us. For me there is no stigma. The suggestion we omit information could create the potential for stigma.

Ireland has moved forward. I do not foresee that from the moment a child can talk his or her first sentence has to be, "I am adopted." Rather, I refer to the seamless process that happens naturally in most families where children are adopted. Children will often say that they do not know when they found out they were adopted. They often say they always knew they were adopted and that there were no big meetings on the eve of their 18th birthday where they were told. We need to be careful that we are not adding to the stigma. The integrity of State documents is really important and it is a question we have to ask ourselves. What would a person do if he or she had a birth certificate, as per the 2010 Act, and then found his or her adoptive mother who then provided him or her with another birth certificate? Such a person would have two identities which the State knowingly gave to him or her, and there would be nothing to indicate which certificate refers to the natural parent. The State needs to consider such issues.

I have tabled the amendment in good faith. I will not press it today because I welcome the fact we will have consultation. I welcome the future publication of the information and tracing Bill. I will put a marker down by saying if by the end of January 2015 we have not moved any further on information and tracing, I will consider introducing a Bill to deal with the issue. It is too important to wait or allow things to get lost. Every day that passes involves birth certificates being issued in this way and I do not want to add to that legacy. I understand and heard what my colleagues said but we have to ensure the best interests of the child are the paramount consideration.

Amendment, by leave, withdrawn.

Bill received for final consideration.

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

Senator Fidelma Healy Eames: I apologise for being late. I welcome the Minister of State and congratulate him on his new role. I wholeheartedly welcome the fact that this Bill will, for the first time, allow citizens who die abroad to have their deaths registered in Ireland. That is a great step forward. I have taken the journey with some families. The Minister, Deputy Burton, worked with me diligently over the past few years on the matter.

Senator van Turnhout made an eloquent contribution. I was part of the group which passed the 2010 Bill. I did not know that we unwittingly changed birth certificates. My two children are adopted and it is part of their real life story. We would not wish to hide or conceal anything. They have birth and adoptive parents. As Senator van Turnhout said, neither birth nor adoptive parents own a child. It is the right of a child to be adopted. It is wise to have consultation, but I have serious concerns about an adoptive child receiving a birth certificate as if there is no other story in his or her life and as if he or she is the natural child of his or her parents. That would not be an accurate story. It would be a cover-up.

We have to find a middle ground whereby birth certificates reflect the reality of the lives of those who were adopted. I accept that if people had not been told by their families, and the first time they found out they were adopted was when they received a birth certificate, it would be a shock but it would be the truth.

Acting Chairman (Senator Terry Leyden): Senator, you are re-opening this issue.

Senator Fidelma Healy Eames: I do not wish to re-open it but I am just saying-----

Acting Chairman (Senator Terry Leyden): The time is very limited.

Senator Fidelma Healy Eames: I have a final closing word. We have to find a middle ground. I agree with Senator van Turnhout that an adoption should be recognised on a birth certificate but we should also have directional information on the reverse side of the certificate if, for some reason we do not know about, that was the first time a person found out he or she was adopted. I am grateful to the Acting Chairman for the opportunity to speak and I am delighted to see the Bill pass today.

Senator Jim Walsh: I thank the Minister of State. It is the first Bill he has charted through either House. I am not known for patronising Ministers when they come before the House, but he has shown a level of engagement on this topic which does him great credit. In many ways it recognises the importance of these Houses when we approach issues in a non-partisan way to

try to improve our legislation in a way that serves the people well.

In this instance, we have been prompted by very sad and tragic circumstances. I compliment Mollie Enright's grandfather, David Walsh, who is in the Public Gallery with his daughter Hilary. They put an enormous effort into campaigning and meeting all politicians to present their case to try to address what they feel is an anomaly and injustice in the current legislation. As the Minister knows, they have taken High Court proceedings in order, as it says in their declaration, that the life and death of the said Mollie Enright can be registered in the same manner and to the same extent as births, deaths and stillbirths are currently recorded, registered and recognised, pursuant to civil registration. The Minister of State can see there is a compelling case. I was happy to withdraw my amendment because of the confidence I have in the Minister of State moving the matter forward and I hope we will achieve a result which will obviate the need for any High Court case. It would be a travesty because, having spoken with the family, I am aware it has to dig deep in order to fund the case. We are here to represent citizens and I hope the Minister of State can find a way to deal with this issue. I look forward to the passage of the Bill through the Dáil where, I hope, he will get support for an appropriate amendment to achieve the objective we are trying to achieve here. I wish the Minister of State well in his Ministry in the next 12 to 18 months. I hope it will be for the longer of those two periods.

Senator Jillian van Turnhout: I join in the congratulations. I raised several issues on Second Stage before the summer recess, many of which came forward as Government amendments on Committee Stage. I acknowledge that. That is what is good about our legislative process. Today, I zoomed in on one particular issue but I do not want that to take from the really significant provisions contained in the Civil Registration (Amendment) Bill 2014 to births, registration, marriages, civil partnerships and deaths. The Bill is long overdue. I congratulate the Minister of State on his engagement in the Seanad and his officials who have been involved in the Bill. It was clear on First and Second Stages that many angles had been covered and much work has gone into the Bill. It will make a difference. I thank the Minister of State and his officials.

Senator Marie Moloney: I congratulate the Minister of State on bringing his first piece of legislation through the House; I presume it is the first of many. When we commenced, it appeared to be a simple Bill to pass through the House but as we progressed we found there were many emotive and sensitive issues and amendments were brought forward. It was handled with sensitivity by all sides of the House. There was cross-party support for most of the amendments. I am glad the Minister of State is taking their views forward. The beauty of the Seanad is that people take on board the views and proposals of the Opposition. I hope he will see it through as agreed with the Senators. I look forward to hearing that there will be changes on Committee Stage. Again, I congratulate the Minister of State on bringing his first piece of legislation through the House.

Senator Paschal Mooney: I am almost reluctant to praise the Minister of State after all the glory that has been showered on him but he hit the ground running. It cannot have been easy for him. There is a transition from backbencher to ministerial office. One has to get one's feet under the table and read one's brief.

I endorse everything that has been said about the manner in which he has taken this debate. What struck me was that he has proven to be accommodating to points of view while at the same time holding the line on the original legislation, which is the role of any Minister because of all the hard work that has gone into the drafting. I am sure the unintended consequences are

thought out and discussed in advance of the Bill coming before either House.

I am particularly pleased that he has indicated there will be further reflection on the various issues raised here, and particularly on the last amendment. Senator van Turnhout referred to the Adoption (Information and Tracing) Bill which might address this particular issue on the last amendment. I find it particularly instructive because the lead Minister in the Department, the Tánaiste, is herself adopted. I felt totally inadequate in the presence of Senator Healy Eames as an adoptive parent who has adopted children, that I would never be able to understand, even though I am a parent of children, the dynamic between parents who adopt and their adopted children because it is a living dynamic between them. That is why this particular issue is so complex and will require the wisdom of a Solomon-like Minister to resolve the issues raised here that will accommodate the two points of view.

I compliment the Minister of State on a section of the Bill which hopefully will stop the type of marriage which has taken place here, particularly since 2004 when the 11 new states became members of the EU where people have sought Irish citizenship under false pretences. I am pleased the Government has moved on an issue which was identified some years ago and nothing was done about it. There was much talk about it but no action. I am pleased the Bill addresses that issue. I hope it will be enforced. As has often been said in this and the other House, we are good at passing laws but sometimes we are not great at enforcing them. As Senator Marie Moloney said on the fact of it, the Bill may have appeared simple and straightforward but it had all sorts of nuances attached to it as the debate has proven. As the Bill moves to the Dáil the level of debate will be interesting from the Minister of State's perspective. In this House we always pride ourselves on having more time and Ministers themselves have more time to reflect on legislation rather than the somewhat adversarial environment in which the Dáil operates. I hope the Bill goes through the other House without too much difficulty. I look forward to seeing the Minister of State in this House on other legislation. I am happy to support the Bill.

Senator Hildegard Naughton: I thank the Minister of State and his officials and also the Tánaiste and Minister for Social Protection, Deputy Joan Burton, for the amount of work put into this legislation. I commend the Minister of State on being open and receptive to the different viewpoints on very complex and sensitive issues. I congratulate him on his appointment. The legislation will be dealt with thoroughly in the other House. We will return to many of these matters in the future.

An Cathaoirleach: I congratulate the Minister of State, Deputy Kevin Humphreys, in his position and wish him well. I congratulate him on getting the legislation through the House.

Question put and agreed to.

Sitting suspended at 3.17 p.m. and resumed at 4 p.m.

4 o'clock

Betting (Amendment) Bill 2013: Second Stage

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

Minister for Finance (Deputy Michael Noonan): The Betting (Amendment) Bill 2013 is designed to provide a regulatory system for remote bookmakers and betting intermediaries, otherwise known as betting exchanges, offering betting services in Ireland, regardless of their location. In addition, it provides for fair and equal treatment of all bookmakers, traditional and remote, and betting exchanges offering services in Ireland.

Provision was made in the Finance Act 2011 for the taxation of remote bookmakers and betting exchanges, subject to a ministerial commencement order. The Bill seeks to bring all remote bookmakers and betting intermediaries into the licensing and taxation regime. The new licensing system for remote operators will serve the public interest in preventing crime and protecting consumers against fraud. It will ensure all businesses offering betting services from Ireland or to persons in Ireland are treated equally and regulated appropriately. The Bill amends the Betting Act 1931 for this purpose and contains the existing provisions governing the licensing of bookmakers.

Members will be aware that the Bill, as published in the Dáil last July, made it unlawful for a person other than a licensed operator to act as a bookmaker or betting intermediary. The Minister for Justice and Equality was tasked with compliance in respect of remote operators. Where an unlicensed remote operator engaged with punters in this jurisdiction, the Bill provided that the Minister for Justice and Equality would issue a notice to that individual or company to cease activity. A person who contravened the terms of such a notice would be guilty of an offence, with proceedings being brought and prosecuted by the Minister for Justice and Equality in respect of remote operators. The Bill, as published, provided that the Minister for Justice and Equality could apply to the District Court for an order directing service providers, including financial institutions, advertisers and Internet service providers, not to provide services for specified unlicensed operators. In the course of the Committee Stage deliberations in the Dáil I brought forward several amendments providing for the temporary assignment of responsibility for enforcement against unlicensed remote operators from the Minister for Justice and Equality to the Revenue Commissioners, pending the establishment of the gambling regulator under the proposed gambling control legislation. The Minister for Justice and Equality and the Garda will retain responsibility for compliance with all other regulatory requirements under the Betting Acts. In this context, Revenue will operate a new model for enforcing licence compliance by unlicensed remote operators. The model will operate as follows. Where an unlicensed operator is accepting bets or commission for betting exchange services from persons within the State, Revenue will issue notice to that operator of the need to become properly licensed or cease to provide these services in the State. Should an operator contravene a requirement of this notice the operator will have committed an offence and Revenue will take action to prosecute and prevent that operator carrying on business in the State.

Given the practical considerations associated with prosecuting unlicensed operators located outside the State, the Bill enables Revenue to take effective action to prevent unlicensed operators carrying on business in the State. Where a remote operator fails to comply with a Revenue notice to become licensed or cease offering services in the State, Revenue may issue a compliance notice to Internet service providers, advertisers or persons promoting products in the State prohibiting them from providing services for the unlicensed remote operator concerned. The service providers may appeal a compliance notice to the District Court which will either affirm the notice or direct Revenue to withdraw it. A person who fails to comply with a notice by the specified date shall be guilty of an offence.

Given the complex way in which the international debit and credit card payment system works, the most effective way of preventing unlicensed operators from receiving payments from consumers in the State is to work with the international payment services industry. In an approach similar to that taken in the United Kingdom, Revenue proposes to enter into voluntary arrangements under which the international payment service providers will take action to prevent operators from using their payment systems to carry on illegal betting operations in the State. Banking and Payments Federation Ireland has indicated its commitment in principle to concluding an agreement with Revenue for this purpose. Action to prevent Internet access by unlicensed operators to Irish consumers and prevent unlicensed operators from advertising here and using credit card payment systems for accepting payments from Irish consumers provides effective tools for enforcing compliance by remote operators carrying on business in the State.

I believe the main operators in the Irish market will comply with the law and welcome the opportunity to become licensed in order that they can continue to do business here. Operators who do not wish to become licensed in Ireland can voluntarily block communications and transactions with Irish consumers and most are expected to do so to avoid Revenue enforcement action, which would risk reputational damage to the operator in the eyes of gambling regulators in other jurisdictions. Illicit operators on the margins of the market are unlikely to attract a high level of business from Irish consumers in view of the perceived risk that they will fail to pay out on winning bets.

The proposed compliance model provides the most practicable and effective approach, given the inherent difficulties in dealing with persons operating largely outside the reach of the State. The compliance model proposed provides the most practicable and effective approach, given the inherent difficulties in dealing with persons operating largely outside the reach of the State.

A further amendment was made to take account of changes included in the Finance (No. 2) Act 2013 whereby the excise duty payable for a licence reflected the increase in the period of licence validity from one to two years and the provision for payment of the excise fee in two instalments. Further technical amendments were also included to update certain definitions. Many Senators will take the opportunity provided by the Bill to discuss the rate of duty applicable to betting services. However, the Betting (Amendment) Bill does not provide for the issue of rates, as this is more appropriate to the Finance Bill nor does the Bill deal with the funding of the horse and greyhound industry, which is primarily a matter for my colleagues the Ministers for Public Expenditure and Reform and Agriculture, Food and the Marine.

The Betting (Amendment) Bill 2013 represents the first part in the regulation of the betting and gambling sector. My colleague, the Minister for Justice and Equality, will publish the gambling control Bill in mid-2015, which will provide the regulatory framework for the wider gambling sector. I propose to bring forward on Committee Stage a number of minor amendments to the Bill, mainly of a technical nature. I will also give consideration to any constructive suggestions put forward during the debate. I commend the Bill to the House and look forward to a stimulating debate.

Senator Darragh O'Brien: I am not sure how stimulating the debate will be, but we will do our best. I very much welcome the Bill and we will support it. As the Leader will attest, I have raised the matter and queried the Bill's progress over the past two years. It has a number of very important aspects, not least the levelling of the playing pitch for bricks-and-mortar operators in towns and villages all over the country that have suffered due to the fact that the online market has not been subject to tax. It has been very difficult for them to compete in

the market, particularly the independent bookmakers, the number of which have reduced not just during the Minister's tenure but over successive years. From time to time, I have a bet, generally unsuccessfully; we need competition in the market. Our bookmakers are significant employers and I would rather people availed of bookmakers where there are professional staff who can, to a degree, control the level of bets by the people betting in their shops.

The Minister's mention of the gambling control Bill was important. Could the Minister outline the timeframe for the Bill? I welcome the extension of opening hours and the end of the Easter Sunday closure, which made no sense given that it was a major racing day. When races took place after 6.30 p.m. people could not place bets in their local shops but could bet on anything online. The industry is very important. Bookmakers such as Paddy Power and Ladbrokes employ significant numbers of people. In his summation, perhaps the Minister could say how quickly the EU Commission's queries here, particularly on border controls and operators outside Ireland offering their services in Ireland, can be answered, allowing us to proceed with Committee Stage and pass the Bill. What is the Minister's timeframe for passing this legislation? We must consider passing it well in advance of the end of the year, if possible.

The horse racing and greyhound racing industries are very important in Ireland. Horse racing supports more than 15,000 people. With the additional revenue the State will raise by taxing online betting I hope we are not considering a full reduction in the Government's subvention to those industries by the same amount. What is the Government's plan in that regard? Ireland is one of the premium countries in horse racing and breeding and could consider further investment. Has the Government decided whether it will reduce the subvention by the amount raised in tax?

As I understand the Bill, some online betting would still be exempt, namely, the online casinos, poker and bingo, which are extremely popular. This is where the gambling control Bill will come in. It is a difficult part of the industry to grapple with and I wonder what the logic is in excluding it. Does the Government have plans to examine this sector of the market where significant bets are laid? The sector is increasing in popularity and is being advertised very heavily on television. I understand opening hours will be from 7 a.m. to 10 p.m. Will there be any restriction on this? Will it apply only when Irish horse racing is happening or will it extend to greyhound racing? If there is no restriction in that regard, it would be very useful.

I would be particularly interested to understand where the Bill sits with Europe, whether the Minister foresees any impediments in that regard and how quickly we can get the legislation through. I very much welcome the fact that the passing of the legislation will level the playing pitch and, hopefully, enable our main street and independent operators to compete with some of the larger online companies for deals they are giving. It has been incredibly difficult for people. I will await the Minister's response on those issues. My group will consider tabling amendments on Committee Stage. I thank the Minister for his attendance.

Senator Maurice Cummins: I welcome the Minister and I welcome the Betting (Amendment) Bill 2013, which will provide a regulatory system for betting exchanges offering betting services in Ireland regardless of their location. The measures in the Bill are long overdue. For far too long, there was not a level playing field and, hopefully, the Bill will provide fair and equal treatment for all bookmakers in Ireland, traditional and remote, as well as betting exchanges offering services in Ireland.

As the Minister stated, the Bill brings all remote bookmakers and betting intermediaries

into the licensing and taxation regime which operates in this country. It is important that the new licensing system comes into operation as soon as possible, as it will assist in preventing crime and protecting consumers against fraud. It will also ensure all businesses offering betting services from Ireland or to a person in Ireland are treated equally and regulated appropriately, which has not been the case for many years. The fact that the Bill is to amend the Betting Act 1931 highlights how out of date the current betting laws are. I presume any objections or outstanding complaints from individuals against any company seeking a licence to operate will be thoroughly investigated by the appropriate authorities before a licence is granted. It is important that the voices of customers who may have disputes with operators are listened to. If this does not happen, licences to operate in Ireland should not be granted.

The criteria relating to certificates of personal fitness to hold a licence should also be very stringent. I am satisfied that, in the context of the powers of the Garda, the Minister and the Revenue Commissioners, the provisions contained in the Bill deal adequately with this issue. I am of the view, however, that the position should be monitored on a regular basis. The current system of inspecting premises operated by the Revenue Commissioners or whomever is less than satisfactory. On previous occasions I have referred to the fact that some bookmakers have gaming machines installed on their premises, a practice which I believe to be illegal. I am of the view that the law in this area is being openly and brazenly flouted by some betting chains. I hope that the practice of turning a blind eye that appears to obtain at present will be brought to an end as a matter of urgency. The machines to which I refer are highly addictive and we have all witnessed the damage they can cause. No one - whether it be the Garda, the Revenue Commissioners or local authorities - is assuming responsibility in respect of this flagrant abuse of the law. This matter has been allowed to fall between a number of stools and there is a need for the Minister or his appropriate colleague in Cabinet to act. Regardless of whether responsibility lies with the Department of Finance, the Department of Justice and Equality or the Department of the Environment, Community and Local Government, the current situation should not be allowed to continue.

I have grave concerns with regard to section 25 of the Bill, under which provision is made to allow bookmakers to open their premises from 7 a.m. to 10 p.m. all year round. That is a disgrace. An opening time of 9 a.m. or 10 a.m. would be sufficient and I certainly have a problem with one of 7 a.m. What is wrong with closing betting shops when the last horse race held in Ireland or the UK on a particular day has concluded? Extending closing time to 10 p.m. all year round is wrong, and I am concerned about this development. Consideration must be given to the views of staff, who in the main are, I understand, completely opposed to these new proposals. Will the all-year-round provision mean that shops may open on Good Friday? As the previous speaker mentioned, the ban on betting shops opening on Easter Sunday is being lifted, and I agree with this change.

The Bill does not deal with the rate of duty imposed in respect of betting services. I urge the Minister to begin with a minimum levy of no less than 2% on turnover. It has been suggested that the levy might be as low as 1%, which would be derisory as far as I am concerned. That is a matter for another day, however, and, as the Minister indicated, it is probably more appropriate to deal with it in the context of the finance Bill.

The use of credit cards to place bets should be monitored and the amount of money a person can wager via his or her credit card each day should be limited. People who use online betting exchanges should be aware that their accounts are monitored by the banks and that some individuals have been refused approval for mortgages and loans as a result of their betting activities.

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There is an anomaly in the existing law whereby children can openly bet on the State-sponsored tote. One must be over 18 years of age in order to place a bet with an on-course bookmaker, enter a bookie's office or buy a lottery ticket, but we still allow children to bet on the tote. We must grasp the nettle and address this anomaly. The significant contradiction whereby people must be over 18 in order to place bets with bookmakers while children continue to be allowed to bet on the tote cannot be allowed to remain. This is obviously a matter to be dealt with in the context of the gambling control Bill, but that will not stop me continuing to mention it in the House. I have corresponded with the Minister for Justice and Equality on this issue. Horse Racing Ireland and, in particular, Bord na gCon would resist such a change because they believe in bringing young people into the system as soon as possible. I am aware of many cases in which an early introduction to gambling has led to addiction and all of the horrendous and well-documented problems associated therewith. As already stated, this matter is probably more appropriate to the gambling control Bill. However, I feel passionately about it and introduced a Private Member's Bill in respect of it when in opposition.

I welcome the Bill, which is long overdue. I compliment Deputy Stanton and the committee he chairs for the time they devoted to considering the Bill. I am of the view that the legislation was improved as it passed through the Lower House. This is another good example of how well the Oireachtas committee system can work. I wish the Minister well in his work. I understand the European Commission has some further observations to make on the Bill and its provisions before the House proceeds to Committee Stage, which will probably happen at the end of next month. I hope that any problems can be resolved without undue delay and that we can implement the provisions, particularly those relating to online betting, at the earliest possible opportunity.

Senator Mary Ann O'Brien: I too welcome this much-anticipated Bill, for which we have all been keeping an eye out since becoming Members of the Seanad in 2011. The legislation is much needed by the betting sector. I appreciate the work done in respect of it by the Minister, his Department and the relevant Oireachtas committee during the long process of redrafting. I understand the Bill had to be referred to Europe for a technical ratification holiday for a period of three months. I hope it enjoyed its trip.

The racehorse, greyhound and horse-breeding industries are all interconnected with the Bill. Said industries are worth €1 billion to the country and they employ up to 16,000 people in rural areas. Up to five or six years ago, 20,000 people had jobs in the sectors in question. With the proper investment we can ensure that employment will increase to its previous level.

The horse-breeding industry, from top to bottom, produces results which ensure that Ireland remains at the very top of the global league. This country is, in fact, a disproportionately major global player in terms of horse racing and breeding. There is extraordinary competition from the Middle East, Japan, Europe, the USA and Australasia. If we are to maintain and build on the natural skills and bloodlines of our thoroughbreds, then we must invest. We need to protect the jobs of the wonderfully talented people in the industry - these jobs are all located in rural areas - and ensure that they are passed on to future generations.

Betting turnover has increased from €1.3 billion to €4.5 billion, according to the Indecon report, which also indicates that tax revenue fell from €68 million to €27 million in 2011. When replying, will the Minister outline his thoughts on and plans for a timeframe in the context of increasing the betting levy? I accept that the Bill does not deal with this matter, but it is difficult to pass up the opportunity to refer to it. The levy currently stands at 1%. As far as I am aware,

that is the lowest in the world. The levy in Germany is 5%, in the UK it is 2.8%, in Italy it is 3.8%, in Japan it is 17.8%, in France, which invests an enormous amount of funding into its racing industry - Irish horses beat French ones all the time - it is 15.5%, and in Spain it is 7%. The alliance for racing and breeding made representations to me last week and indicated that while it welcomes the Betting (Amendment) Bill, it is of the view that the latter is only a half-way house for the industry. We need to get the Bill through the House and we need to get the rate increased in this October's budget. I am interested to know what is lying in the back of the Minister's brain cells. This industry does not want to be reliant on handouts from the Minister for Agriculture, Food and the Marine. In every other country in the world the betting revenue produced is returned as investment in the industry. That is what we are trying to achieve. The horse racing industry is a personal passion of mine. We have the natural skills and resources to be one of the best players in the world, but the industry is hellishly competitive on a global scale.

I appreciate that the Minister is attempting to produce a level playing field for everyone in the betting industry. Many small bookmakers are not fighting the same fight as the large bookmakers, which have offshore and online betting facilities. We all welcome this Bill as a means of levelling the playing field. Many of the bookmakers who provide a service in small towns in rural areas have gone out of business. Punters must pay to enter a dog or race meeting. I ask if the same levy or taxes should be applied to on-course bookmakers as to online bookmakers.

I welcome the comments of other Senators about the gambling control Bill, which cannot come soon enough. Discussion of betting must include a conversation about the problems associated with gambling. I refer to the harm done to society by gambling addiction and the social problems it causes. I hope that when the Bill is passed and the moneys start to come in from on-line betting, a portion will be devoted to treatment for and education about gambling addiction.

Senator Aideen Hayden: I am no expert on the gambling industry but I initially approached this Bill from a fiscal perspective. I thank the alliance for racing and breeding, which sent me a copy of their strategy for budget 2015 and a document on the taxing of betting in Ireland. This provided me with an insight I did not previously have on the issue of gambling in Ireland.

The submission illustrates from a fiscal perspective that Ireland is collecting less betting duty today than was collected in 1990. In 2001, when the Horse and Greyhound Racing Fund was established by law, betting duty of €67.8 million was collected. I find it amazing that any tax on an industry that has grown substantially since 1990 could possibly be raising less revenue today than it did 24 years ago. That decline is attributable to the reduction in the rate of duty - which at one stage was 20% - to 1% and the fact that the betting industry has migrated from the mainstream betting shops, which some of my colleagues have already spoken about very eloquently, to telephone and online channels operating from offshore havens where no tax is payable.

This is a taxation issue in more than one area. I am surprised that it has taken so long, because the Internet did not arrive on our shores in the past 18 or 36 months; this is an ongoing issue which affects not just betting but many other transactions in which a product is bought overseas and brought into this country with no tax on the transaction. I note that the economic downturn since 2007 has taken its toll on discretionary consumer spending generally, which has affected this industry as well as many others.

I refer to some relevant points. Race course attendances have declined from their peak of 1.5 million in 2007 to about 1.24 million, but they are still equivalent to the total combined attendance at all the GAA hurling and football championship matches. This was a shock to me. These figures show that this is a very important issue and that the duty and taxation collected is very important.

The Minister of State and some of us in the House will be aware of the fact that despite intense promotion by the bookmakers of alternative media for gambling, including football, cricket and political contests, horse racing remains by far the favourite vehicle for betting. The Minister of State said that the issue of the rate of tax was not a matter for this piece of legislation but, as other Senators have said, it is a matter that needs to be addressed.

The executive summary of the report on betting taxation includes what I call fudges. It is known that the off-course betting duty of 1% is the lowest of any racing country but there is no correlation between the rate of tax imposed on betting and the support for the industry. There is a general consensus among the Minister of State and previous Ministers for Finance that nobody likes a tax that is specifically earmarked for any particular function but, given the importance of the horse and greyhound racing industries, it is important to link A with B and to put in place some system to ensure investment in the industry is in some way related to the tax that is gathered from that industry.

I was very impressed by the argument and cogent justification put forward by the industry advocating for, at the very least, a 2% rate of tax and linking it to the levels that would be imposed and a VAT rate of 23%, comparable with other consumer expenditures. It is estimated that the rate would need to be between 3% and 4% versus the 1% currently charged. I make these comments on foot of my interest in enhancing the revenue for services and not just for the promotion of an industry that is clearly very important to the economy in that it attracts foreign direct investment in the horse racing and bloodstock industries. It is an important tourist attraction and it contributes to the overall moneys available to the Exchequer to provide other services such as medical and housing services.

I welcome the legislation, which is a step in the right direction. Some issues have been raised about opening hours, and I share the concerns of my colleague Senator Maurice Cummins. The Bill will create a new source of revenue for this country. The Bill provides for consumer protection against fraud and it provides some degree of regulatory certainty, which has been lacking. It must be backed by effective sanctions and the proof of the pudding will be in the effectiveness of those sanctions. There needs to be some correlation, if not a direct one, between the duty imposed and the financing of the horse and greyhound racing sectors in order to provide more tourism revenue to the country.

I do not believe that different sectors of the economy should be subjected to differing rates of tax, whether that be corporation tax, VAT or other excise duties. Different sectors of this economy which have been favoured to some extent should not be treated in a different way from other sectors, and achieving this is long overdue.

I have a concern about the provisions relating to summary conviction for engaging in a betting transaction with a person under the age of 18 years, in which it is a defence to say that it was believed that the person was over 18 years because the person ticked a box to state that he or she was over 18 years. That is a difficulty with the Bill and it will be a difficulty with regard to protecting young people from engaging in gambling. The Bill's provisions will be

difficult to enforce, in my view, given the vastness of the Internet and the jurisdictional issues. I reiterate that there needs to be strong enforcement of this Bill. I am very much of the view, recently enunciated by the OECD, that in order to protect the global economy and provide a level playing field we must close down tax avoidance loopholes. This country must be diligent in that respect.

I will conclude by quoting from an article in the *Irish Independent* last January by William Hill, who described a call centre in Ireland, a bookmaking operation in Antigua, an account in the Isle of Man, and odds setting and risk management in Leeds, all of which were linked together. I know it is not related to this Bill, but we should target the advertising of online betting in the same way that we have banned advertising in other areas, particularly for cigarettes. Allowing the advertising of online betting encourages impulse gambling. Mr. Declan Lynch, the author of *Free Money*, has claimed that throughout history there has never been another invention that has so suited addiction. It is more likely to affect young people who spend huge amounts of their time online. I will leave the Minister with that thought and ask him to give it some attention.

Senator Brian Ó Domhnaill: I welcome the important legislation before the House, which closes an effective tax avoidance loophole used by the offshore and online gambling sectors. Those sectors currently account for a large proportion of all gambling revenues within the State. The horse racing and greyhound sectors are very important for the economy, jobs, inward investment and our reputation abroad.

This year the Horse and Greyhound Fund is valued at around €54 million, but only 47% of that is being raised through the betting tax. That means that taxpayers are effectively providing the other 53% this year, which I think is wrong. The industry's representatives have appeared before a number of Oireachtas committees. Both the horse racing and greyhound sectors have indicated that they would like to see the industry being self-financed, either through the extension proposed in the Bill or an increase in taxation rates.

This welcome Bill brings with it a great opportunity. I want to see online and offshore gambling being taxed. It is important that this be done. Anecdotal figures and replies to parliamentary questions indicate that such a tax at 1% would raise enough money to make the industry self-financing, thus lifting the burden from taxpayers. There are questions concerning where the money would go once it was raised and whether it would be levied at 1% or 2%. I would favour 2% as a minimum. Some of the money raised should also be spent on animal welfare for aged horses and greyhounds.

Other sports should also be examined in this regard, because betting is not exclusive to horses or greyhound racing. Bets were placed on the Donegal versus Kerry game at the weekend and a taxation level applies there as well. A self-financing model should be established and this Bill presents the opportunity to do so. We should consider increasing the level from 1% to 2% or 3%. Some of that money could then be ring-fenced for animal welfare. Another portion of the money could also be ring-fenced for the Irish Sports Council to develop participation in sport. An epidemic of obesity is affecting young people in our country at the moment, so this is a golden opportunity to fund the Irish Sports Council properly.

The Irish horse racing industry, which employs 15,000 people, is currently suffering and has seen 4,000 jobs lost since 2008. I understand that Ireland is the only major horse racing nation that does not provide funding for the thoroughbred industry in the form of automatic direct pay-

ments. That matter should also be examined.

The industry is a hugely valuable one. One has only to look at the excellent facilities around the country to appreciate that. However, taxation raised on betting since 2001 has fallen by 50%. On the other hand, the volume of money gambled has increased fourfold in the same period, so there is something wrong which needs to be addressed in this Bill.

The extension is welcome and the Minister is doing exactly the right thing. The promise was made and is now being fulfilled. However, the Minister needs to consider increasing the 1% levy to 2% or 3% and using the money as I have outlined. Nobody placing a €5 or €10 bet would mind 1% or 2% of that going towards the racing industry or sport in general. If members of the public are having a punt I am sure they would not mind that.

While race track opening hours may have consequences, there are no closing times for on-line betting. People in Ireland can effectively bet online throughout the night on horse races anywhere in the world. Bookmakers, meanwhile, deserve a break because they are paying rates. The opening hours proposal is a positive thing, but controls should be introduced in the new gambling Bill, which I hope will come before us shortly.

Senator Michael D'Arcy: As other speakers have said, this Bill is certainly welcome. It has been a long time coming. I will not go over ground already covered by other contributors, but the sooner the gambling control Bill comes before us the better. I have to be blunt in saying that online betting, poker and casinos are doing terrible damage to young males in particular. There is a considerable amount of gambling addiction under the surface, and analysis of the data has been insufficient to gauge the extent of its impact on the public.

The Department of Finance hates the idea of any moneys being ring-fenced; it wants all the money to come into the general coffers to be reallocated. However, some of these moneys should be ring-fenced, as with the drink and tobacco industries, to help people with addiction problems. We should examine that matter either in this Bill or in subsequent legislation.

I do not consider myself to be a stick-in-the-mud by any manner or means, but we should seek to bar under-18s from gambling premises. My experience is that anything goes in betting shops. I have seen children in betting shops all around the country and it is not good enough.

I do not agree with the extension of the opening hours of betting shops from 7 a.m. to 10 p.m. I realise that online betting is available 24-7 but that does not mean that we should open up all the betting shops on every main street. It will not have any beneficial impact on those who participate in the industry.

The betting world has expanded. A recent report showed that the largest political bets placed anywhere were on last week's referendum on Scottish independence. The US presidential election was not in the same league.

The betting world is expanding into other areas and sectors outside the areas in which we do very well in this country - greyhound and horse racing. Virtual racing should be banned, although I know that this Bill is probably not the legislative vehicle in which that should be done. I have a real problem with virtual racing. One might as well throw all of the chips in the air and declare whoever catches the lucky one to be the winner because that is what it is like and it is something we should exclude. We have heard that there is chicanery in cricket, greyhound racing and horse racing. I am not particularly concerned for the person. I do not believe set

opening hours are required, but under-age requirements should be stiffer and we should get rid of virtual gambling, with which I have a difficulty.

Senator Kathryn Reilly: I welcome the Minister. In the ballroom of romance that is the Oireachtas it is nice to see him do a dance with us in the Seanad, even with the untouchables like me in Sinn Féin.

Deputy Michael Noonan: We will dance with anyone.

Senator Kathryn Reilly: We are happy to see the Bill reach the Seanad and my party supports it. Most people will be surprised to learn that the State does not receive money from online gambling and the Bill rightly corrects this. We, therefore, support the move.

The debate in the Dáil on the Bill opened up a debate on the wider issues of taxation and gambling. For example, even though the legislation is entitled the Betting Bill, its scope does not include casinos or other forms of gambling. The debate also threw up some interesting facts about how much the horse racing and greyhound industries had moved from being, effectively, self-financing through the betting levy to being very dependent on a State top-up. The question has been raised about how fair it is for the horse racing and greyhound racing industries to benefit from a levy on betting on all sports. These are questions for another day, but we should not shy away from discussing them at some point.

The most important element of the Bill has been discussed by others. I refer to bringing online bookies and betting exchanges into the tax net. As others and I have said, this measure is long overdue and will help to level the playing field between online services and on-street bookies.

The greyhound and horse racing industries are two of the mainstays of the rural economy because stables hire hundreds of people in areas which are otherwise bereft of employment opportunities. One of the first jobs my mother and her brothers had was in their local stables. The tourism, cultural and economic benefits from having one of the best racing industries in the world are difficult to underestimate and it is our job to make sure the industry is sustainable. Bookies throughout the State are also important employers and deserve to have a level playing field on which to compete with online bookies and betting exchanges.

As mentioned by other Senators, we must recognise that gambling can be a damaging activity. Addiction and its impact on society are factors we cannot forget when discussing the Bill. I do not think the HSE has a specific treatment programme for gambling addicts. Therefore, it would make sense to ring-fence part of the revenue generated from betting duty to treat a gambling addiction and make sure its effects are prevented in society.

I raise an issue that was brought to my attention by an independent rural bookmaker. I refer to the fee for a remote bookmaker's licence which was obviously intended as a way of charging large online providers. The Bill, as drafted, will have a negative impact on small independent bookmakers who carry on part of their business on the telephone. There should be scope for leeway in this regard.

We are approaching budget time and Sinn Féin calls for a 3% increase in betting duty. We do so because we believe the increase, accompanied by the revenue raised in taxing online bookies and betting exchanges, will go a long way towards restoring the link between revenue from betting duty and funding for the horse racing and greyhound racing industries.

I express my appreciation of the Minister's open engagement with my Dáil colleagues on the Bill and his openness to considering our amendments. We support the Bill and look forward to further engagement with the Minister on Committee and Report Stages.

Senator Martin Conway: I welcome the Minister and this very important legislation. It was an open goal that citizens and the country should have been scoring for a long time in terms of collecting money from online gambling. As has been pointed out, traditional bookie shops pay rates, taxes and everything else. Just because technology has advanced does not mean that the people who have embraced that technology - I will not name any particular organisation, but we all know who they are - do not have a responsibility to contribute to society also. The money collected in taxes on online gambling will go towards providing support and treatment for those with a gambling addiction. The organisations involved have a responsibility to fund the taxpayer who funds these programmes and from that perspective the measure is very welcome.

I was very happy, as a member of the justice committee, to engage substantially on the report we were asked to compile by the then Minister for Justice and Equality, Deputy Alan Shatter, on the issue of gambling. A number of very interesting points arose during our engagement with the various stakeholders involved, one of which was that online gambling was not taxed, an aspect that will now be remedied, thankfully.

My colleague, Senator Michael D'Arcy, spoke about virtual gambling. I support his call for a complete ban because it has no place in a civilised society. I disagree with having a computer located in the heart of London, for example, generating hobby horse races. I did not even know there was such a thing until the hearings of the justice committee took place. When I carried out my own research, I discovered how ridiculous the races were. It is like giving free drink to an alcoholic in order to attract him or her; the situation is similar in the case of virtual poker games. I suggest that, owing to the damage virtual gambling does, we look at banning it.

In the case of traditional bookie offices, we need stricter criteria and more fines for allowing young people to frequent such premises because they will be sucked in by the culture of gambling. Just because young people are not placing a bet does not mean that they will be unharmed. In fact, they should be not on the premises in the first place.

Another issue concerns uncollected winnings. It appears that bookies make a substantial amount of money when there are uncollected winnings and even more when there are non-runners. Apparently, if one places a bet and the horse does not run, one is entitled to get one's money back. A substantial number of people do not realise this or are unaware that the horse on which they placed a bet did not run. They simply check to find out which horse has been placed first, second, third, fourth or fifth and if they do not see the horse on which they have placed a bet among the winners, they dump the docket. A logical suggestion was made at the justice committee meetings that if the money was not collected after 12 months, it should be lodged in a dormant funds account. That would mean that eventually the money would be used for the benefit of the Irish taxpayer when it could easily be ring-fenced to support treatment programmes. It appears that the gambling industry needs to be tidied up. As legislators, we all have a responsibility to tidy it up as much as we possibly can. Technology is great but, unfortunately, it facilitates those who have a gambling addiction. This is something for which we must take responsibility. In the case of non-runners, millions of euro is retained by bookie offices the length and breadth of the country. This money should be deposited in a dormant funds account. The same should happen in the case of uncollected winnings after a 12 month period has elapsed. We must find a way to allow the money to be used for the benefit of society.

Unfortunately, gambling now takes place online and has moved underground in a similar fashion to prostitution, a matter which has been spoken about significantly in this House. We have also spoken about the issue of the availability of escorts on line, on which action also needs to be taken.

5 o'clock

The main bookmakers and gambling providers in this country wish to have regulation. Many other countries have regulation so it would be a correct step, both ethically and morally, to have it.

Finally, I commend the Leader of the House. When he was opposition in the last Seanad he brought forward legislation on gambling and I am sure he, as a legislator, is happy to see that his efforts were not in vain and that we are seeing progress in the right direction.

Senator Paul Bradford: I welcome the Minister of State. He is not the type of man I would associate with hanging around the betting offices of Greystones-----

Senator Pat O'Neill: One never knows anyone's secrets.

Senator Martin Conway: He could do it online.

Senator Paul Bradford: -----but being a young man of the modern generation, he probably has a smartphone and has a look at the betting odds on it now and then, perhaps the odds on the next leader of Fine Gael or the like. The Minister is not supposed to bet on himself.

The Minister, Deputy Noonan, said in his opening remarks that we will probably stray beyond the terms of the legislation in this debate, but I wish to refer to a few points made by my colleagues. I appreciate that there is a gambling problem in certain parts of the country and in certain areas of society. This country also has a major alcohol problem but we will not respond to it by shutting every pub or by banning alcohol. The gambling control Bill that is due to be introduced next year will probably help to deal with our gambling problem. It is something we will have to take seriously by putting the supports and structures in place to help people who have a genuine problem. It is an illness, and we should not throw out the baby with the bath water.

Senator Michael D'Arcy referred to the opening hours of betting offices and expressed concern about extending them. I disagree with him. In a sense, people in the open forum of a betting shop, be it at 5 p.m. or 9 p.m., are less likely to engage in excess, as opposed to a person who is at home and using their smartphone or other device to bet electronically. Over the years the traditional bookmaker's office has been a sociable arena and the vast majority of people who have used bookmakers do not bet very large stakes. The bookmakers have been very much a part of our provincial towns, although many of them have closed as Senator Mary Ann O'Brien noted. The legislation is realistic in respect of opening hours. Television coverage of racing in Australia and the United States or of greyhound racing at night will generate a degree of betting and revenue generating opportunities for small bookmakers, and I have no difficulty with that.

The Minister advised us that the Finance Bill is the legislation in which he would deal with the 1% levy. I strongly concur with what Senator Mary Ann O'Brien said; she is very knowledgeable on this subject. We must ensure long-term funding for the Irish greyhound and horse racing industries. They are hugely important rural industries that employ thousands of people.

While 1% is a start, it is a very modest one. We must move at the earliest opportunity to a 2% levy. Very few sections of society are asking us to increase taxation at present, but people involved in the horse racing industry are asking us to consider an increase in the levy and I hope we will be able to do that at the earliest opportunity. We must secure long-term funding for our horse racing and greyhound industries and I hope the Minister will favourably consider the suggestions he has received from so many sections of society.

Senator Hayden referred to a document she received from an Irish racing group. I received the same correspondence. It was an excellent presentation, particularly for the majority of people in the country who would not have a detailed or thorough knowledge of the industry. When one sees the stark figures regarding the tens of thousands of people employed in the industry, be it in stables, bookmakers' offices, race courses, transport or supply of feed, one realises that it is a very unique industry and an industry in which Ireland holds first place in the world. If there were an Olympics for horse racing, Ireland would win gold, silver and bronze. It is an industry worth protecting, so a funding model must be put in place to ensure its long-term success. Hopefully, we will be able to make progress in that regard in the near future.

Briefly, I welcome the Betting (Amendment) Bill. It was the subject of detailed debate in the other House and I am not sure if we will be able to table amendments here. Presumably, they have already been dealt with. The legislation is necessary and welcome. In conjunction with the gambling control Bill to be introduced next year and, more importantly, progress in respect of an increase in the betting levy to a more realistic and sustainable rate, we will hopefully have put in place a troika of legislation that will be good for the industry, the punter and, from a gambling point of view, good for society.

Senator Pat O'Neill: I thank the Minister, Deputy Noonan, and the Minister of State, Deputy Harris, for attending the House to introduce this important Bill. It is important legislation that will extend the betting levies to remote betting intermediaries and online betting concerns that take bets from Irish customers.

Little did we expect when Tommy Flowers invented the Colossus, the first electronic computer, in World War II to decode the German Nazi Enigma machines that we would today be discussing in this House how betting has changed over the past 50 to 60 years. The Internet has really changed it since it took off in the 1990s. We all know that human beings are very competitive. The first men on earth were always competitive, be it against each other or when watching animals. Betting was always taking place. It is part of human nature to be competitive and to bet on the outcome.

A total of €335 billion is gambled worldwide, so it is a huge industry. We must get the legislation right. In 2009, former Deputy Dermot Ahern, the then Minister for Justice, Equality and Law Reform, sought a review of the gaming industry and the current Minister for Finance, Deputy Noonan, made provision in the Finance Act 2011 to change the betting levies. Approximately €1.6 billion is bet online each year in Ireland. The betting levies have reduced from 33% in the 1990s to 1% in 2010. That is not the subject of the debate today, but it all has a knock-on effect. The Betting (Amendment) Bill will be followed by the forthcoming Finance Bill, which will provide for what the levy will be. It is a means of raising cash for the country. Many of the people involved are making vast profits outside the State. That is the reason we are debating this measure today.

The Betting (Amendment) Bill introduces a new licensing system. There are two new li-

cences, a remote bookmaker's licence for those offering normal bookmaker services by remote means and a remote betting intermediary's licence for those offering betting exchange services that allow individuals to bet against each other with no risk to the intermediary. If the betting levy remains at 1% and given that €1.6 billion is bet online in Ireland each year, it would raise €14 million annually. Since 2002, the Government has had to subvent the horse and greyhound racing fund by approximately €30 million annually. If we levy online betting, this subvention will be lost. Previously, the fund was 100% subvented by betting levies when the rates were higher but since then the Government has had to subsidise it.

The horse racing and greyhound industries are very important, especially to rural areas. I live in a rural area. Some parts of Ireland do not have industries but they might have a local horse trainer or somebody who has a few mares breeding foals. That requires stable lads and transport. There are also race courses, as well as feed companies and farmers to supply feed. It is important. There are 28,000 people employed in this industry, which benefits mostly rural communities. Also, there are 78,000 people employed in the betting industry at present. Besides changing the way levies are introduced, the Bill also deals with opening hours. We have had varying points of view on whether bookmakers' shops should remain open longer. I think it is logical at this stage because, as Senator Paul Bradford pointed out, one can leave the bookmaker's shop and go on one's iPad, laptop, or telephone and bet 24-7. Therefore, it is logical that bookmakers should remain open. They provide employment, as people have to work in these shops, and especially on shift work if they remain open later. I agree that there should be a prohibition on betting online for persons under the age of 18.

The Bill defines a bookmaker in legislation for the first time. The definition of a bookmaker is a person who in the course of business takes bets, sets odds and undertakes to pay out on winning bets. This is one part of the legislation we have got to get right. We all know there are remote betting services such as Paddy Power, Boylesports and Ladbrokes. In addition, there are companies such as Betfred which allow one person to bet against somebody else and are just providing the service of putting the two people in contact. It is not like a dating site but, technically, that is what it is. I can lay a bet on a horse at a certain odds and another person can take up the auction. This is where the legislation has to be very tight. The briefing provided by the Library and Research Service stated that others who may not consider themselves as being in the business of bookmaking may now come under the definition of bookmaking and thus need a remote bookmaker's licence or a bookmaker's licence and will be subject to the 1% betting duty. The Department of Justice and Equality acknowledges that where individuals are engaged in significant betting exchange activity, which might if they were offline be regarded as running an unlicensed bookmaker's operation, the State should intervene. It is not clear if this is the intention of this Bill. We can give a silly example. I can have a personal bet with somebody in this Chamber. Perhaps Senator Denis Landy might have a better knowledge of the outcome of the match on Saturday, when Kilkenny, hopefully, will beat Tipperary.

Senator Aideen Hayden: Hear, hear.

Senator Pat O'Neill: If I were to bet through Senator Maurice Cummins and give him money to hold for the bet between Senator Denis Landy and me, or if he asked us if we wanted to have a bet, does that make him a remote operator, an intermediary, and does he have to pay the 1% betting tax? We have got to get the legislation right. No matter what anyone says, there are people in this country and all over the world who are professional gamblers and they use the Internet a lot. The amount of transactions may be a way of making money. I ask the Minister to explain this part of the legislation in greater detail before Committee Stage.

An Cathaoirleach: The Senator is about to embark on time out.

Senator Pat O'Neill: I will conclude. I ask the Minister of State to explain what is an intermediary service. I thank the Minister of State. It is important that the Bill is supported by both Houses, as it will level the playing field in the betting industry, which directly and indirectly supports almost 50,000 jobs in rural areas.

My last point is about the extra €14 million or more that may be raised if the levy is increased. I am aware that 80% of the betting levy comes from horse and greyhound racing, but especially from horse racing. We should not forget that as well as horse racing and greyhound racing, there is much online betting on soccer, GAA, rugby and other sports. When the extra €14 million goes into the Horse and Greyhound Racing Fund, some of it should be given to the Minister of State at the Department of Transport, Tourism and Sport, Deputy Michael Ring, to support capital grants.

Senator Sean D. Barrett: I welcome the Minister of State, Deputy Simon Harris, as the Minister, Deputy Michael Noonan, is otherwise engaged. From the point of view of economics, the first danger of a licensing system is that it is colonised by those with licences. We did that with taxis and pubs, and the licence becomes a piece of paper with a value attached to it because of the skill of insiders in keeping out new entrants. That is extremely bad in economic terms. I hope that this type of restrictive licensing is not envisaged in the Bill, but the word “licence” causes certain alarm bells to go off.

When the courts opened up the taxi business on the basis that people had a right to enter a sector for which they had the skills and training and the public had the right to the services of such persons, the regulators in the Department of Transport, Tourism and Sport undid that by requiring new entrants to have vehicles which, according to ESRI estimates, cost about 90% more than the incumbents' vehicles and about a quarter more to run. Setting up barriers to new entrants contradicts the whole emphasis on innovation, enterprise and so on and the progress made in recent years, which we all welcome. I hope there is no element of restrictive licensing in this legislation. The last case that the taxis won was where the incumbents used licensing as a barrier to new entrants. Who is against new entrants? They are the new people. In this case, the old bookie's shop has lost market share to smarter people; I welcome that. If this is about tax avoidance, I am on the Minister's side. Of course companies should be taxed and brought into the system. From the point of view of tax collection I support what the Minister of State, Deputy Harris, and the Minister, Deputy Noonan, are doing, but if the Bill is a means of protecting old-fashioned bookies against new forms of betting, I am out so far as that is concerned.

There is an assumption that this money is for horses and greyhounds. That ignores what Senator Denis Landy has been saying for some time: the greyhound industry went bananas and wasted a great deal of money and the horse racing industry has had declining attendances for a long period. Why are they assuming the Minister is doing this for them? If we have a bet on who wins the Rose of Tralee or whether the Seanad should be abolished, that has nothing to do with horses and greyhounds. The money should go to the Exchequer. As Minister of State at the Department of Finance, I am sure Deputy Harris would welcome that. I ask him to convey my regards to the Minister, Deputy Noonan. The assumption that people betting on things that have nothing to do with horses and greyhounds will subsidise the horse and greyhound business at a time when there are so many vital social needs must be questioned. I do not regard subsidising greyhounds and horses at the expense of people as something we would want to do. We have much more deserving causes in every Deputy's and Senator's constituency office.

We subsidise greyhounds and horses in the sporting field far more than human sport. I do not know what kind of priority that is. Both are industries. Industry should put money into the Exchequer.

I have had one representation stating that the amount of money put into horses and greyhounds should increase from €46 million to €80 million per year. That is an assumption based on some historical trends, and as a rational-thinking House of Parliament we should question that. If possible I will table an amendment on Committee Stage to ensure that the proceeds, whatever they are, go to the Exchequer and that the Minister of State and the Minister can decide what is done with them. There is an assumption that they will automatically go to two declining minority sports, because they always got money from people betting in betting shops and in bookies' shops and on race courses, and that computer-based betting on topics that have nothing to do with them will be another source of income for them. They might have to be informed that there are plenty of alternatives that we might like to consider.

The extension of the tax base is welcome. I will see how the Bill proceeds and table amendments to deal with the other aspect. This is not an automatic entitlement for two industries which seem to assume they have it. It is not for the incumbents in the industry to prevent innovation and keep out new entrants. The provision to increase the tax take on this untaxed source of possible revenues is the strong part of the Bill. What we do with the revenue might be a discussion for another day.

Senator Feargal Quinn: I welcome the Minister of State, Deputy Simon Harris, who is getting fond of this House. We are getting fond of him too on that basis. When I looked at the Bill I realised that I know very little about betting and very little about gambling. I got to Las Vegas once, on the day of the Kentucky Derby. I met someone on the aeroplane to America who told me there was an Irish horse running called Something in Cork. I put \$5 on it. I thought I was putting on an each way bet, but that was not the case. As I won \$50, I was in danger of becoming hooked after one visit to Las Vegas.

I welcome the legislation which has taken a long time to get here; it is overdue. The essential element is extending the 1% betting duty to online and telephone bets, which I understand. It also updates - this is much needed - the 1931 legislation which states that unless there is horse racing, betting shops must close at 6.30 p.m. from September through to March, a stipulation that rather surprised me. At the same time online betting websites are available 24 hours a day. Obviously, we need to update the legislation to address such issues and I am pleased to see that the Minister has done this.

I am unsure why gambling on lotteries and betting at bookmakers or via the totaliser at horse and dog tracks are not subject to VAT. This matter has been raised by others also and I am unsure as to the reason for it. It has been explained that the provision dates back to the 1970s when an EU directive was introduced aimed at ensuring charity lotteries and such like would not have to pay VAT. I have been pushing the case for defibrillators and asked whether they could be VAT-free or exempt from VAT since they are life-saving devices. I have argued that by reducing the cost, we could have more in operation which would, in turn, save more lives. I hope to discuss this issue in the next week or so following the announcement to be made today on the matter. I have been told that there is no way to remove VAT from defibrillators because it would be against EU rules. However, betting is exempt from VAT and I do not understand why. I see a moral difficulty where an activity like betting which harms so many families in the country is exempt, while a defibrillator which can be used to save someone's life is subject to

VAT. I realise the Minister of State probably cannot address that question today, but, as a public representative, I find it difficult to explain to the public.

At 1%, betting duty is remarkably low. We should at least move back to the 2% levy which was in place as recently as 2006. Let us consider an example in one of our EU neighbours. In Estonia betting and remote gambling operators must pay a 5% tax on their net profits.

I am concerned that all of the revenue raised is used to fund the horse racing and greyhound racing industries. This is an issue which has been commented on by others in the House today. I am keen to see the revenue being more evenly spread. In particular, we should be investing in grassroots sports and not only the GAA. This is a small country and our success at major sports events such as the Olympics Games is relatively minor. However, we could do far better with more targeted investment which would really help. People bet on football matches and so on, but none of the money actually goes towards helping young Irish football players. We are well aware of the lack of talent coming up through the ranks. Studies have shown that there has been a massive drop-off in sports participation by young girls in secondary schools. What about imposing an extra 1% in betting duty which could be used directly to fund grassroots sports? If the Minister of State is considering the imposition of extra levies, he could do far worse than taking on board this particular idea, on which I am keen to hear his view.

Will the Minister of State expand on the issue of possible money-laundering? In particular, what moves have been made in this area in the European Union? What is Ireland's position on the matter? Are we waiting for EU legislation or is the Government doing anything in the meantime?

The Bill should be discussed in the context of the upcoming Gambling Control Bill. Countries such as Germany have increased controls on advertising and limited the amounts customers can gamble. Should we have some limits on the amounts people can gamble? We should at least examine following Germany's lead in this regard.

I am keen to see hard figures for betting shops and socioeconomic backgrounds. Let us consider the figures produced by the Campaign for Fairer Gambling in the United Kingdom. They show that bookmakers have targeted the poorest areas with the highest unemployment rates, lowest income levels and highest crime rates. Are similar figures available in this country? Is the Minister of State open to conducting a similar study? We are all aware of the proliferation in the number of betting shops on town streets, let alone in online gambling. We need to find out if companies are explicitly targeting poorer areas. Should we then limit the number of betting shops in poorer areas? Should communities have the right to decide there are too many betting shops in their areas? Given the problems associated with gambling, should the industry be allowed to sponsor and advertise wherever it pleases? We talk about restricting alcohol advertising. Should we restrict gambling advertising? I do not like to interfere and do not believe we should make this a nanny state, but there should be some thought given to the matter. Since we are so careful to ensure we restrict alcohol advertising, perhaps we should restrict other forms of advertising also.

Should we oblige some of the large gambling companies to pay back a certain percentage of their profits to the customer? I do not have a precise figure in mind, but I understand that in Italy certain online games operators must pay back at least 90% of the money wagered. There was a rule about slot machines also. I have not seen this issue addressed anywhere and wonder whether the Minister of State has considered anything along these lines.

I find myself talking about the need to ensure we do not make this a nanny state, yet I am introducing various such suggestions. I am not an enthusiast of gambling. I hate to see persons who are less well off spending their money on gambling. Someone has to win, but it is seldom the gambler.

Minister of State at the Department of Finance (Deputy Simon Harris): I thank Senators for their contributions, the welcome they have given to the Betting (Amendment) Bill 2013 and their considered contributions to the debate. The Minister for Finance, Deputy Michael Noonan, was present for much of it and I have had the pleasure of being present for the second half of it.

While the Bill deals with the regulation of the remote betting sector and provides the basis for fair and equal tax treatment of all bookmakers, whether traditional or remote, the debate has covered a wide range of related and interlinked issues, as we have seen in the case of Senator Feargal Quinn's contribution and those of other Senators.

Several Senators commented on the slow progress made in bringing the Bill before the House. While that is fair comment, there was a good reason for it. What the Bill sets out to do - to regulate and tax the remote sector - is very challenging, as we are dealing with a sector which, by its nature, does not necessarily have a physical presence within the State.

As Members are aware, the Bill was originally published in July 2012, but further work was required on compliance and enforcement issues. The Bill was republished in July 2013 and there was a standstill for three months under the EU technical standards directive. When the Minister brought forward amendments in the Dáil on the issue of compliance, a further standstill was required.

Concerns have been expressed by several Senators about the regulation of the remote sector and the collection of taxes from companies which do not necessarily have a physical presence in the country. There is no doubt that the introduction of a licensing and tax regime for remote bookmakers and betting intermediaries which, in the majority of cases, are based outside the jurisdiction, poses significant challenges in terms of enforcement and compliance. However, where a company is licensed by the authorities, it is likely to be tax compliant. In the case of companies which are not licensed but which continue to offer services within the jurisdiction, the Bill provides a range of powers that may be deployed. If it is found that additional powers are required at any stage in this regard, the Government will not hesitate to provide them. It is important to note that this is an honest and comprehensive effort to provide the additional powers required. However, should it become apparent that further powers are required, the Government will not hesitate to provide them.

Several Senators have commented on the current level of betting duty and called for an increase. The relatively low rate of duty is a function of the changes that have taken place in the bookmaking industry in recent years, in particular, the increase in the remote or online sector. As we all know well, the explosion in the use of mobile phones, laptops and other electronic communications devices has greatly facilitated the migration of punters to the remote sector. Until the playing field for traditional and remote bookmakers has been levelled in so far as taxation is concerned, the Minister for Finance believes the rate must be kept at low levels. Most importantly, the Bill will put in place a regulatory framework to allow for the extension of betting duty to the remote sector. This is the most significant development we are debating in the legislation. This will permit the application of a 1% duty to licensed remote bookmakers and

a 15% duty to the commission of licensed betting intermediaries. As the Minister has always said, his priority in the first instance has been to put in place a regulatory and licensing regime for the remote sector. When this regime is in place, all other options concerning the level and type of tax involved in the betting industry can be explored. However, until the correct regulatory regime is in place first, other options do not come into play.

Several contributions reflected on the impact of betting on the most vulnerable in our society, and people made valuable and insightful contributions in this regard. The Minister for Finance and myself share the views of many Senators who believe we need to provide adequate protection for consumers. The supervision of operators providing online betting services is a first step in this direction.

Some Senators suggested during the course of this debate that the additional tax raised should be earmarked to support those with gambling addiction issues or to continue to support the horse and greyhound racing industries; we heard a contrasting debate on that. The Minister is not in favour of hypothecated taxes. However, the additional revenues raised will allow the Government some scope to consider areas of need.

Some issues were raised during the course of the debate that I would like to respond to and there will be an opportunity to tease them out further on Committee Stage. Senator O'Brien asked about issues raised by the European Commission. Members will be aware this Bill is subject to the European Union technical standards directive and a three months standstill period was invoked on its publication in July 2013, as I have outlined. During this period a number of communications seeking clarification around aspects of the Bill were received from the Commission and responded to by my officials.

Following the amendments made on Committee Stage in the Dáil, a further standstill period of three months was required under the European directive. Arising out of this, the Commission has again raised a number of issues around the Bill, and officials are working with the Commission on these issues. This further engagement means that a standstill period is extended for a further month until October, and we will keep both Houses informed about that.

A number of valid questions and queries were raised on when the Minister will bring forward proposals to tax other forms of online gambling. The Minister intends to examine the options available in this regard. However, his priority has been to ensure that the regulatory regime is developed for the gambling sector, and this will be brought about through the proposed gambling control legislation being brought forward by my colleague, the Minister for Justice and Equality.

The issue of gaming machines on bookmakers' premises was raised. It is important to state these are illegal and are clearly a matter for the Garda.

Senator O'Neill raised the issue of how one defines a bookmaker, and the issue of betting intermediaries. This is something I presume can be teased out on Committee Stage but the Minister is of the view that the definition of bookmakers in the Bill is as comprehensive as it needs to be.

To return to the issue of where the funds go, which was raised by Senator Barrett and Senator Quinn, it is important to state that while traditionally there has been a link between revenues accruing from betting taxes and the allocation to the Horse and Greyhound Racing Fund, there is no hypothecation of these revenues. All receipts from betting will go directly to the Exche-

quer. The funding of the Horse and Greyhound Racing Fund is a matter for discussion between the Minister for Agriculture, Food and the Marine and the Minister for Public Expenditure and Reform in the context of the annual Estimates campaign. That discussion has to happen annually. The Senators are correct that there has been a perceived link between the two, but any additional revenue collected by the State poses additional opportunities for Government to make regarding the expenditure of public funds and the delivery of services.

Senator Cummins highlighted an anomaly regarding the State-sponsored tote, which allows children as young as six or seven bet when one must be over the age of 18 to buy a lottery ticket or to bet with a bookmaker in this country. I will raise that anomaly with my colleague, the Minister for Finance.

Interesting points were raised that are not directly linked to this Bill from the point of view of the Department of Finance but are important societal questions. Senator Quinn listed a number of them to which I am extremely sympathetic. I do not believe we have to propose a nanny state. The two are not mutually exclusive because the Senator raises serious societal issues that we all see. As gambling has moved away from the bookmakers shop and into the privacy of a home, as it has been easier for children to access devices, and easier to hide addiction because there is not a need to physically leave the house and go to a premises, these pose broader questions that will need to be examined in terms of the whole of Government and the debates we have in this Oireachtas. It is important to note the gambling control Bill which will be introduced by my colleague, the Minister for Justice and Equality.

I thank Senators for their contributions to the debate. As the Minister remarked in his opening statement to the House, a small number of matters remain under his consideration for inclusion on Committee Stage. I am aware other Senators have indicated they may wish to bring forward their own amendments. The Minister for Finance is looking forward to a robust and detailed debate at that stage.

Question put and agreed to.

An Cathaoirleach: When is it proposed to take Committee Stage?

Senator Maurice Cummins: October.

An Cathaoirleach: What date Senator?

Senator Maurice Cummins: We will give a date of 1 October but-----

An Cathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for 1 October 2014.

Sitting suspended at 5.35 p.m. and resumed at 6 p.m.

6 o'clock

Senator Mary Moran: I move:

That Seanad Éireann-

- notes the need to ensure equality of access to educational and other opportunities for persons with disabilities within the provision of State services generally; and

- calls on the Government to take steps to ensure equality of access to educational and other opportunities for persons with disabilities within the provision of State services generally.

I welcome the Minister of State, Deputy Ó Ríordáin. The issue which is the subject of this debate falls within the remit of the Department of Justice and Equality but also those of the Departments Education and Skills, Health, Jobs, Enterprise and Innovation, the Environment, Community and Local Government, Children and Youth Affairs, and Social Protection. This is normally the case with matters relating to the umbrella term of “disability”. When I first drafted this motion, the emphasis was on mental health but I accept that it has been expanded to cover a much wider issue. That said, the focus of my contribution will be on mental health.

I tabled this motion on the back of discussions and interactions I have had in my community and on a personal basis, with individuals who have suffered from mental health issues and who experienced difficulties when returning to education at second or third level. Every Member is aware of the powerful impact an education can have on an individual, not only in terms of his or her job prospects but also in the context of his or her self-confidence, emotional and physical well-being and social inclusion. At a briefing provided earlier today, the president of the Union of Students in Ireland, USI, Ms Laura Harman, acknowledged that a university or college degree is seen as a minimum requirement for most jobs. I have also heard anecdotal evidence from people who have struggled with mental health issues to the effect that they faced barriers in gaining access to education, particularly at third level. Often these individuals have been obliged to become their own advocates and navigate their own way in what can be a stressful transition to education against the backdrop of ongoing mental health recovery and physical recovery.

It is important that people with mental health difficulties act as their own advocates and that they be empowered to make the best decisions on their recovery and their future. However, we must also ensure that we provide a helping hand. I am aware of numerous organisations in every town and village throughout the country which do just that but I believe we might better serve the group of people to which I refer by providing a contact point to allow them to access all of the necessary information. I refer here to someone, namely, a job coach or career adviser, who will provide them with initial guidance. The services of such individuals could possibly be provided through the Intreo office, where a plan could be mapped and tailored to the needs of the individual in accordance with his or her educational and employment interests. At third level, we could provide education and training to disability and access officers in universities so that they might act as a useful contact point for individuals with mental health problems who are studying at third level. People I met at the briefing to which I referred earlier informed me that many disability and access officers are not specifically qualified to deal with those who have mental health issues.

If a regional contact was available to liaise with a person when he or she is prepared to discuss his or her educational options - someone, such as a doctor, to whom an individual could

be referred - they could work through his or her practical and educational needs together and this would go a long way toward providing continuity, which is lacking on the medical side. I have advocated the establishment of such continuity on numerous occasions and I remain of the opinion that the matter needs to be addressed. The regional contact to whom I refer would be in a position to provide follow-up contact with the individual and hopefully provide follow-through support. Ideally, such a liaison would have a medical background in order to best assist from a mental health perspective. This would certainly fall within the community ethos we are striving to achieve, as well as providing a better service overall. We must provide a contact or, even better, a first contact who takes into account the person's overall well-being and provides practical, trusted advice in co-ordination with the service user.

The anecdotal evidence I have received in regard to difficulties in accessing education is corroborated in the figures compiled by mental health organisations, such as Mental Health Reform and Amnesty International, educational groups and Government Departments. The Association on Higher Education and Disability, AHEAD, compiled a report in 2013 highlighting the numbers of students with disabilities who are studying at third level. This report states 1% of students registered on part-time courses have disabilities, including those relating to mental health. I welcome the finding that the 2012-13 academic year saw the highest increase in participation from students with disabilities with over 9,000 such students pursuing courses as compared to the just under 8,000 in the 2011-12 year, a 14.6% increase in the total number. However, it is a matter of concern that AHEAD still has cause to alert readers to the fact that barriers remain for students with disabilities and that this cohort of students is under-represented in our higher education system. AHEAD also acknowledges the limited choices available for students with disabilities - again, including those relating to mental health - and highlights the fact that these students appear to be limited in their choice of courses and are not on an equal footing with their peers when it comes to availing of the opportunities in place. One possible reason identified are the barriers, which may be inadvertent, certain professions present.

In 2011 the national disability survey identified nine different types of disabilities, with 110,000 people identified in Ireland as having emotional, psychological or mental health disabilities. Arguably, each of us will experience or will know someone close to us who will experience a mental health breakdown, illness or issue. Mental Health Reform has calculated that 10% of the population will require mental health services. We need to breakdown the inadvertent, as well as overt, barriers that are present in accessing education. There is evidence to support the view that this disability group is more likely to leave employment or education than other people with disabilities, this against the backdrop of the growing necessity to have a third level qualification, skill or trade in order to secure gainful and sustaining employment.

Education has become a priority and a necessity in the high-tech environment in which we live. We have placed an emphasis on upskilling, re-skilling and achieving a high qualification and this is linked with employment. An Amnesty International report on employment and mental health identified that a large proportion of mental health problems became evident before the age of 25 years, which has an obvious and long-term impact on an individual's earning power as he or she may not be able to access education or training until later in life.

In 2009 it was estimated that one quarter of illness benefit claimants cited a mental health issue, while in 2008 more than 20% of those in receipt of disability allowance identified themselves as having a mental health problem. We need this group to be embraced back into education and return to work. Unfortunately, the level of employment of people with a mental health disability remains low, with the figure calculated at 27%, in comparison to 63% among the

general population. Some 53% of participants who encountered mental health problems had to stop their education owing to their disability according to the national disability survey and this figure is identified as being significantly higher than in the case of any other disability. Having a key contact point could assist in helping to pave the path for a return to education or training and a follow-up with the individual when he or she stops education, in accordance with data protection and privacy laws.

Education is just one answer to the problem and one on which we, as legislators, have the ability to impact. Cost remains a top priority when assessing the further roll-out or set-up of new programmes in all Departments. Value for money should be our top priority. In south Dublin and County Wicklow, as Senators from the area may know, there is an excellent service known as the Dublin and east treatment and early care team, DETECT. Between 2006 and 2011, the service received 795 referrals from a catchment area of 375,000. Of these, 347 met the criteria for a psychotic condition. In 2010 alone DETECT made contact with over 50% of the referrals in 24 hours. It halved the median delay before treatment of 19 months in 2006 to nine months by 2011. One of the ambitions identified for the service is to provide treatment in the least restrictive and disruptive environment for the person and the family. From this service, we could see a follow-through for the individual by way of referral to a community contact point who could help to guide them in accessing supports and education or training, if they so chose.

At second level it becomes harder to identify numbers and difficulties, as some children may just be presenting signs of a mental health issue, but it is important that we compile statistics for the numbers of children who miss out on examinations, the junior and leaving certificate examinations, owing to a mental health condition. We need further information on the transition from primary to second level, which has been identified as a point where signs or issues may start or become apparent. A study or research in this area could prevent students from falling through the cracks as early as the transition from primary to secondary school which could, in turn, benefit the individual in terms of his or her future health and other prospects. The earlier the signs are identified and the earlier an individual can be treated, in many cases, the better the level of recovery which can be achieved.

As a society, we have achieved a great deal in a short space of time in reducing the stigma attached to mental health. People suffering from a mental health problem are one of the most stigmatised groups that fall under the disability umbrella, which leads to social exclusion. There is still work to be done and as we progress the younger generations will I hope adopt a more compassionate and educated viewpoint on mental health. This will take time, but we can already see a positive transition.

In order to provide better access to education for a person with a mental health disability, we need training in the community for disability officers or community liaison officers, as well as cross-departmental and broad thinking on the subject and delivery of continuity for service users when accessing information and medical services, with a community approach. There is much more I could say.

Senator Marie Moloney: I second the motion. I welcome the Minister of State whom I congratulate on his recent promotion.

I acknowledge that this and previous Governments have made significant progress to improve and advance the education of citizens affected by disabilities. The primary objectives of the national disability strategy which was launched in 2004 were to provide people with dis-

abilities with the means to take more control of their lives and allow those with disabilities to fulfil their potential and realise their individual aspirations and ambitions. I am pleased implementation of the strategy has remained a key priority for the Government, despite the economic downfall of the past six years and the necessary fiscal adjustments that have followed. I note statistics from the Association for Higher Education Access and Disability which show that the number of students with disabilities participating in higher education in 2013 rose to over 9,000 students, the biggest rise in seven years. The rise in the number of students with disabilities taking part in higher education is to be welcomed. I acknowledge that the disability access route to education, DARE, scheme is in place specifically to help and support people with a disability or a specific learning difficulty.

We must not, however, rest on the progress we have made so far. We must strive to provide every person who has a disability with quality education. We must maximise his or her potential and make accessing education as easy and uncomplicated as possible, which, unfortunately, is not always the case. I refer specifically to a number of students in County Kerry who were left high and dry on a number of fronts at the start of this school year. The three students in question were attending St. Ita's special school and, under legislation, must finish their education at this school once they reach the age of 18 years. They then come under the care of the HSE. All of these students have the ability to undertake examinations, which would I hope lead to employment and lessen their dependency on the State. One of them was due to sit her leaving certificate examinations this year, but, owing to illness, was not able to do so. She intends to sit them next year. Another student is due to sit a FETAC Level 3 examination, but, under the rules of the Department of Education and Skills, must leave the special school at the age of 18 years, thereby depriving her of the chance to sit the examination. The board of management and the school are willing to accommodate the students who have returned to finish their second level education. However, the Department refuses to sanction it officially. Where are these girls supposed to finish their education? Their parents tried unsuccessfully to source appropriate facilities for them; however, they have found that the educational services are not properly structured within the HSE to accommodate their needs. Thankfully, St. Ita's special school has agreed to accommodate the girls and give them a chance to finish their education in a structured environment providing them with the support they need.

As a result of what has happened, the students encountered difficulty in accessing school transport. Thankfully, representations to the Minister of State, Deputy Damien English, resulted in their being granted concessionary fare paying tickets with conditions. One of the conditions is that the girls must wait on the side of the road for the bus at a given location instead of being picked up at their homes, which had been the case heretofore. This brings its own problems as we now have a health and safety issue. Also, they must now pay for school transport. While the parents have not complained about this, there is a further problem if a parent is unable to afford the cost involved. We must remember that special schools are not available in every locality and some students have to travel quite a distance to attend such a school. The point I am putting to the Minister of State is that if any one of these three girls did not have a need to attend a special school and was in mainstream education, age would not be an issue. Therefore, I put it to him that, in some cases, those who attend special schools are being discriminated against when it comes to their education. In speaking to a parent of one of the girls I was advised that this sorry saga had left her daughter emotionally upset and needlessly stressed.

There is a need for more joined-up thinking, cross-departmental co-operation and a more flexible education system that can make concessions when necessary. There will be problems

from time to time when it comes to the education of children and adults with specific learning difficulties or a disability. These students are more likely to take longer than normal to complete their education and as such there should not be a cap or an age limitation in the case of special schools. Some students will obviously find education more challenging than others and may find the transition to the HSE service suits their needs.

We must move to a society in which all people are treated equally when it comes to education, but, as I have just pointed out, we are not there yet. It is our duty as elected representatives to highlight the shortcomings in legislation and in departmental rooms, which is why we have moved this motion tonight. I formally second it.

Senator Averil Power: I move amendment No. 2:

To delete all words after ‘Seanad Éireann–’ and substitute the following:

notes that

- inadequate funding and a lack of appropriate supports are negatively impacting on people with disabilities of all ages;

- many children with special needs have no access to appropriate preschool services;

- many children with special needs are being denied access to publicly funded health therapies such as speech and language therapy and occupational therapy, while in north Dublin children cannot get on a waiting list for such services;

- the cap on the number of special needs assistants and arbitrary cut in resource teaching allocations mean that primary and second level children are not getting the support they have been assessed as needing;

- underfunding of the NEPS has created huge unfairness, with children being denied access to assessments of their educational needs because their parents cannot afford to pay for them privately;

- adults with disabilities still do not have an appropriate range of educational and training options available to them after they finish school and many are being forced into care settings when they should be given an opportunity to develop their individual talents through appropriate education, training or work placements; and

- budget cuts have impacted negatively on the dignity and independence of people with disabilities of all ages;

and calls on the Government

- not to target people with disabilities for cuts in budget 2015, as it has in previous years; and

- to make improvements in educational and other services for people with disabilities a priority for its remaining term of office.

I welcome the fact that we are having this debate again. I appreciate that the Labour Party Senators have tabled a motion on disability as part of their Private Members’ business. The

reason we are moving an amendment to that motion is that we believe it is too general and that we need to have a more specific one that refers to all the various areas that should be prioritised by the Government in the approach to the budget, from preschool education to adult education and training.

In the last debate before the general election, both the Taoiseach and the then Tánaiste were asked what the key issue was. The then Tánaiste, Deputy Eamon Gilmore, said it was looking after people with disabilities, while the Taoiseach, Deputy Enda Kenny, stated he agreed and felt an absolute priority should be the 300,000 people who suffer from mental illness every year. Unfortunately, the reality over the past three years has been different. There have been cuts to disability services pretty much at all levels across the system.

Many children with special needs still have no access to preschool services. We were all in agreement in previous debates in the House on early intervention, particularly for children from disadvantaged areas and those with special needs so they could get appropriate intervention as early as possible and not end up really far behind when starting school at the age of five or six. When they fall behind, they need much more intensive education. If they have not availed of speech and language services, or other services, their development is already curtailed. This is an area that really needs to be prioritised.

There are many children with special needs who are not getting any preschool service at all. They are finding it impossible to get accepted by a service. Community crèches are trying to welcome everybody and are accepting children with special needs, but they find they are not getting the support they need. They do not have the staff required to give the children an appropriate education. This is a difficulty and we need to make sure the appropriate supports are in place. Children with special needs have the same entitlement as everybody else. There is a legal entitlement established in the EPSEN Act for school-aged children. They have a legal entitlement to a school place and to supports, but this mandate does not apply to early childhood care and educational provision. This really needs to be prioritised.

Another big issue, on which my colleague Senator Darragh O'Brien will speak more, is that children with special needs are being denied access to publicly funded health therapies, such as speech therapy and occupational therapy. In my area, north Dublin, it has not been possible to get on a waiting list for a service since November 2012. The Minister of State will be familiar with this. That somebody who needs the services cannot even get on a waiting list is a really shocking indictment of the Government's priorities in recent years. This really needs to be addressed. In other parts of the country, the service is quite good. We debated this quite recently. I tabled a motion at a meeting of the Oireachtas education committee before the summer. I heard that in other parts of the country, including Cork, services are very good, but the reality is that in my area there are parents writing to me and ringing me in tears because their children cannot even be put on a list for a service. They see the impact this is having on their child and cannot do anything about it. This is really shocking.

At school level, the cap on special needs assistants and the arbitrary cut affecting resource teaching mean that primary and second level students are not getting the support they have been assessed as needing. They are assessed as needing a certain number of resource teaching hours but told that they can get only 85% of the allocation because of a financial cap. This has been very unfair.

Some years ago, we rightly adopted a principle of including special needs children in main-

stream schools, where appropriate. Some parents still decide their children are better off in a special school if their needs are complex, but we wanted to have a system in which every child would be entitled to go to a mainstream school, and we said that, as part of a decent society, we would put the supports in place to assist them. The reality, however, for the schools is that it is very frustrating for the teachers when the children who present do not receive the supports that they need.

There is a gap in health therapy services. The Minister of State will be aware that some schools in his constituency, which is to be Dublin Bay North, have opened special classes and were given educational intervention resources because they were entitled to a certain number of educational staff, but they cannot obtain any speech and language services for the children. There have been cuts affecting Beechpark services and others. This means the affected teachers are pulling their hair out and are upset that there are children in their schools for whom they cannot really provide a proper service.

There has been much competition between the two Government parties over recent weeks as they argue over which tax cuts they prefer. The priority in the next budget should be to provide, based on whatever resources are available, a decent level of public services, particularly to protect those who are most vulnerable. The State should be protecting people with disabilities and those from disadvantaged areas. It should be undoing some of the more cruel cuts of the past few years.

I could speak at length about NEPS and all the other issues. I agree with some of the comments made by Senator Moloney on appropriate places for adults in training and education. Many of us were at the briefing organised last year on adults with intellectual disabilities. Unlike others, who are offered a suite of different choices, those with intellectual disabilities are forced into a care setting where somebody just looks at them all day while they are sitting around. They are capable of doing so much; they want to be working and want to be in training. They need to have better options. That is why we are proposing a more detailed motion, which I urge Senators to support.

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin): This evening's debate provides an opportunity for me to state clearly that the Government is committed to ensuring equality of access to educational and other opportunities for persons with disabilities and special educational needs.

As Minister of State with special responsibility for new communities, culture and equality, I am particularly pleased to speak to this motion on what is a cross-departmental issue affecting a number of Departments, including mine and those responsible for health, education, children and youth affairs. While I have no direct role in issues relating to educational provision and the organisation of the education system, I do have an oversight role in respect of the national disability strategy, which is a whole-of-government approach to advancing the social inclusion of all people with disabilities. The Government remains fully committed to the full implementation of this strategy, which brings together the community and voluntary sectors to work with statutory agencies and Departments to improve the lives of people with disabilities. In the area of education, the Government has demonstrated that commitment with action.

It is important to note that some €1.3 billion will be spent in support of children with special educational needs this year, which is an increase in expenditure of 43% over the 2008 figure of €904 million. If I recall correctly, the figure for 2004 was some €450 million. Therefore, there

has been quite an increase since then.

The provision being made for special educational needs this year is in line with expenditure in recent years and shows that despite the current economic difficulties, funding for special education has not been cut. The current level of investment represents approximately 15% of the education budget of €8.3 billion of the Department of Education and Skills.

The Government has been resolutely committed to protecting the level of investment being made to support children with special educational needs at a time when there has been a requirement to make expenditure reductions across a range of areas. It is an area of expenditure which has been prioritised above most other areas by the Government, despite the enormous pressures on all areas of public expenditure.

The level of resources devoted to supporting children with special educational needs has been protected, and in some areas in 2014 it has been increased to take into account increased demand and demographic growth. This evening's debate also provides me with an opportunity to reassure all parents of children with disabilities and special educational needs that their children will continue to receive the supports necessary to ensure they can access education appropriate to their needs and abilities. The Department of Education and Skills provides for a continuum of support to ensure that all children with special needs can access education, whether in a mainstream class with additional supports, in a special class attached to a mainstream school, or, for a child who may require specialist interventions, as a special school placement.

On the issue of special needs assistants or SNAs, in December 2013 the Government announced that it was increasing the number of SNAs available for allocation to schools to reflect both demographic growth and increased demand for SNA support. The provision has been increased by 390 posts. At the end of the 2013-14 school year 10,656 SNA posts had been allocated to schools, which is a greater number of posts than at any previous time. For example, at the end of the 2011-12 school year there were 10,487 SNAs, while at the end of the 2010-11 school year there were 10,320 SNAs. So far in this school year, 10,900 SNAs have been allocated to schools. Again, this is the highest level of SNA allocation that we have ever had. These extra posts confirm the Government's policy of ensuring that every child who needs SNA support will receive access to such support. I am aware that references are sometimes made to cuts to SNAs both in this House and in the media. I am therefore grateful for this opportunity to put on the record of this House that not only has there not been a reduction in the number of SNA posts provided to schools, but this Government has substantially increased the number of SNA posts available. Some schools may have received a reduced SNA allocation because a pupil with special needs has left the school or because pupils have declining care needs as they grow older. This should not be represented as a cut. Additionally, where such posts are freed up they are then allocated to other schools that have enrolled new pupils with special educational care needs. Parents who may have been frightened by reports of cuts need have no fears that their children will be denied access to an SNA. The cap of 10,575 posts which was introduced by the previous Government in 2010 has been increased to 10,965 SNA posts by this Government.

The Department of Education and Skills recently issued a new circular to schools about the SNA scheme in order to provide clarity on the role of SNAs in schools in accordance with the recommendation contained in recently received National Council for Special Education policy advice and the recommendations contained in the Department's value for money and policy review of the SNA scheme. The NCSE is also developing an information booklet for parents

on the SNA scheme, which is expected to be completed and published shortly and which will provide clear guidance and information for parents on the role and purpose of the scheme. As a Deputy in the House I have been involved in compiling a report on the future role of the SNA in Irish education. Senator Mary Moran has kindly agreed to continue that research and to present it to the Joint Committee on Education and Social Protection in due course.

The Government has also increased the overall number of resource teaching posts available to schools in recent years. Some 480 additional resource teaching posts were provided for the 2012-13 school year and an additional 480 posts have been made available for 2014-15 in order to meet growing demand from schools for low-incidence special educational needs support. This brings the number of resource and learning support teachers in mainstream schools to more than 11,000 at the moment, which is more than at any time previously. This can be compared with 10,305 posts for the 2012-13 school year and 9,950 posts for the 2011-12 year. No reduction was made to the amount of resource teaching time allocated to schools per pupil in the 2013-14 school year, and no reduction is being made for the 2014-15 school year. There are now more additional resource and learning support teachers in our schools than at any time previously.

The general allocation model, which allocates more than 4,200 learning support and resource teachers to all primary schools, is now to be updated annually based on the number of mainstream teaching posts in schools in the previous year, and will therefore reflect growth in school size. As the number of pupils being assessed as having low-incidence or more severe levels of disability has also been rising, this frees up some resources from schools' general allocations to provide to other children who have learning support needs in schools.

In addition to SNA and teaching resources which are provided to schools to support children with special needs, a range of other supports are made available to schools to facilitate access to education for pupils with disabilities. These include modified school buildings, enhanced capitation payments for special schools and special classes, a home tuition scheme, specialist transport arrangements and assistive technology support. In addition, more than 1,100 teaching posts in special schools will continue to be provided for in the coming school year. The National Council for Special Education also opened 132 new special classes for September of this year, which means that there are now more than 860 special classes.

On the issue of policy advice, Members of this House will be aware that the NCSE recently provided the Department of Education and Skills with a comprehensive report on supporting students with special educational needs in schools. In its report the NCSE acknowledged the State's significant investment in providing supports for students with special educational needs over recent decades, which has transformed the ability of schools to educate such pupils. This report makes clear that there are many aspects of the current system that parents and schools are happy with. However, the report also makes it clear that there are disadvantages to the current system, which can create an inequitable distribution of resource teaching hours whereby each school receives the same general allocation based on school size, regardless of the needs of the school's pupil population. This is an important point. It also recommended that supports be allocated to schools to support pupils on the basis of their needs and without the necessity for a diagnosis of a particular disability in order to gain access to an educational resource.

A substantial component of the current model is based on the availability of a diagnosis of special educational need, but, as has been noted by some Members of this House, access to professionals who can make this diagnosis is not always readily available to all students. Some

families can afford to pay for private assessments and, where eligible, these students can immediately access additional teaching resources. The allocation of additional State educational resources should not depend on a parent's ability to pay for professional assessments or proximity to HSE supports.

Following on from the publication of the NCSE report, the Minister for Education and Skills asked the NCSE to develop proposals for a new allocation model, and in June of this year the NCSE published its report, *A Proposed New Model for Allocating Teaching Resources for Students with Special Educational Needs*. This report recommends that the Department and the NCSE develop a new way to allocate additional teaching resources to schools, taking into account the educational profile of each school and without the need for students to get assessments in order to receive resources.

The NCSE has also advised that under the present system there is a risk that children are being diagnosed as having a special educational need for resource allocation purposes rather than for health reasons. The report also notes that there is a spectrum of ability and disability within every category of special educational need. The current system allocates the same level of support for students within certain categories of special educational needs even though one student may have a greater need for support than another with the same disability. A diagnosis of a disability in itself does not necessarily inform the level of need for additional teaching support. A significant portion of additional learning support resources is also allocated to schools on the basis of enrolment, in post-primary schools, or the number of class teachers, in primary schools, and is not linked to the level of need for such support in schools.

The report recommended that schools be given an allocation to provide pupils with such resources based on their individual needs, taking into account the overall profiled need of each school. The report recommended that sufficient time be allowed to develop the new allocation model and for further consultation to take place with the education stakeholders before any proposed new model is implemented in schools. This process is necessary to build confidence that the new system will be equitable, transparent and efficient in delivering resources to students with special educational needs.

The Department of Education and Skills is currently collecting school-based data which could support the development of a proposed new allocation model. It has also invited education partners and stakeholders to make written submissions in relation to the NCSE proposals for a new allocation model, following which consultations will take place with the partners. The Department of Education and Skills will continue to provide the resources that can ensure that all children with special educational needs avail of education. At the same time, it will also plan to ensure that existing levels of service provision can be maintained. Finally, the Department of Education and Skills will consider how to make improvements to the system and how to make accessing the system easier for parents and children who require supports in schools.

On preschool provision, the Government remains committed to supporting the participation of children with additional needs in preschool services. A number of Departments and their agencies are contributing to this area, including the Department of Children and Youth Affairs, the Department of Health, the Department of Education and Skills, and the HSE.

A clear indication of the Government's determination to further strengthen provision in this area is the inclusion of a specific commitment in *Better Outcomes: Brighter Futures*, the new integrated policy framework for children and young people to develop a plan for the inclusion

of children with a disability in mainstream preschool and early years settings. An interdepartmental team of senior officials is finalising a report on how best to make progress in this area. The team, consisting of representatives from the Departments of Children and Youth Affairs, Health and Education and Skills, as well as the HSE, is due to report shortly on this issue to the cross-sectoral team on children's disability issues. The report will inform the development of policy into the future and ensure we will have a co-ordinated and consistent approach across government to supporting the participation of children with additional needs in early years settings. Progress is also being made in ensuring early years practitioners have the appropriate knowledge, skills and disposition to support children with additional needs within preschool settings. This has been facilitated through such measures as the learner fund which is being supported by the Department of Children and Youth Affairs to support early years practitioners in meeting new minimum qualification requirements for the free preschool year.

Other initiatives include the development of programmes such as the special purpose award to include children with additional needs which is offered by Mary Immaculate College in Limerick. The Department of Education and Skills recently received funding through the dormant accounts fund to support the further expansion of education and training opportunities in special needs education for early years practitioners. The Department has also initiated a review of education and training programmes leading to qualifications in early years care and education. A major focus of the review will be the extent to which graduates of such programmes have been adequately prepared to work in early years settings and to meet the many challenges that arise in such settings, including catering for children with additional needs.

On psychological services, I can advise the House that all primary and post-primary schools have access to psychological assessments, either directly through the Department's National Educational Psychological Service, NEPS, or, in cases where a NEPS psychologist is not available, through a panel of private practitioners maintained under the scheme for commissioning psychological assessments, SCPA, which is administered by the NEPS. In common with many other psychological services and best international practice, the NEPS has adopted a consultative model of service. The focus is on empowering teachers to intervene effectively with pupils whose needs range from mild to severe and transient to enduring. Psychologists use a problem solving and solution-focused consultative approach to maximise positive outcomes for these pupils. The NEPS encourages schools to use a continuum based assessment and intervention process whereby each school takes responsibility for initial assessment, educational planning and remedial intervention for pupils with learning, emotional or behavioural difficulties. In a period of severe financial strictures the numbers of educational psychologists employed with the NEPS service has grown. For example, the number of whole-time equivalent posts increased from 158 at the beginning of 2011 to the current level of 169. It is envisaged that the number of educational psychologists will be further increased to 173 in the current academic year.

The Government is committed, within available resources, to the provision and development of health-related therapy services for children with special needs. Health-related therapy supports such as speech and language and occupational therapies are accessed through the Health Service Executive's primary care services and its disability services. The HSE has introduced a number of initiatives to ensure these therapy services are delivered in as equitable a manner as possible and on the basis of prioritised need. The measures include therapists increasing clinic-based work instead of domiciliary work and, where possible, providing family centred interventions in a group, as opposed to a one-to-one, setting. In addition, structures, training and supports are being provided for parents and carers in order that they can work to

help to improve the child's speech and language skills.

The HSE's national service plan 2013 provided for additional funding of €20 million to strengthen primary care services. It comprises more than €18.5 million for recruitment to fill over 260 primary care team posts and more than €1.4 million to support community intervention team development. The posts include 52 whole-time equivalent speech and language therapists, 51 of which have been filled. Recruitment to fill the remaining post is under way.

With regard to disability services for children, the HSE has recognised the need to standardise the way in which these services are delivered. Therapy services for children are being reconfigured into geographically-based multidisciplinary teams as part of the HSE's progressing disability services for children and young people 0-18 years programme. The objective of the programme is to achieve a national, unified approach to delivering disability health services in order that there is a clear pathway to services for all children, regardless of where they live, what school they attend or the nature of their disability. There is a national structure to underpin this change management programme, with national, regional and local implementation groups in place. All elements of the implementation structure include multi-stakeholder involvement, including representatives from the Department of Education and Skills and its relevant service strands, including the National Educational Psychology Service and the National Council for Special Education. An additional €4 million has been specifically allocated in 2014 to drive implementation of the programme. This equates to approximately 80 therapy posts. As the programme is rolled out, it will ensure the resources available are used to best effect in order to provide health supports and ongoing therapy for children in line with their prioritised needs. In particular, over time, it will mean that all children, regardless of where they receive their education services, will have equitable access to services based on their needs.

On adult education provision, it should be noted that educational provision continues to be made for adults with disabilities or special educational needs after they leave school. Adults with disabilities have a range of options available to them in the higher and further education sectors. Some students choose to participate in educational programmes through further adult educational programmes or in adult settings. While the Health Service Executive assumes direct responsibility for young adults with special educational needs over 18 years, the Department of Education and Skills often allocates funding towards an educational component of such provision. This is generally transacted through the tuition hours scheme provided by education and training boards for local service providers, while funding is also provided for the national learning network for this purpose. Young adults with disabilities are eligible to access SOLAS funded mainstream services provided by the education and training boards. The ETB contract with 16 specialist training providers at 49 locations countrywide is to deliver training courses to people with disabilities who require more intensive support than would be available through non-specialist training provision. A range of specialist courses are available at two levels of training, introductory skills training and specific skills training, and include in-centre, employer-based and blended learning approaches to accommodate learners' training needs. These training courses lead to awards at levels 3 to 5 in the national framework of qualifications. Entry to specialist training is open to all persons with disabilities over 16 years of age.

Programme duration may typically be up to 18 or 24 months, depending on programme type. Specialist training offers additional supports to learners which include individualised training and progression plans, literacy and numeracy support, longer training duration, adapted equipment, transport arrangements, enhanced programme content and an enhanced trainer-learner ratio. For students attending further and higher education institutions, funding to further and

higher education institutions for the provision of services and supports for full-time students with disabilities is provided through the fund for students with disabilities, FSD. The Disability Access Route to Education, DARE, is a college and university admissions scheme which offers places at reduced points to school-leavers with disabilities. Eighteen higher education institutions are participating in the scheme. Core funding for access programmes is allocated each year as part of the overall budget of each designated higher education institution. This funding supports the provision of dedicated staff, services and supports for students with disabilities as well as for mature students and school leavers from socioeconomically disadvantaged backgrounds.

Every further and higher education institution has at least one member of staff with responsibility for liaising with students with disabilities, as required by the Disability Act 2005. In addition, many institutions have a dedicated disability support service with trained disability officers, learning support officers and other specialist staff. The national plan for equity of access to higher education, 2014-2016 Action Plan - Towards the Next National Access Plan, is currently being finalised by the national access office for the Department. The new plan will include actions and targets that ensure there is continued support for people with disabilities in accessing and participating in higher education.

I wish to advise that the overall level of investment being provided annually will ensure that provision can continue to be made for the educational requirements of children and young adults with special educational needs. The combination of investment and supports provided will ensure that children with special educational needs can continue to be wholly included within our education system.

The Government wishes to ensure that existing supports for children with special educational needs are maintained while also considering how we can improve our current support systems.

While I am not in a position to anticipate any future budgetary decisions or considerations, I can, however, assure the House that the Government will continue to do everything possible to protect the provision of services for children and adults with disabilities or special educational needs and, where possible, to bring about improvements to services.

Acting Chairman (Senator Hildegarde Naughton): The next speaker is Senator Katherine Zappone.

Senator Martin Conway: Senator Darragh O'Brien has to second the amendment.

Acting Chairman (Senator Hildegarde Naughton): The Minister of State wanted to speak earlier. Senator O'Brien does not have to second the amendment now.

Senator Katherine Zappone: I welcome the Minister of State, Deputy Ó Ríordáin, and thank him for his comprehensive statement on the commitment of the Government and the extraordinary work of all the policymakers, civil servants and providers of services for people with disabilities. I commend Senator Moran on her introduction of this motion. It is an important debate. I welcome Mr. John Dolan, chief executive officer of the Disability Federation of Ireland, and our other guests in the Visitors' Gallery.

This motion tabled by the Labour Party Senators is very welcome because it centres on what is a defining issue of whether we are living in a progressive State. The context to the motion

and its two amendments is that Ireland is still approaching ratification of the UN Convention on the Rights of Persons with Disabilities. We must think of all that we are doing in that context. We need to have this debate in order to find ways to ensure that students with disabilities and those with additional needs due to various impairments, some of which are exacerbated by the students' having being raised in poor conditions, are enabled in meeting their individual educational and other targets and flourishing as a result. Imagine children with disabilities flourishing in our classrooms. I try to consistently keep that picture in mind and I am always asking the question: "What kind of changes would need to be brought about to make that picture a reality?". We have had budget choices in the past. Research by Inclusion Ireland shows that the resources available for children with disabilities have not increased in line with the increase in the number of children with disabilities. Hence, children with disabilities have less access to support services which would allow them to remain in mainstream education, even with the increase in resources. The increase in the number of children with disabilities has an impact on individual children. In particular, resource teaching hours available to individual children, according to the report, have been cut by 15%. Overall, individual resources for children with disabilities have been reduced, even though a lot of the headline figures that the Minister spoke about have increased. The level of supports and services needs to be increased and we must take account of this as we calculate how to reform our tax policies, especially as the economy is now slowly recovering.

The issue is not simply increasing resources, dealing with cuts or returning to where we were before the bust, as encompassed by the motion and the amendments. We need to find new models to deliver better services. We need to use research and new innovations more efficiently in support of our legislative process in making decisions. Only by doing so will we develop new evidence-based policies and laws that will allow us to deliver services more effectively to those children and young people with disabilities and those with additional needs due to disadvantage.

I wish to bring two policy proposals to the debate. First, I want to report on the result of an innovative early-intervention speech and language therapy service that was implemented by the Childhood Development Initiative in Tallaght west. This is very relevant to the implementation of the strategy Better Outcomes: Brighter Futures, to which the Minister referred in his speech. We know that thousands of young children are still waiting for years to access speech and language therapy. These early years are critical, as delays diminish the chance that these young children will catch up with their peers and flourish academically. The ability to communicate is so central to a child's development and his or her ability to fully participate in education. The model that was developed by the Childhood Development Initiative was designed to identify and assess children at a young age through raised awareness among early years practitioners, teachers, and parents and to ensure that children receive therapy where needed as quickly as possible. An independent review of the programme found that the early intervention service provided therapeutic support to children whose needs would not have been identified and who would not have received support through any other existing service due to their young age. The benefits of that early intervention are well documented. It is a programme that is relatively low-cost and that could be replicated in other areas by creating speech and language therapy services alongside the establishment of primary care teams or existing speech and language therapy services. It is not just about the money; it is about what works.

I wish to raise the possibility of an extended school year for children with disabilities and children with additional needs. Students who have additional educational needs arising from

their disability or other impairment often fail to meet their expected level of attainment during the school year. If that is not addressed, such children fall further behind and the probability that they will not become economically active or independent later in life increases. In several education systems around the world, the right to an extended school year during the summer months is in place to assist these students in narrowing the gap. In Ireland, there are July provisions, of which I am sure the Minister is aware, that provide special education for children with autism and those with severe and profound general learning difficulties during the month of July. Eligibility for extended year provision is impairment- or diagnosis-specific. Given the educational disadvantage that may arise from a variety of impairments, I believe we should look at this limitation and consider extending eligibility. I am proposing that the option of extending the limited right to an extended school year be examined and debated in this House as a result of this motion.

Acting Chairman (Senator Hildegard Naughton): I wish to apologise to Senator Darragh O'Brien, who should have been allowed to second the amendment. An error was made in regard to the order of speakers.

Senator Darragh O'Brien: That is no problem. I second the amendment.

I thank my Labour Party colleagues for tabling the motion on access to educational and other opportunities for people with disabilities to allow for discussion on the issue. While my colleague Senator Averil Power may have mentioned that in our view it was a little bit general, it is still very important that it be discussed.

What really disappoints me is the response delivered by the Minister of State. I was hoping for better from newly appointed Ministers such as Deputy Ó Ríordáin. While this is not his direct responsibility, what really disappointed me this evening is that the Minister of State read a script, much of which was patently not true and a lot of which was fantasy. When I look at the provision of therapy in the Minister of State's constituency of Dublin Bay North, I can see that the waiting list for services has been closed since November 2012. In my area, Dublin North, the waiting list for early intervention for speech and language therapy has been closed since June 2012. The Minister of State delivered a script that stated "The Executive has introduced a number of initiatives to ensure that these therapy services are delivered in as equitable a manner as possible and on the basis of prioritised need." I would love the newly appointed Ministers and Ministers of State to meet a few people.

7 o'clock

I would love if any Minister read what the Minister of State has read to us this evening to parents of kids with special needs who cannot access the services. I do not expect the Minister to have a magic wand. Successive Governments have not always done things right.

Let us look at some of the figures that the Minister of State trotted out here on increasing services. We know, in many areas, they have been cut and have not kept up to speed with the growth in population. We know that so what was the point in having someone write this script? What was the point in him coming here and reading it out? I thought a lot more of him in that regard. I thought that he would be more independent minded.

His colleagues, the two Labour Senators who spoke, asked for certain things to be prioritised. Not once, in his answer, did he say what he would do differently. His colleagues were saying: "Look, we have a problem." I am not blaming him for it but we do have a problem.

What can be done to even prioritise these areas in the next 12 months? The Government cannot fix it all. How can we reduce the waiting lists in certain areas, say in the Dublin region for argument's sake, where we have no early intervention teams at all? This crap the HSE has trotted out on the provision of speech and language therapy is not true.

I know Deputy Ó Riordáin does not have direct responsibility in this area but he is a Minister of State. I would love him to come in here and say: "Right, I am going to take these points back. I am going to advocate before the budget where we are going to seek additional funding in this place to try to alleviate the problem in this area." These kids cannot speak and are not going to reach their full potential unless they are given early intervention. I have used this one area as an example. I hope we will all learn from this over time - and I am not being personal or talking about the Minister of State because this happens all the time - but one could have brought anyone in to read the script.

Most of us know the situation that prevails. The Minister of State can talk to his colleagues here and the people who are involved in the sector who have special needs kids and young adults who, after leaving secondary school, try to access services but cannot. All of us know it and he will find out when he goes to his own clinic and offices. I suggest he gives his script to the people who come to him, as constituents, who have problems accessing services for children and young adults in education. I am sure they will tell him that it is rubbish.

Advances have been made over the years, through successive Governments, but it is not perfect and we know it is not perfect. The script the Minister of State read makes it seem there is no problem and allocations are being made. It contains some great stuff such as: "There is a national structure to underpin this change management programme with national, regional and local implementation groups in place." What the hell is that? We know there is problem in this area which needs €10 million funding and needs to be resourced properly. Let us do so and stop this nonsense. The Minister of State's colleagues who tabled the motion deserve better. I refer to his two colleagues, in particular, on the Government side who have spoken and speak about these issues regularly. I have heard the Minister of State speak about these issues very passionately so I know he does not believe what was in the script. Why come in here and read it out? Just set it aside and say: "Yes, we have problems but we have made advances in certain areas."

I know a young adult at the moment who is deaf, is in a wheelchair and has come through the system but cannot access any services right now. I am due to meet his mother again on Friday. I have written to the Minister for Health, the previous Minister for Health, the Minister for Education and Skills and all the multi-agencies.

I agree with one aspect mentioned at the very beginning of the speech that the issue is multi-departmental but that is the problem. The issue sits in all these different Departments and nothing gets done when there is a real problem with a young adult that needs to be addressed. I am not being personally critical of the Minister of State. For Christ's sake, will he tell his colleagues, particularly the newer people, that this type of stuff is not what I expect from him? It is not what I expect from someone who knows what is happening on the ground. Let him stop coming in here and reading what the HSE wants him to say. Let us recognise where there are problems and work together to fix them. I am going to give what he read out to the lady I will meet on Friday at 2.30 p.m. with her son Gavin and ask her what she thinks of it. I will highlight what the Government is saying about the services that are available. The 15,000 children who are waiting over a year for speech and language therapy-----

Acting Chairman (Senator Hildegarde Naughton): Senator Darragh O'Brien's time is up and I did give him a little extra time.

Senator Darragh O'Brien: -----and initial assessments can tell anyone that it is rubbish.

Senator Martin Conway: Go raibh maith agat. I understand Senator Darragh O'Brien's frustrations, to be quite frank. Today there are people outside the gate protesting because there is still no recognition of Irish sign language. That is something I would consider inhumane at this stage. At the end of the day people who are deaf are probably the most marginalised and isolated group in Irish society and it is unacceptable. That is just one example. We have had debate after debate in this House yet nothing has happened.

I was contacted after I did a national radio interview last July by the mother of a five-year old who was identified by a visiting nurse to the school as having a difficulty with one eye. That child is on a waiting list and has been told there is a waiting time of 18 months before a proper eye examination will take place. We all know how sensitive, important and time sensitive it is to have eyes properly checked because the results will be permanent. I raised the matter here last July. I hate to say it but the child is still awaiting an examination. How can a Government stand over that situation? It cannot, simple as that.

I commend the Labour Senators, the ladies seated beside me, for tabling the motion. The more often the issue is debated in the House, the better the chance of success. If we keep beating the drum there might be some response.

I do not think the problem in education in terms of disability is resources. I think there are enough resources being spent in terms of supporting people with disabilities in mainstream schools, etc. throughout the country. The problem is that the resources are not calibrated properly. There are young people who get SNA hours who do not need them. Let me give, as an example, a child who starts off in primary school but needs significant SNA interventions, resource hours, etc. If the system is working correctly, and if the resource hours that are being provided are supposed to achieve their target, the child will improve and be weaned off resource hours. Trying to tell a parent that the hours will be reduced due to his or her child improving is difficult because they do not want to hear it. There must be a multi-agency response but there must also be a partnership between parents, NGOs and educators. If a child is progressing there must be a realisation that in order to give him or her independence there must be a reduction in hours, where appropriate.

We want people with disabilities in this country to leave our education system as independent citizens. We want them to have the necessary supports that will allow them compete on a level playing pitch such as physical structures, personal assistants, technological interventions and visiting teachers. We want to make sure the necessary infrastructure exists. Absolutely, that needs to be done. The last thing we should do is create a false crutch for people because it would prevent them from becoming independent.

I welcome the debate on special education and providing supports. I believe there is adequate investment at the moment. We will take more investment if it is available which can be properly driven and focused. That is what I would like to see.

When young people with disabilities enter university the problem is many of them drop out not because of SNAs or resource hours but because the important infrastructure is not in place. For example, they do not get books in braille, the technology is not in place, it takes too long

for them to get audio tapes or there are no sign language interpreters when they are needed at lectures. As a result these people give up the ghost and fall out of education. For those who stick with their courses and graduate with a degree the real challenge starts and that is getting a job. We have seen that 70% or 80% of people with disabilities can find it difficult to get a job. The greatest equaliser of all is getting a job. We have a good deal of work to do in this area and it is not all about resources; it is about education and making people within business and the private sector aware that a small number of adjustments in some instances, for example, giving a person a comfortable chair at work or ensuring that a person has an appropriate screen to do his work can make the difference. As I have mentioned already, it is a question of putting the infrastructure in place. If these measures were undertaken then people with disabilities could be, would be and, in many cases, have proven to be more productive than their able-bodied counterparts. All we need is a level playing pitch and our responsibility is to create that level playing pitch.

I welcome this worthwhile debate. While I understand the frustration with some elements of the speech of the Minister of State, I realise it is a comprehensive speech and that it is not his fault because the speech was prepared for him. He is relatively new in the Ministry and this is not his direct area of responsibility. I acknowledge the fact that the Minister of State has come to the House tonight to take the debate.

Senator Rónán Mullen: Cuirim fáilte roimh an Aire Stáit. This Private Members' motion is laudable in its aims but, unfortunately, I am not at all convinced that we will see any action whatsoever from the Government on foot of it. As I mentioned on the Order of Business earlier today, in May 2013 as part of a Private Members' motion that I brought to the House I sought a commitment from the then Minister for Education and Skills, Deputy Quinn, that he would implement the National Council for Special Education report findings on the issue of discrimination. Unfortunately, little has happened since that debate to improve the situation.

In July of this year we had the sorry spectacle of the Department of Education and Skills fighting two families in the High Court. The families were seeking, among other things, orders overturning the inflexible policy of the Department in giving additional support hours to children with Down's syndrome. It took the intervention of the President of the High Court, Mr. Justice Kearns, to compel the Department to see sense by strongly suggesting to the Department that it settle the matter by granting additional support to the children. The judge directed the Minister to allocate four hours and 15 minutes additional resource hours weekly to the children's school. The Department's principal concern, as articulated by the senior counsel in the case, was not to concede any of the claims made by the parents to avoid an avalanche of similar cases. That was what was said. While at least it has the merit of transparency it has little else to recommend it as an approach. It is not an enlightened way to go about the accommodation of the needs of a vulnerable group of disabled persons. All this follows a pattern of shabby treatment of parents of children with Down's syndrome. We saw the fiasco during the summer whereby parents were asked to prove if their children still had Down's syndrome to keep their medical cards.

I have previously spoken about the National Council for Special Education report published in 2013. The report highlighted soft barriers which certain children with disabilities face when enrolling. These barriers contribute to a perceived lack of welcome for disabled children. Needless to say, schools are entitled to put in place their admission criteria. However, barriers discriminating against children on disability grounds are unjustifiable. In last year's debate I asked the Minister to introduce a robust framework to prevent such discrimination. I note that

the education (admission to schools) Bill 2013 is on the Government's priority list and we will have a full debate on that legislation when it comes before the House. Nevertheless I welcome the Bill in so far as it may tackle unjustifiable enrolment barriers. I will be working to ensure that the Bill encompasses the recommendations in the NCSE report. In particular, I note that it was strongly recommended in the report that the Department introduce an enrolment framework for schools to ensure every child with special education needs is protected from school enrolment practices or policies with overt or covert barriers that block his or her access to enrolment in the school; that every child with special education needs may enroll in the nearest school that is or can be resourced by the NCSE to meet his or her needs; that a school must enroll a student with special education needs, if so directed by the special educational needs organiser, on the basis that the school will be provided with resources in line with national policy; and that a school must establish a special class if so requested by a SENO.

However, the Bill is for the future. At present it is disheartening that again this year I have spoken to parents who have faced the same lack of welcome when enrolling their children with disabilities in schools. As I said last year, this is chiefly due to the hoops that parents and schools must jump through to gain resources, in particular for those children with Down's syndrome. Down Syndrome Ireland has related to me that parents dread the uncertainty associated over resource allocation each school year.

The motion calls on the Government to take steps to ensure equality of access to education and other opportunities for persons with disabilities. It may be news to some Members that there is legislation languishing on Committee Stage which, if enacted, would secure appropriate resources for children with Down's syndrome. Deputy Finian McGrath's Down's Syndrome (Equality of Access) Bill would provide for a regime whereby Down's syndrome would be regarded as a low-incidence disorder and therefore the inclusion of children with Down's syndrome under that categorisation would secure for them the extra teaching resources that they need. Deputy McGrath said it was unfortunate that it had been left to him to bring this legislation forward and I wholeheartedly agree with him.

The real solution must come from the Minister for Education and Skills. At the stroke of a pen she could allay the fears of parents by allocating full resources to children with Down's syndrome. This is exactly what I called for last year. Unfortunately at the time my motion was defeated by Government Senators, including Members tabling this motion. I assume they share my disappointment that so little has been done in this area since that debate. Unless the Government commits to making real and immediate changes for disabled people this motion and the associated debate will have been an exercise in futility.

Senator Ivana Bacik: I welcome the Minister of State and thank him for coming in to take this motion, which was put forward on behalf of the Labour Party Senators. I commend my colleagues, Senators Moran and Moloney, on putting forward this motion and on their long commitment to the issue of equality of access for people with disabilities to educational and other services. It is deliberately a broadly-framed motion. It is very much interdepartmental in its nature and cuts across many different Departments and several different themes. However, the overarching theme is one of equal access for persons with disabilities to educational and other public services. We have sought to ensure that it was broadly worded and rather open ended to ensure that all of us who speak on the motion would be able to put forward our ideas and bring forward our expertise, experience or observations on the issue.

As others have said, the Seanad has a proud record of debate on this issue, of putting for-

ward the rights of persons with disabilities and of holding the Government to account in ensuring that it remains a Government priority to ensure a commitment to provide equality of access to persons with disabilities.

I listened with great interest to Senator Zappone's speech. She put forward some innovative ideas and effective ways in which we could look to improve the position of pupils with disabilities within the educational system. I have in mind in particular her comments about the longer school year. This was a point of interest and something certainly worth examining. Senator Mary Moran has a particular expertise on this issue as an educator and as someone who has been a long-term activist on disability rights. I commend the work of the Minister of State and his commitment to equality in education generally not only in his current role but also in his previous work as a teacher.

Some specific issues arise from the motion. These were touched on in the comprehensive speech from the Minister of State. He put forward various measures that have been taken by the Government. The Minister of State rightly pointed out the need to confound the myth that there have been cuts in the allocation of special needs assistants and he gave us the figures on increased numbers of SNAs in place. That is important.

As a University Senator I wish to highlight the matter of access to third level education for persons with disabilities. I urge the Government to give continued support to the Disability Access Route to Education, DARE, programme, a third level admission scheme offering places at reduced points to school-leavers with disabilities. I am pleased the Minister of State referred to the matter in his speech. We operate the programme within Trinity College, one of the 18 institutions operating the scheme and it operates successfully there. The programme is resource intensive. The Minister of State pointed out that higher education institutions must have disability officers. The disability officer in Trinity College plays an important part in ensuring adequate supports are in place for students with disabilities who are going through the educational system. It is most important that disability officers build up personal relationships with academic and administrative staff to smooth pathways, in particular for people with physical disabilities. Some obvious issues arise in trying to ensure this, especially on an old campus. Generally, we must ensure that structures are in place for dealing with people with learning or intellectual disabilities, including people with conditions like dyslexia and so on. Every third level institution has made concerted attempts to ensure better access. However, it must be well co-ordinated, which is the advantage of the DARE system.

The Department of Education and Skills is finalising the national plan for equity of access to higher education which will ensure there are targets in place for people with disabilities accessing and participating in higher education. Of course, there are also important commitments to ensuring access for other groups that are disadvantaged and for non-traditional groups entering third level education, in particular, for mature students and students from socially disadvantaged backgrounds and the designated disadvantaged schools. It is still shameful how low the numbers are for those entering third level education, particularly universities, from disadvantaged schools. The law school in Trinity College Dublin pioneered a scheme for set-aside places for students coming through the Trinity Access Programmes schools. It has been hugely successful and rolled out across the college. That model requires real support and I am glad to hear from the Minister that the Government is continuing to support these models. I hope there will be an even more streamlined programme with the national plan for equity of access to higher education for the next two years.

As a parent of primary school children, I wish to comment on the new model being rolled out for children with special educational needs in primary and post-primary education. Senators Katherine Zappone and Martin Conway made the point that when trying to improve equality of access to education, it is not just a resource issue in many instances but of how we structure models of access. A good example is the current model for allocating teaching resources for students with special educational needs. As the Minister said and as the former Minister, Deputy Ruairí Quinn, and others have pointed out for a number of years, there is a problem with the current model as it requires a diagnosis. In many cases it requires parents to obtain private diagnoses for their children. There are also other issues around the child perhaps internalising a label where a diagnosis is offered when it might not, in fact, be necessary. A much fairer and more equitable system of supports will be put in place through the new model being considered. It will be an allocation model developed for schools and will not require individual diagnoses. I commend the Government for its work on it.

We should also discuss other aspects of equal access for persons with disabilities, not just to educational opportunities but to other opportunities in training and employment. The national disability strategy is the Minister's area of responsibility and we are all concerned about the low numbers of persons with disabilities in employment. The Labour Party Senators previously tabled a motion on the need for the provision of personal assistants and a potential statutory framework. I will speak to the Minister of State again about this; I have already spoken to the Minister of State, Deputy Kathleen Lynch, about it. It is an example of the type of support that might be necessary to ensure greater participation levels by persons with disabilities in the workplace.

I thank the Minister of State for his commitment to this issue and my Seanad colleagues who have contributed and will contribute to the debate. The Seanad has a good record of bringing forward this issue and keeping it to the forefront of the Government's priorities. We will continue to do so.

Senator Labhrás Ó Murchú: Cuirim fáilte roimh an Aire. This debate is about social justice, not charity. My first response when I meet people with a disability is one of empathy, quickly followed by admiration. When one sees the achievements of people with a disability in athletics, academia, technology, the arts and many other areas, one realises their tenacity of character and the great efforts they make to overcome the problems that beset them, more so than other sections of society. That admiration changes to sorrow when I meet members who are obliged to come to the gates of Leinster House to demand the very basic social justice we enjoy in our lives. I begin to realise that after all the efforts they have made and despite the morale boosters they have been for us, they are challenged by the very system that should be supporting them. This must be a wake up call.

We do not gain anything from making this a political issue. It is not an issue on which the Minister or a Government should in any way be held up to ridicule or otherwise. This issue belongs to all of us as a people. The fact that over 18.5% of the population experience some level of disability should remind us of how big this issue is. The 2011 report of the Economic and Social Research Institute, ESRI, leaves us in no doubt of the inadequacies and omissions in this area. Clearly, there is a definite correlation between educational disadvantage and disability. That is the starting point. If one is disabled, one can automatically be challenged when it comes to education. That is not to take from any of the achievements to date. Senator Martin Conway might be correct that it might not be due to financial resources alone, but, for whatever reason, I do not believe there is a proper implementation plan. We should set about putting an

implementation plan in place, but only do so after intensive and direct consultation with the disability sector. That is vital.

Second, whatever resources are required by the voluntary organisations must be made available in the first instance. These resources are minuscule in the context of the total issue we are discussing, but these organisations, together with the people with a disability, are at the coalface every day. Each time I listen to a radio or television programme on which this matter is discussed these organisations tend to be non-confrontational. All they are seeking is that people with a disability be given their entitlements. We are facing the introduction of the budget shortly. The minimum that should happen in it is that there should be no cutbacks in this area. I do not believe one would meet a single citizen who, if asked, would wish to see money in the sector cut by €1. Why is that? If 18.5% of the population have some level of disability, it means that virtually every family or an extended part of the family has someone with a disability. Therefore, we are all fully aware that what we are discussing is the reality on the ground.

If we are to discuss having an implementation plan, the statistics are clear. The number of people who do not finish their schooling or programme of education is four times lower among able-bodied people. That is 25%. The number of people with a disability who do not finish their primary education is a very stark statistic in its own right. What we must consider is social justice, which it is unquestionably. Other sections of society have special measures created for them for economic or industrial, housing or other reasons. There are many such instances. There is nothing unusual in looking at a specific sector and deciding that it requires special attention.

I have a suggestion for the Minister, although, given his background in education, we do not have to tell him what the position is. However, even if it is not necessarily part of his portfolio - perhaps it is - there is an opportunity for him to tell the Government that each Member of this House strongly believes there should be no further cutbacks and that, where there are opportunities to reverse the cutbacks that have taken place, it should avail of them. It is vital that we deal with this matter, not because we all have an opportunity to speak here and perhaps appear on television or in the newspapers. It is not an issue that will go away tomorrow. Nor is it one that will be resolved unless we are prepared to be courageous and say, "Yes, that sector has been left behind." Now is the opportunity to redress that. If that message goes forth from all political parties, one would hope that the people who hold the purse strings have no less compassion than ourselves and are in exactly the same situation. I hope that message will be successful and that we will see an improvement in resources to provide every opportunity that those people require. Above all else, we must afford them the social justice to which they are entitled.

Senator Martin Conway: Well said.

Senator Jim D'Arcy: Is rún tábhachtach é seo.

According to the report entitled *A Social Portrait of People with Disabilities in Ireland*, there is a relationship between educational disadvantage and educational disability. There is also a strong reciprocal association between disability and educational achievement for young adults. Among people with a disability aged 18 to 34, well over half were affected by their disability before leaving school or college. Census figures indicate that people with a disability are only half as likely to be at work as the general population between the ages of 25 and 64. In addition, people with a disability are less likely to marry, which might be a good or a bad thing. According to the 2006 census, about half the general population aged 25 to 44 are married, compared

to just over one third of people with a disability. Such statistics show that there are inequalities concerning disability which need to be addressed. I note that the proposer of the motion, Senator Mary Moran, has emphasised the mental health side of this matter. I welcome that because it is time we treated mental health conditions like any other disability and removed the stigma from the issue. That is happening, but not fast enough.

The Education for Persons with Special Educational Needs Act 2004 legislates for the provision of education plans for students with special educational needs. Under the Education for Persons with Special Educational Needs Act, children with special educational needs are educated in an inclusive environment with children who do not have special needs. Of the 190,303 children estimated in 2010 to have a special educational need, as defined by the Act, for almost half - i.e., 86,083, or 8% of all children - a mental health difficulty is the condition giving rise to that need.

A Vision for Change advises that ensuring that children and adolescents remain engaged in the education system is a crucial first step in breaking the cycle of social exclusion. It also notes that schools are well placed to play a role in early intervention. In this regard the restoration of full-time *ex quota* career guidance counsellors is necessary. The former Minister for Education and Skills, Deputy Ruairí Quinn, stated in this House that this would be a priority once the economic situation improved. Perhaps we can take a look at that matter shortly.

I am excluding Senator Ó Murchú from this completely, but I listened to some Opposition Members referring to recent cuts as though the Government was to blame. All I can say is that they must be taking large doses of milk of amnesia.

Senator Martin Conway: Senator Ó Murchú never took that.

Senator Jim D'Arcy: No. He is sound as a pound.

Senator Marie Moloney: Senator Ó Murchú has been endorsed.

Senator Jim D'Arcy: In the context of career guidance, I should mention that Senator Moran's brother, Mr. Gerry Malone, is one of the foremost and best career guidance teachers in Dundalk, if not in the country. He has successfully dealt with many such issues while keeping students up to their work. I am sure that other guidance counsellors do likewise. I am therefore calling for restoration of the previous position with regard to guidance counsellors, which would be helpful in the context of mental health and equality.

Recently, I was dealing with the Drogheda Institute of Further Education on a registration matter. On the registration form it is stated prominently that disability is no bar to enrolment. I can say that *déanann siad beart de réir a mbriathar* - they certainly practice what they preach.

I support the motion and I am sorry that there is an amendment to it. This is not the practice with motions on education and social inclusion, because we all try to work together. Perhaps there is a good reason for it, however, and we will hear that in due course.

Senator Kathryn Reilly: May I move the Sinn Féin amendment?

An Cathaoirleach: No. Amendment No. 2 must be dealt with first.

Senator Kathryn Reilly: Okay. Our amendment, like that of Fianna Fáil, was tabled because we felt that more substance was needed in the original motion moved by the Labour Party

Senators. The education system should be designed in a way that ensures that all children can reach their full potential. Children with special needs and disabilities should be given the extra assistance they may require to enable them to do so where needed. SNA allocations should not be made solely on the most cost-effective basis.

The principle of inclusive schools is being undermined through an erosion of resources, which means it will be impossible to integrate children with special needs into a mainstream classroom setting. Supports are being withdrawn from children with a wide range of conditions, including autism spectrum disorder, ADHD, dyslexia and, in one reported case, Down's syndrome. That has caused massive hardship to extremely vulnerable young children.

This year's NCSE figures on SNA allocations initially indicate that fewer schools have had a reduction in SNA posts compared to last year. However, that is not reflective of the difficulties that are facing schools in managing the needs of more children with the same level of support. There is an information deficit as to what these figures actually mean and how they are affecting individual schools. Teachers are under-resourced and not effectively equipped to manage some students with more complex needs, despite their being able to remain in mainstream schools. It is an unfair situation that needs to be rectified.

At present the number of SNAs that some schools have does not match the needs of their students. There is a great onus, therefore, on school managements to try to distribute those SNAs as best they can. Over the years the role of SNAs has evolved. Parents will confirm what a crucial and pivotal role they play in the daily lives of children with special educational needs. However, deteriorating staffing ratios, shrinking resources and cuts to essential one-to-one interventions are all contributing to a growing crisis in our school system. This is occurring at a time when the special educational needs population is growing.

Rather than a corresponding increase in resources, we see that some of these needs are being placed as a secondary priority. Many Senators have mentioned the delays facing such children when attempting to access NEPS assessments. That is grossly unfair. The general expectation that parents will pay for assessments privately or perhaps seek support from charitable organisations to fund them is not a viable solution. It will leave children from disadvantaged backgrounds at risk of falling behind. Families that cannot afford much-needed assessments will face even more challenges down the road due to the lack of necessary provision.

Early intervention for children with special needs is paramount. Currently, however, we are witnessing waiting lists for diagnosis that will ultimately play havoc with such children's development. Rather than meeting the issue head-on to begin the process of assistance for the child, we are creating a situation in which years can pass with insufficient recognition of the problem.

Schools throughout the State are facing increased class sizes. The pressures have never been so apparent, and any reduction in SNA hours has an effect not just on the child with special educational needs but on the entire class.

I want to raise an issue with the Minister that was not raised earlier. It concerns the youth guarantee scheme. When the scheme was conceived it was intended to address the needs of all young people under the age of 25 who become unemployed, but when the implementation plan was designed it targeted young people between the ages of 18 and 24. However, it targeted those in receipt of jobseeker's payments, which excluded certain sections of society. Young people on disability allowance are not provided for under the youth guarantee scheme; there-

fore, they are not getting the same education or training opportunities as those on jobseeker's payments within the plan, which is discriminatory. We heard much talk today about higher education, equity of access to education and inclusion, but young people with disabilities are not guaranteed a place in education, training or employment under the youth guarantee implementation plan as articulated by the Government. People with disabilities have as much to offer as those without a disability, and this sends out a negative message which has been articulated to me by a number of youth organisations. There is an inherent danger that if certain people are excluded now, we will embed social exclusion in the system in the long term. That is why I ask the Minister to put pressure on the Minister for Social Protection to review the implementation plan with a view to making it more inclusive for those who have been left on the sidelines.

Along with other Members I call on the Government to ensure equality of access to education and other supports for persons with disabilities within the provision of State services, that these be based upon needs to ensure they can fulfil their educational potential, and that they be granted the right to equal opportunities.

Senator Susan O'Keeffe: I thank the Minister for what was a comprehensive statement to the House on the motion. Senators on all sides of the House will always want greater provision of resources, new reports and new investigations, and it is our duty to remind the Government of the need to do that, but it is important that we acknowledge the work that has been done and the fact that there are more SNAs. The Minister stated earlier that it is constantly highlighted that there are fewer SNAs than was the case previously, but we can see that there are more. This debate is always difficult because it is an emotive area. We highlight the areas we can shout about while forgetting that we must give credit to the work being done and to the dedication of many people in Government in making sure there is better resource allocation for our young people in their schools.

I concur with Senator Jim D'Arcy that it is unfortunate that amendments have been tabled, because we should try to work together to encourage the Government to commit those resources and implement the NCSE's recommendations on the allocation of teaching resources. We note that extra money has been made available, including €4 million for 80 new therapy posts. I do not hear any mention of that on the opposite side of the House, yet it is a welcome measure.

I thank the Minister. I thank my colleagues, Senators Mary Moran and Marie Moloney, for proposing the motion, which allowed us to discuss the issue. We must make sure these children are always on our agenda and that we do not forget their needs. We must urge the Government to commit to them and to keep up the good work.

An Cathaoirleach: Is amendment No. 2 being pressed?

Senator Labhrás Ó Murchú: To the best of my knowledge, it is not being pressed.

An Cathaoirleach: It was moved earlier by Senator Power.

Senator Labhrás Ó Murchú: I did not think it was being pressed.

An Cathaoirleach: Is it being withdrawn by leave of the House?

Senator Mary Moran: Senator Ó Murchú has to make the decision now.

Senator Labhrás Ó Murchú: I am happy to support the motion. That is my instruction.

Amendment No. 2, by leave, withdrawn.

Senator Kathryn Reilly: I move amendment No. 1:

“To delete all words after ‘services generally;’ and substitute the following:

- notes the cruel cuts and unnecessary changes to government policy that make it more difficult for children with special needs to access resources such as Special Needs Assistants and Resource Teachers;

- further notes the unacceptable delays children are faced with when attempting to access NEPS assessments and the general expectation that parents will pay for assessments privately or seek supports from charitable organisations to fund them, leaving children from more disadvantaged backgrounds at further risk of falling behind;

- believes it is not acceptable that children with special needs would go without the appropriate support to see them through their education and that pupils should be allocated Special Needs Assistants and Resource Teaching hours based on educational need alone; and

calls on the Government to ensure equality of access to educational and other supports for persons with disabilities within the provision of State services generally based on need so that all persons may fulfil their educational potential.”

An Cathaoirleach: Is there a seconder for the amendment? In the absence of a seconder the amendment lapses.

Amendment No. 1 lapsed.

Motion agreed to.

An Cathaoirleach: When is it proposed to sit again?

Senator Martin Conway: At 10.30 tomorrow morning.

Adjournment Matters

National Monuments

An Cathaoirleach: I welcome the Minister of State at the Department of Public Expenditure and Reform, Deputy Simon Harris.

Senator Terry Brennan: I raise the issue of King John’s Castle in Carlingford. The castle was built in the 12th century on a rocky outcrop overlooking Carlingford Lough. It dominated the lough, the harbour and the developing town. It was the first stone building in Carlingford and, under its shadow, the town grew. It is said King John of England stayed there for a few days in 1210. The original castle consisted of an enclosed D-shaped courtyard with two rectangular towers at the entrance. The eastern part of the castle was built in 1261 and included

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a number of rooms and a great hall. In the 1950s the OPW undertook conservation works to stabilise the structure. There is an excellent view of the north pier and lough from the viewing area on the eastern side of the castle, although the castle is closed to the general public for health and safety reasons.

I would be most grateful if the Minister of State were to get this most advantageous project for Carlingford back on track. It is essential to the realisation of the enormous growth potential Carlingford offers as a heritage tourism destination. In addition, I stress the importance of having the castle and the whole area of north Louth included in the OPW visitor services map once the castle is reopened to the public. The most northerly town in the north east visible on the Heritage Ireland website is Ardee. Carlingford is 40 miles further north, but the map finishes at Ardee as far the OPW is concerned. We need to let interested people know that the castle is open with the free map given out by the OPW and to be found on the Heritage Ireland website.

Carlingford is one of the mediaeval walled towns of Ireland and contains three national monuments in State care - the Dominican Priory, the Mint and the great centrepiece, King John's Castle, in addition to sections of the old town walls which thankfully still remain from mediaeval times, the Thostal Gate and Taaffe's Castle. The Minister of State's predecessor, Mr. Brian Hayes, MEP, stated on a visit to Carlingford that "this town is rich in heritage indeed, particularly for a town of Carlingford's relative size and, taken together with the natural beauty of the area and the general tourism infrastructure, makes it an extremely attractive visitor destination."

I met officials of the National Monuments Service and the former Minister of State at the castle on 12 June 2012. Those at the meeting included the Louth heritage officer, members of the local historical society and the Carlingford Heritage Centre committee. During the visit the former Minister of State was very impressed by Carlingford and the commitment of the local parties - the heritage trust, Louth County Council and the Tidy Towns committee - and their deep interest in sharing its heritage with interested and discerning visitors. This was something the former Minister of State wished to encourage and foster. To this end, he asked the OPW to enter into a new initiative to develop links with local partners all around the country with a view to ensuring heritage sites were more fully presented to visitors and that visitor access was improved as much as possible using local volunteers. The Carlingford Heritage Trust has signed up to this initiative. During the former Minister of State's visit the group was shown the works that had been completed since the project at the castle started in 2009. The remaining works which are scheduled to be completed this year were also outlined. These works consist of a safety and site presentation and their full completion is key to further presentation of the site. They also required ministerial consent from the Minister for Arts, Heritage and the Gaeltacht who has a supervisory role in this respect. This consent was given in June 2014.

An Cathaoirleach: I ask the Senator to conclude.

Senator Terry Brennan: I appeal to the Minister of State to bring this initiative to a satisfactory and successful conclusion in time for the 2015 tourist season.

Minister of State at the Department of Public Expenditure and Reform (Deputy Simon Harris): I thank the Senator for highlighting this most important issue for Carlingford and north County Louth. It is not the first time the Senator has brought this matter to attention. In the two months or thereabouts I have been in the job he has worn a path to my door on this issue. I know he does so because it is very close to his heart and that of his community. I also

know that it is an issue on which the collective community in Carlingford has been working with him. I believe I have received correspondence from it and I have written back to the community organisations involved. We can see from the picture the Senator gave me that this is such a scenic area with such huge potential in promoting heritage and attracting tourists. I assure him that, despite what I can only describe as the bureaucratic difficulties the project faced, I am determined to have a renewed focus on resolving the issue.

The Senator knows this, but it is important to say it. Carlingford is a walled town which is famous for its surviving mediaeval buildings. The OPW has responsibility for three of them - the Mint in the centre of the town, the abbey on the southern side and, since 1919, King John's Castle in its prominent location overlooking the harbour. The castle is an important monument and, with other sites in State care locally, contributes a significant amount to the heritage of the area and has in my view and that of the OPW the potential to attract a considerable number of visitors.

The castle was most likely built by the Anglo-Norman knight John de Courcy and later became the property of Hugh de Lacy around the end of the 12th century. It was seized by King John in 1210 who stayed for three days and hence gave it its popular name. The castle is a D shaped "shell keep", with corner towers and a large twin-towered gatehouse facing the western side. It suffered great deal of destruction and rebuilding on the western side when the railway cutting was made nearby in 1876. The large gate tower was demolished and the present entrance was made through a window embrasure. The wide access bridge across the railway line was also built at this time to maintain the connection between the town and the castle. The gap in the outer wall of the castle left by the demolition of the gate tower - the traditional main entrance - was filled in with a new stone wall.

Access to the castle for interested members of the public was available previously through a local keyholder system which worked relatively well. However, with changes in health and safety requirements, the entrance and the interior of the castle were not considered safe owing to uneven ground, unprotected edges, low door lintels and irregular steps. The path around the outside did not travel the full circuit of the walls, leaving a gap which was not safe to cross. This also presents a significant hazard.

8 o'clock

As large parts of the interior are, therefore, now deemed unsafe, the building has been closed to the public pending a project - as the Senator outlined - to rectify the position.

Bearing in mind the importance of the site and its prominent location in the town, it has been an aim of the OPW for some time to carry out works there in order to address the problem and restore public access to the monument in order that its visitor potential can be more fully exploited. I am really interested in achieving that goal. A number of early phases, including a full archaeological investigation, have already been completed and what remains to be done is the central physical work to address the access and safety issues. The project which has been devised will address these matters directly and will, when it is complete, greatly improve the existing position by facilitating safe universal access for the public, including for those with disabilities, along the line of the original entrance and through the ramped drawbridge. It is also proposed to carry out other works to make the various internal areas safe and provide level surfaces for easier and safer pedestrian circulation.

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Following my predecessor's visit to the Carlingford site in the summer of 2012, the OPW's national monuments service progressed the design of the project and lodged a consent application in late 2012 to the Department of Arts, Heritage and the Gaeltacht for the necessary works. As the Senator indicated, this consent is required under the National Monuments Acts in all cases where works are being proposed in order that the Minister can fully consider the implications of proposed works and their effect on the monument. Owing to the nature of the OPW proposals, it became apparent in early 2013 that there were a number of important archaeological, architectural and legal implications relative to the project which the Department needed to assess fully before proceeding. The matter at issue related to an element of the works involving the dismantling of a section of wall which had been constructed at the location of the original gate tower after 1876, providing a proper foundation and rebuilding it in the same position but with a new access doorway inserted. This is a key element of the project and will facilitate the universal access route which is the central objective of the work. However, as the proposal obviously involves dismantling an element of the monument fabric, the position clearly needed to be carefully assessed. This is obviously an important consideration in the context where we are trying, above all, to conserve the historical accuracy and authenticity of the fabric and the OPW proposal was an issue that the Department of Arts, Heritage and the Gaeltacht's experts needed to consider most carefully.

In the interim, while these issues were being considered, work could not proceed at the site. As time progressed, it became clear that the OPW workforce and the resources which had been assembled for the Carlingford project and which had been scheduled to carry out the necessary work in 2013 could not be kept in place indefinitely and were diverted to other work. The wall element at the centre of the debate is the first work to be undertaken on the project and, without consent to the treatment, the entire project was effectively delayed. Following detailed consideration of all of the relevant technical and legal issues, the Department of Arts, Heritage and the Gaeltacht issued consent for the project in June 2014 and the way is finally clear for it to proceed. I am sure the Senator will appreciate that in the meantime a number of other urgent works arose elsewhere which need to be addressed. These are works where the structural stability of monuments is under direct risk or where such monuments have already partially collapsed and where there are significant health and safety risks as a result. The resources of the OPW's national monuments service have, unfortunately, been significantly constrained in recent years because of the economic situation and its ability to mount large projects at a number of national monument sites simultaneously has been compromised.

The King John's Castle monument is currently in good structural condition and under no imminent threat; therefore, the only option for the OPW is to focus on the more urgent projects elsewhere and return to Carlingford as soon as time and priorities permit. While I completely accept all of what the Senator has to say about the value of the site from a tourism point of view, it is nevertheless clear that the OPW has been obliged to attend to other works. I give him and the community groups and people of Carlingford a clear commitment to the effect that the project has not been abandoned in any way. It remains a very important and worthwhile project which has already attracted considerable investment in terms of time and effort. I have, therefore, asked the commissioners of the OPW, in the light of the very strong representations made by the Senator, to make this issue a priority, keep it under active review and insert it into the office's work programme at the very first available opportunity.

I accept the point the Senator made in the context of the north Louth visitor services map. I take the opportunity to offer to visit Carlingford, meet the Senator and the community organi-

sations concerned and see the castle at first hand. I certainly want to try to give the project a kick start. I am not in the business of providing disingenuous information and, in that context, I am not in a position to provide the Senator with a timeline at this point. However, I assure him that the project is going to be a priority for me and that I will visit Carlingford, inspect the castle with him and, with my officials, meet the local people in order to see how we might get the project back on track now that the various bureaucratic matters have been dealt with.

Senator Terry Brennan: I am encouraged by what the Minister of State said, despite the fact that there has been a significant delay with the project. I acknowledge the commitment he has given to see to it that the work progresses. I take the opportunity to issue an invitation to him and his officials to visit Carlingford in order that they might witness the significant infrastructure in place for tourists. King John's Castle should play a more significant role in the area, particularly as the thousands of visitors who come to the area are always asking to be permitted to see the interior. I look forward to the Minister of State visiting Carlingford and the project being completed in the not too distant future.

Deputy Simon Harris: I would be delighted to accept the Senator's invitation and arrange, in conjunction with him, to visit Carlingford at the earliest possible opportunity in the coming weeks. I know the project is very close to his heart. During my two months in office he has made clear to me its importance to Carlingford and north Louth. While I accept that there have been delays and setbacks in recent years, it is important to note that the preparatory works - that is, phases 1 and 2 - have been completed. The substantial work will occur during phase 3 and we need to try to get back on site as quickly as possible. I will work with the Senator and my officials to ensure this happens as a matter of urgency.

Motor Tax Exemptions

Senator Martin Conway: I welcome the Minister, Deputy Alan Kelly. I appreciate the fact that he has come before the House to take this matter. I have not spoken to the client to whom the matter relates, which is why I used the term "details supplied" in the text submitted to the Cathaoirleach's office.

The company involved provides significant employment in the tourism sector in County Clare and owns a significant attraction which includes a number of car parks and significant grounds at which some 40 or 50 rubbish bins are located. The company has its own rubbish compactor and on three occasions each week its employees empty the bins to which I refer. The company, at a cost to itself, also empties another 20 to 30 rubbish bins in the vicinity of the attraction which is located in an iconic part of the county. On two occasions each year, when the compactor is completely full, it is driven to a waste recycling facility 20 miles away to be emptied. Effectively, the compactor is only brought onto public roads for approximately six hours each year. For some reason, the company's previous compactor was exempt from road tax. However, it was obliged to upgrade and consequently bought a new compactor. Unfortunately, Clare County Council has refused to provide an exemption for it. I have been informed by officials of the council that the only way to circumvent the problem is if the Minister issues a directive to the effect that a tax exemption be provided for the compactor. The council does not have the power to issue such an exemption, but I have been advised by the officials concerned that the Minister does retain such a power.

In the light of the fact that the company involved is paying massive rates, employs up to

100 people and provides a service which supports tourism and a clean environment at a cost to itself - compactors do not come cheap, they cost thousands of euro - I call on the Minister to take action. This is a minor matter, but it is a big deal to the company involved which is of the view that it has engaged in a partnership with the State and the council in ensuring the environment in the vicinity of its attraction is kept clean. The company also believes it has played a significant role at a cost to itself and that if an exemption were issued, this would represent a gesture of goodwill. I hope for a positive response from the Minister.

Minister for the Environment, Community and Local Government (Deputy Alan Kelly): I thank the Senator for raising this matter. As Minister for the Environment, Community and Local Government, I have overall responsibility for motor tax policy, but I do not have the power, under the relevant legislation, to intervene in individual motor tax cases. Imagine what would be the position if I did have such power.

Senator Martin Conway: It would be great if the Minister did have it.

Deputy Alan Kelly: I take the opportunity to set out for the House the relevant legislation covering vehicles liable for or exempt from motor tax and the considerations that licensing authorities are bound to take into account in establishing whether tax is payable on a vehicle.

Vehicles must be taxed if they are used in a public place. A vehicle is not required to be taxed if it is used exclusively other than in a public place, for example, on privately owned farmland.

The definition of “public place” in motor tax legislation includes “any street, road or other place to which the public has access with mechanically propelled vehicles as a right or by permission and whether subject to an entrance fee or free of charge”. This clearly includes a private facility to which the public has access in vehicles.

Use of a vehicle includes leaving it stationary. Therefore, a vehicle is required to be taxed if it is parked in a public place. If the site in question meets the criteria set out in the definition of a public place, then any vehicles used there must be taxed. It should be noted that provision exists for an owner to declare non-use of a vehicle if that vehicle is not going to be in use for short periods of time, for example, where the vehicle is in seasonal use. However, the vehicle cannot be kept parked in a public place while it is the subject of a declaration of non-use. If the owner wishes to cancel a declaration of non-use, say if trade picks up or the season begins earlier than expected, he or she can do so simply by taxing the vehicle.

A number of categories of vehicles are exempt in legislation from paying motor tax. Exempting these means revenue is lost to the public purse and, ultimately there is a cost to the taxpayer. For this reason, many of the categories of vehicle that are exempt from motor tax relate to vehicles that provide essential public services that are delivered on a nationwide basis, such as ambulances or fire engines. The exemptions include a category for refuse vehicles, sweeping machines or watering machines that are used exclusively for cleansing public streets and roads and would not apply to vehicles used in other public places.

The critical point is that a public street or road is a more narrowly defined category than a public place. These provisions were put in place during the 1950s for the improvement of public streets and roads for general health and sanitation purposes. This category is, in the main, comprised of vehicles owned by local authorities.

I thank the Senator for the opportunity to clarify the matter, but would ask the outline the case for me in writing so I can put it through the process in the Department to satisfy myself that the regulations and categorisation in place are robust enough. If he does so, I will ensure he gets a reply as soon as possible.

Senator Martin Conway: I thank the Minister for his response. I was not surprised by his answer and appreciate that a situation allowing the Minister to intervene would compromise the position.

Deputy Alan Kelly: I would be doing it all the time, I suppose.

Senator Martin Conway: Every case made is a good case, but the case in question is unique and I will make a submission on it to the Minister over the next couple of weeks. I will also talk to the providers involved and perhaps something can be done, because they are providing a genuine community service. I agree they are getting rid of their own rubbish, but they are providing an important service that the local authority is not in a position to provide because it would not be practical nor make economic sense. The providers are willing to do it and I would like to believe we could meet them in some way, in terms of recognition if nothing else.

Deputy Alan Kelly: An exemption is unlikely; the rules exist for a reason. However, to satisfy myself that the categorisation is robust enough in regard to the type of vehicle, particularly in regard to the refuse sector, I will ensure the matter is checked out if the Senator writes to me on the issue.

Coláistí Samhraidh Gaeilge

An Cathaoirleach: I welcome the Minister of State, Deputy Joe McHugh, to the House and wish him well with his new portfolio.

Senator Jim D'Arcy: Cuirim fáilte roimh an Aire Stáit go dtí an Teach agus gabhaim comhghairdeas leis as ucht a oifig nua a bhaint amach. Tá súil agam agus táim cinnte go n-éireoidh go maith leis. An cheist atá agam don Aire Stáit ná: An bhfuil aon phlean aige le liúntas a thabhairt do na mná nó fir tí maidir sna coláistí samhraidh agus na coláistí oiliúna mar gheall ar na táillí uisce agus má tá, cé mhéid atá i gceist mar liúntas?

Maidir le táillí uisce, tá sé ráite ag Uisce Éirinn go gheobhaidh páistí liúntas cóir chun a dhéanamh cinnte go mbeidh an úsáid saor. Ar dtús, moladh 38,000 litres do gach pháiste faoi 18. Ansin tháinig cinneadh eile a mhol 21,000 litres, agus sin mar atá sé anois. Faoi láthair, níl aon liúntas ar fáil do na mná nó fir tí sna coláistí samhraidh do pháistí atá ag fanacht sna tithe sin agus iad ag freastal ar choláistí samhraidh. Tá sé ag eirí níos deacra an t-am ar fad do na coláistí samhraidh go leor tithe a fháil do scoláirí de bharr an méid beag airgid a fhaigheann na mná nó fir tí. Chomh maith le sin, níl aon dabht ach go bhfuil níos mó de dhíth ag na scoláirí de bharr an ardú mór atá tagtha ar an gcaighdeán maireachtála le roinnt blianta anuas.

Nuair a chuaigh mise go dtí an Ghaeltacht ar feadh míosa mar ghasúr, níor ghlac mé cithfholcadh nó folcadh an t-am ar fad a bhí mé ann. Nígh mé mé féin, ach ní raibh cithfholcadh agam ar chor ar bith. Chuaigh mé isteach sa pholl snámha nó san fharraige. Anois, glacann páistí cithfholcadh gach lá nó níos mó, b'fhéidir ar maidin, san iarnóin agus arís roimh dul amach san oíche. Tá a lán uisce de dhíth ar scoláirí sna coláistí samhraidh sa lá atá inniu ann.

Iarraim ar an Aire Stáit cothrom na féinne a sholáthar do na mná agus fir tí agus iarraim air a dhéanamh cinnte de go gheobhaidh siad íocaíocht ceart agus nach mbeidh orthu costas usáid uisce na bpáistí a thógáil orthu féin. Iarraim freisin ar an Aire Stáit a bheith eolach go n-úsáideann páistí níos mó uisce i rith an tsamhraidh i gcoitinne, go háirithe de bharr méadú mór ar ghníomhaíocht sóisialta agus fisiciúil a bhíonn ar siúl acu sa Ghaeltacht.

Rinne mé iarracht costasaíocht a oibriú amach maidir le seo agus tá spreadsheet agam le tabhairt don Aire Stáit. Tá an t-eolas leagtha amach sa spreadsheet, ach leagfaidh mé amach an t-eolas go simplí anois. Má thógtar an liúntas bliantúil de 31,000 litres do pháiste, bheadh liúntas laethúil de 57.5 litres i gceist. Bunaithe ar chostas €4.88 ar 1,000 litres, bheadh costas laethúil de €0.28 ag dul don pháiste. Ar an dóigh sin, do chúrsa 21 lá, cosnódh sé €5.90 don chúrsa thar cheann gach páiste. Ach, má táimid ag trácht faoi mhéadú ar an usáid ag páistí, agus tarlaíonn sin i rith an tsamhraidh, idir ólachán uisce, cithfholcthaí agus níochán éadaí, mholfainn an chéad moladh a cuireadh amach a ghlacadh mar cinneadh, is é sin 38,000 litres a thabhairt do pháistí mar liúntas bliantúil. Thabharfadh seo liúntas laethúil 104 litres d'uisce do gach páiste. Bunaithe ar bhunchostas de €4.88 ar 1,000 litres, bheadh costas laethúil de €0.51 ag dul don pháiste. Sa chás seo, do chúrsa 21 lá, bheadh costas €10.57 thar cheann gach páiste. De bharr go bhfaigheann fir agus mná tí €9.50 in aghaidh an lae do gach páiste faoi láthair, mholfainn go ndéanfaí ardú ar an tsuim seo go €10 an scoláire. Bheadh sin réasúnta agus chlúdódh sé costas an uisce do na fir agus mná tí. Ní bhfaigheadh siad brabús ar bith, ach thabharfadh sin cothrom na féinne dóibh maidir le húsáid uisce na bpáistí sa teach le linn a gcúrsa.

Mar fhocal scoir, mholfainn go bhfaigheadh na fir agus mná tí an t-ardú céanna seo, €0.50 in aghaidh an lae, do na scoláirí a thagann ó na coláistí oiliúna chomh maith. Freisin, ba chóir go gheobhaidís siad an liúntas seo do scoláirí os cionn 18 a thagann ar chúrsa samhraidh, ar nós scoláirí atá ag at déanamh na hardteiste don dara uair. Iarraim ar an Aire Stáit airgead a chur ar fáil do na mna tí ar son chostas uisce na scoláirí.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh): Gabhaim buíochas leis an gCathaoirleach as na focail cineálta.

Tá mé buíoch don Seanadóir as an ábhar fíor-thábhachtach seo a ardú anocht. Mar atá a fhios ag an Seanadóir, íocann mo Roinn deontas laethúil de €9.50 an fhoghlaimeora faoi scéim na bhfoghlaimeoirí Gaeilge le gach teaghlach nó bean tí a choinníonn foghlaimeoirí Gaeilge ar iostas fad agus a bhíonn siad ag freastal ar chúrsaí Gaeilge sa Ghaeltacht. Tá ábhar oidí san áireamh sa deontas seo. Tugann sé seo deis do na foghlaimeoirí dul i dtaithe ar bhlas agus ar líofacht nádúrtha na teanga sa Ghaeltacht.

Tá áthas orm a rá go bhfuil sé i gceist go leanfar ag íoc cúnaimh faoin scéim amach anseo. Agus cúinsí airgid mar atá, tá áthas orm fosta go raibh ar chumas mo Roinne an deontas a íoctar a choinneáil ag an ráta céanna le cúpla bliain anuas. Ní miste a nótáil go bhfuil aon airgead a shaothraíonn na teaghlaigh saor ó cháin. Ní chuirtear san áireamh ach an oiread é agus iarraitais ar éileamh íocaíochta leasa shóisialaigh ón Roinn Coimirce Sóisialaí á meas.

Tá ról fíor-thábhachtach tugtha do na coláistí samhraidh, atá faoi chúram mo Roinne ó 2010 ar aghaidh, i gcur i bhfeidhm na Straitéise 20 Bliain don Ghaeilge. Tá mo Roinn ag tabhairt gach cúnaimh agus is féidir dóibh chun an ról sin a chur i gcrích. Go deimhin, bhí cruinnithe ag oifigigh mo Roinne an tseachtain seo caite le CONCOS, an scáth eagraíocht do na coláistí Gaeilge, agus iad ag tabhairt aghaidh ar dhúshláin éagsúla agus leis na hionaid oideachais faoin tréimhse foghlama sa Ghaeltacht do na hábhair oidí.

Cuireadh tús le scéim na bhfoghlaimoirí Gaeilge mar atá sí faoi láthair breis is daichead bliain ó shin, ach téann an coincheap siar i bhfad níos faide ná sin. Bunaíodh scéim choiste na bpáistí i 1935 chun scoláireachtaí a sholáthar do pháistí ó cheantair taobh amuigh den Ghaeltacht a chuirfeadh ar a gcumas cur fúthu sa Ghaeltacht le linn saoire an tsamhraidh, áit a mbeadh deis acu dul i dtaithí ar bhlas agus ar líofacht nádúrtha na Gaeilge trí chaidreamh le muintir na Gaeltachta. Sa lá atá inniu ann, bíonn na cúrsaí Gaeilge ar siúl ar feadh trí seachtainí go hiondúil agus is i mí an Mheithimh, lúil agus Lúnasa a eagraíonn na coláistí na cúrsaí. Íocann mo Roinn deontas laethúil faoin scéim seo chomh maith i leith foghlaimoirí Gaeilge a bhíonn ag freastal ar roinnt coláistí cónaithe. Chomh maith leis sin, cuidíonn mo Roinn le coistí atá i mbun coláistí Gaeilge agus le pobal na Gaeltachta chun trealamh agus áiseanna eile atá riachtanach a chur ar fáil do na coláistí Gaeilge.

Is iad na coláistí féin a dhéanann na socrúithe leis na foghlaimoirí maidir le cúrsaí lóistín agus iad ag freastal ar na cúrsaí. Is léir go bhfuil leibhéal spéise forleathan i bhfoghlaim na Gaeilge i measc daoine óga i gcónaí. Anuraidh, d'fhreastail os cionn 22,700 scoláire ar choláistí Gaeilge sa Ghaeltacht agus íocadh deontais os cionn €3.7 milliún le timpeall 700 teaghlach atá cláraithe faoi scéim mo Roinne chun scoláirí a choinneáil.

Maidir leis na costais éagsúla a thiteann ar na teaghlaigh, cuirtear iad ar fad san áireamh agus cinneadh á dhéanamh maidir leis an leibhéal deontais a íoctar faoin scéim. Bíonn plé ar siúl i mo Roinn ag an tráth seo gach bliain faoin ábhar agus go deimhin, pléadh na táillí uisce ag an gcrúinniú a bhí ag oifigigh mo Roinne le CONCOS an tseachtain seo caite. Ar ndóigh, má cheaptar go mbeadh sé cuidiúil ceist na dtáillí uisce a phlé le páirtithe leasmhara eile, breathnóidh mo Roinn ar an gceist a ardú leo amach anseo. Tuigfidh an Teachta, ar ndóigh, go mbeidh aon phlé a dhéanfar faoi na nithe seo le tarlú i gcomhthéacs na n-acmhainní a chuirfear ar fáil do mo Roinn ó phróiseas na Meastachán do 2015.

Mar fhocal scoir, caithfear a chur san áireamh nár laghdaíodh an ráta deontais a íoctar le teaghlaigh le roinnt blianta anuas nuair a bhí gearradh siar déanta ar bhuiséad mo Roinne. Ina theannta sin, caithfear na buntáistí eile atá luaite thuas a fhaigheann teaghlaigh faoin scéim a chur san áireamh freisin. Chomh maith leis sin, caithfear a chur san áireamh gur coláistí príobháideacha iad na coláistí Gaeilge agus go n-íocann siad siúd táille leis na teaghlaigh fosta atá níos airde ná an deontas a íocann mo Roinn leo.

Senator Jim D'Arcy: Gabhaim buíochas leis an Aire Stáit as a fhreagra. Is freagra cuimsitheach é agus caithfidh mé é a staidéar go cruinn. Deir sé gur pléadh na táillí uisce ag an gcrúinniú le CONCOS agus oifigigh na Roinne an tseachtain seo caite. Cad a tharla ag an gcrúinniú sin, muna bhfuil an t-eolas sin príobháideach?

Tuigim go bhfuil an t-am ag sleamhnú thart.

An Cathaoirleach: Tá an t-am caite.

Senator Jim D'Arcy: Freisin, gabhaim buíochas leis an Aire Stáit as an gcuireadh a thug sé do grúpaí eile dul i dteagmháil leis an Roinn ar an ábhar seo. Tuigim gach rud a dúirt an t-Aire Stáit ach an bhfuil an Roinn ag smaoinéamh ar aon rud a dhéanamh mar gheall ar seo? Is the Minister of State thinking of doing anything about this?

Deputy Joe McHugh: Caithfidh mé a rá, bhí mé ag smaoinéamh faoi gach aon rud agus mar a dúirt duine i mo pharóiste féin cúpla seachtain ó shin, d'íosfainn an úll dá mbeadh úll agam. Dá mbeadh an t-airgead agam, bheimis san áit cheart. Tá eolas agam faoin obair atá

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ar siúl i gceantair iargúlta na Gaeltachta. Chuir muintir na Gaeltachta fáilte chroíúil romham i rith na tréimhse a chaith mé ann sa samhradh agus chonaic mé le mo shúile féin an sár-obair a dhéanann na mná tí. Is í an Ghaeilge agus bheith ag obair leis na daoine atá ag obair go dian agus go díograiseach chun í a chur chun cinn an fhreagracht is tábhachtaí atá agam i mo ról mar Aire Stáit. Tugann Scéim na bhFoghlaimoirí Gaeilge €50 milliún gach bliain chuig ceantair Gaeltachta. Is í an éifeacht eacnamaíoch seo an rud is tábhachtaí faoin scéim. Nílím ábalta ceist an tSeanadóira a fhreagairt anocht ach beidh mé ag smaoineamh faoi.

Mar fhocal scoir, cé go bhfuil mo Roinn sásta ceist na dtáillí uisce a phlé le páirtithe leasmhara, ag deireadh an lae tuigfidh an Teach nach dtagann na socraithe a bhaineann leis na táillí uisce ó mo Roinn. Tá Ranna eile ag obair ar an ábhair seo. Is í an obair atá á dhéanamh faoi Scéim na bhFoghlaimoirí leis na mná tí an rud is tábhachtaí. Ba mhaith liom oibriú le daoine sna ceantair seo i rith m'am mar Aire Stáit, ba mhaith liom oibriú leis na mná tí agus ba mhaith liom aon seanadóirí a chabhrú leis an gceist. Is é sin mo dhualgas. Níl mé freagrach as táillí uisce, ach tá sé tábhachtach bheith labhairt sa díospóireacht anocht faoin sár-obair atá déanta agus atá fós á dhéanamh ag na mná tí i gceantair iargúlta na Gaeltachta. Gabhaim buíochas arís leis an Seanadóirt.

Senator Jim D'Arcy: Guím comhghairdeas ó chroí ar an dul chun cinn iontach mhór atá á dhéanamh ag an Aire ar a chuid Gaeilge. Togha an fhir.

The Seanad adjourned at 8.35 p.m. until 10.30 a.m. on Thursday, 25 September 2014.