



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 21 Eanáir 2015

Wednesday, 21 January 2015

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 Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Children and Youth Affairs to comment on the funding position of the Spraoi community child care facility in Milltown Malbay, County Clare which is in immediate danger of closing.

I have also received notice from Senator Fidelma Healy Eames of the following matter:

The need for the Minister for Education and Skills to outline the plans, proposed facilities and rationale for the site choice for the new school arising from the amalgamation of the Mercy and Presentation schools in Galway city.

I have also received notice from Senator Thomas Byrne of the following matter:

The need for the Minister for Health and the HSE to ensure the continued funding of special needs assistants in preschools in County Meath.

I regard the matters raised by the Senators as suitable for discussion and they will be taken now.

Commencement Matters

Child Care Services Funding

An Cathaoirleach: I welcome the Minister for Health, Deputy James Reilly.

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Deputy James Reilly: I am the Minister for Children and Youth Affairs.

Senator Paul Coghlan: It is a Freudian slip.

An Cathaoirleach: I am sorry; the Minister for Children and Youth Affairs.

Senator Martin Conway: The Minister is very welcome. Part of his brief relates to significant health issues such as the elimination of tobacco smoking, and it is a good description of him to say he is a quasi-Minister for Health.

A child care and crèche facility in Milltown Malbay in County Clare is on the verge of closing. The Spraoi facility looks after up to 80 children and employs a number of staff on a permanent basis. The problem is that the facility is waiting for funding from the Department and for some reason there appears to be a logjam in terms of the funding being released by the Department. It would be all very well if the facility had cash reserves or a back-up plan, but unfortunately that is not the case. Since Christmas, staff have worked for the past two weeks free *gratis* and for nothing in order to keep the facility open in the hope that the money will be forthcoming from the Department. I understand Spraoi received capital funding to carry out works on the facility, independently of the funding stream on which it is reliant in order to keep the doors open. It would be a great pity if the facility were to close due to timing because, realistically, those working there cannot continue to work without being paid. They might keep the facility going for another week but that will be it.

It is a wonderful facility. I have spoken to a number of parents who send their children there. I am aware of one parent who travels 25 miles to bring her child there because of the level of care and commitment shown by staff. I believe the issue is one of timing and that the matter can be resolved pretty quickly, but that would require the intervention of the Minister in order to expedite the payment. I await what I hope will be a positive reply from the Minister.

Minister for Children and Youth Affairs (Deputy James Reilly): I thank the Senator for raising the matter, which has also been raised with me by his constituency colleagues, Deputies Joe Carey and Pat Breen.

The Spraoi community child care centre is a community-based, not-for-profit child care facility that provides child care services for the local community in Milltown Malbay. This child care service is one of more than 900 community child care services located throughout the country and managed by local communities, as the Senator outlined, on a not-for-profit basis. These community services play a very important role in the provision of child care services and particularly in the provision of services for disadvantaged and low-income families. Spraoi community child care is participating in the three major child care support programmes funded by the Department of Children and Youth Affairs. The funding is provided directly for participating child care services which have children enrolled that satisfy the programmes' eligibility criteria. Spraoi is funded under the community child care subvention programme, which provides funding to not-for-profit community child care services to support disadvantaged and low-income working parents. Participating services qualify for funding on the basis of the level of service they provide and the profile of the qualifying parents eligible for support.

The group is also funded under the early childhood care and education programme, which provides a free preschool year to children in the year before they commence primary school. Funding is also provided under the training and education child care programme, which supports parents who are entering or returning to the workforce or who are participating in training

or educational courses to facilitate a return to work.

The total funding provided to Spraoi under these programmes in the academic year 2013-2014 amounted to approximately €122,000. The final funding provision for the current school year in respect of the community child care subvention programme will not be determined until later in the school year, but the group has received a preliminary payment of €26,308, based on last year's figures. The group has already received almost €21,000 in funding for the early childhood care and education programme since August 2014 and can expect to receive a further €15,000 between now and the end of May, based on current enrolments. Funding in respect of the training and education child care programme will be determined by the number of children enrolled in the service during the course of the year whose parents qualify for support under the programme.

My Department will continue to provide funding for Spraoi, based on the numbers of qualified children enrolled in this service under each support programme. In addition to the above funding, Spraoi received more than €33,000 from the 2014 early years capital programme, which was targeted towards refurbishment projects in community child care services. I understand that Clare county child care committee, which is funded by my Department to provide support to parents and child care services in the region, has given advice and support to this group on previous occasions and I have been assured that the committee is in a position to offer advice and support again now. I would strongly urge the Spraoi management to engage with the county child care committee to ensure that this important local child care resource can be put on a sustainable footing for the benefit of all the young children and families in the area that need these services. I ask that the group examine its participation in all of the child care support programmes and engage with officials in my Department to ensure that the maximum levels of funding available under the programmes are being utilised.

As the Senator knows, the Government allocates in the region of €260 million annually to provide for the child support programmes and approximately 100,000 children benefit each year from this investment. This funding has been maintained despite the difficult economic situation that has prevailed in recent years. The majority of this funding is targeted at those families most in need of support and it is important, therefore, that those child care services, particularly community services, which benefit from this funding are prudently managed in order that the real beneficiaries are the young children who would not otherwise be in a position to avail of high-quality child care services. We strongly wish to support these facilities and ensure they remain. I thank the Senator for raising the issue.

Senator Martin Conway: Is there money to which this group is entitled and has access but that it is not getting because there has been a delay in the Department for some reason? Maybe I am wrong, but that is my understanding of the problem. The money is there and has been allocated but there seems to be a time delay in terms of its release.

Deputy James Reilly: This is not the first such facility to find itself experiencing difficulties. In both previous cases, through the county child care committee, we have been able to support the facility, although not necessarily with additional funds but by helping it to restructure its arrangements through its management. In regard to the specific question raised, I am not aware of such a situation, but I will double-check and revert to the Senator.

Schools Amalgamation

21 January 2015

Senator Fidelma Healy Eames: Cuirim fáilte roimh an Aire Stáit. My request to the Minister of State concerns the need for the Minister for Education and Skills to outline the plans, proposed facilities and rationale for the site choice for the new school arising from the amalgamation of the Mercy and Presentation second level schools in Galway city. This is planned to start in September 2016. Since I tabled this matter last week, a number of parents and people throughout Galway city have contacted me to ask about this choice. When the amalgamation was first mooted in September 2009, the Mercy site was mentioned. When the children came back to school after the Christmas holidays, CEIST, the overarching body for Catholic education, under which the Mercy and Presentation schools exist, announced that the new site would be the Presentation site. I spoke to Dr. Marie Griffin last evening, so I have more information now than I had when I tabled the matter. There has been much surprise and perhaps shock because the site that was always understood to be on the cards was the Mercy site, but now it has been confirmed that it will be the Presentation site. I got some facts from Dr. Marie Griffin, so I want to update the record. She said the only site available in 2009 was the Mercy site, but when an independent evaluation was done in the past year, an independent consultancy chose the Presentation site as the best one because of the room for expansion. The Presentation site is bigger and now a nuns' garden will be included.

The Minister of State might be able to tell me a little more about the rationale for that choice of site. However, the overriding public concern is about facilities to meet students' needs. The current site, the Mercy site, has a state-of-the-art technology room and a gym. The Presentation site does not have a gym, although it fulfils the needs of the PE curriculum by using the pool in NUIG, the rowing club and a local hall. The main concern of parents is why the Mercy site has not been chosen, given that it has a gym and given the physical and health educational needs of students. We all know about the evidence around obesity, the need for physical exercise, the saying that a healthy body is a healthy mind, etc.

We have another example in Galway of the Salerno secondary school, which is also looking for a gym. The Department of Education and Skills expressly said that it was not its policy to build gymnasiums in existing schools. However, when I put this to CEIST yesterday evening, it said it could apply for a full-sized gym. I know it is the policy of the Department of Education and Skills to include a gym in new schools, but will there be a full-sized gym in the Presentation school - which, like the Salerno secondary school, is an existing school - to meet the children's needs?

We will now have a school with 500 children. I understand there is wonderful co-operation between the two schools and that they will start to increase the number of subjects on offer even before September 2016. By working together, both schools will be able to offer a greater number of subjects. However, as the Minister of State will know, there is an incredible loyalty to one's home school. As there is a massive amount of change, let us encourage these two school communities by saying they will also have the best facilities. I understand a commitment has been given that a new technology room will be put into the Presentation school, but the gym is still an outstanding requirement.

Minister of State at the Department of Education and Skills (Deputy Damien English): I am taking the matter on behalf of my colleague, the Minister for Education and Skills, Deputy Jan O'Sullivan, who sends her apologies. She cannot be here due to the change in schedule. I thank the Senator for raising the matter as it provides me with an opportunity to clarify the current position on the proposed amalgamation of the Mercy and Presentation schools in Galway city. I understand from the Senator's contribution that she may now have in-

formation that is nearly as up to date as ours, unlike when she originally submitted this motion. As such, she will be aware that the patron and the boards of management of the Presentation secondary school and Mercy College, Newtownsmith, on 8 January issued a press release announcing the next stage in a process that envisages their amalgamation from September 2016. As the Senator may be aware, the decision-making authority for any amalgamation belongs to the patron of a school, subject to the approval of the Minister for Education and Skills. The initiative for any amalgamation may come from a variety of sources, such as parents, staff, boards of management and patrons. Any such proposal to amalgamate schools must involve consultation with all of the relevant stakeholders, namely, students, parents, teachers and local communities. A decision taken at local level will follow that consultation process. A decision will not be forced on anyone.

The primary reason for the amalgamation is due to the decline in pupil numbers. In the case of the Presentation school, pupil numbers have declined from 395 pupils in 1999 to 214 pupils in 2014, whereas the decline in the case of Mercy College has been from 463 mainstream pupils and 30 post-leaving certificate, PLC, pupils in 1999 to 240 mainstream pupils and eight PLC pupils in 2014. The view of the patron following a process of consultation is that, unless an amalgamation takes place, the future viability of the schools is in question. The patron and the respective schools envisage that the new amalgamated school will cater for more than 500 girls and allow for a broader curriculum and new programme options.

The patron and the respective schools have also determined that the new amalgamated school should be located on the Presentation secondary school's site. In reaching this decision, the patron and schools had available to them an independent technical report that reviewed the curricular capacity of the buildings and sites of both schools. While deficits of accommodation in both buildings were identified, the report recommended that the Presentation secondary school building was the location that required the least amount of remodelling of the existing structure and had the potential for expansion to accommodate a combined curriculum and additional teaching spaces. This is the main reason for the decision. The patron has advised the Department that it accepted the report's recommendation that the Presentation building and site were the most suitable for an amalgamated school.

To support the amalgamation process, it is understood that a steering group is being established that will comprise nominees of parents, teachers and members of the boards of management of both schools. It is also envisaged that, from next September, both schools will co-operate closely in their curricular provision. The patron is continuing to engage with the Department in respect of this process.

I thank the Senator for giving me the opportunity to outline the current position regarding the proposed amalgamation of both schools in Galway city. She also raised the question of a gym. I will ask the Department to revert to her with a comment on same. I presume that, when the two schools are being amalgamated, there might be an opportunity to realise some finance from the site that will not be used. It is a local issue, but this possibility should be considered. There will be an opportunity to use the site for something else that could generate an income that could contribute to a gym. The Senator is right, in that the Department has been trying to maximise accommodation for new pupils throughout the country. The majority of funding, which is taxpayers' money, is being used to build new classrooms as opposed to other facilities. While I agree that all schools need those other facilities, including gyms where possible, tight resources will be concentrated on the necessities, namely, the teaching end of things. The Senator is correct that gyms are just as important and I hope that the Department will soon be

in a position to resume funding them.

Senator Fidelma Healy Eames: I thank the Minister of State for his answer. I learned some of that information in the period since tabling this motion last week, but my question about the provision of a gym was not addressed in the answer. I included it in my question.

Deputy Damien English: That issue was not specified.

Senator Fidelma Healy Eames: The proposed facilities were mentioned in the question. This issue remains a concern. The Minister of State referred to the possibility of finance being realised from the other site, but when I spoke with CEIST last night, it stated that it had no plans and did not know to what use the site would be put. Perhaps it could have another educational use. One could argue that, in the meantime, kids will be short-changed in terms of their physical education. All of these needs must be outsourced, as it were. The Presentation is doing a good job in that regard, but it would be better were that education provided in-house. Will the Minister of State clarify policy on the gym, given what has been learned from other settings?

According to the Minister of State, the patron “advised the Department that it accepted the report’s recommendation”.

An Cathaoirleach: A question, please.

Senator Fidelma Healy Eames: The patron did not revert for consultation subsequently. Is the Minister of State with me?

Deputy Damien English: Let me be clear. This is a local decision. The two schools have gone through a process that is still continuing. If consultation is under way, it should also be continued. A steering group has been established and will comprise nominees from both schools. However, the Department will not tell either school where to go. This is a local decision. The schools had access to technical expertise and a report that helped them make their decision.

The Senator’s question did not specify anything about a gym. I have given a commitment to get her some information on the matter. That will not be a problem.

Senator Fidelma Healy Eames: It specified facilities. A gym is a key facility.

Deputy Damien English: A gym was not mentioned, but I have given the Senator a commitment to get her some information when I can. I can do no more than that. I imagine that the steering group will consider what do to with the site that will not be in use. That opportunity should be discussed, but this is just my personal opinion. Now is the time to have a conversation about whether the other site can release resources to fund a gym. It is difficult to see how the Department could give a commitment on the gym. Resources are tight and the majority are being used to try to fund additional accommodation for new pupils so as to meet demographic demands throughout the country. This is the policy currently. I will get the Senator a note on the gym, now that she has raised the matter.

Senator Fidelma Healy Eames: I understand it is a local decision. I thank the Minister of State-----

An Cathaoirleach: There is no need to thank him.

Senator Fidelma Healy Eames: -----and look forward to the note. I appreciate it. I also thank the Cathaoirleach.

Special Educational Needs Service Provision

An Cathaoirleach: I welcome the Minister of State, Deputy Kathleen Lynch.

Senator Thomas Byrne: Tá mé buíoch go bhfuil deis agam an t-ábhar tábhachtach seo a ardú ar an Tosú sa Seanad inniu.

I wish to raise an issue that has been of considerable concern in County Meath, particularly in child care settings, for seven months or so. Not many people are aware that, in County Meath and possibly some other counties, the former health boards and then the HSE have funded special needs assistants, SNAs, in preschools for decades. As there was an SNA in my child's preschool class, I believed it was routine. It did not occur to me that it was a specific provision that could be put under threat. I could not see how the child with special needs or the rest of the class could operate without that SNA.

In or around June last year, HSE officials wrote to preschools in County Meath informing them that the service was being withdrawn. This caused considerable consternation and some level of disbelief. During the past six months, a campaign entirely composed of providers of child care services has built up. They have now been joined by parents. They organised a meeting on the issue last week in Navan. It was a cold winter's night, but the meeting was packed and was one of the largest I had ever attended. Some parents were in tears over the uncertainty created by the HSE's bad news. Others paid tribute to the SNAs who had done tremendous work with their children. One woman credited an SNA with giving her child the gift of speech. Subsequently, we heard from the HSE through the media - as usual - that it would fund the provision of SNAs, but that it had not yet decided on the level of funding.

This system is haphazard. Are we depending on the budgets and whims of the HSE and Government for the provision of SNAs? I believed we were beyond such. While
11 o'clock there will always be budgetary issues and we will always need more SNAs, I never envisaged that someone could decide to abolish the entire system and that everyone would lose. In general, something like this has not happened in the austerity climate. We will have another day for a political debate, but Governments have tried to level out the impact so that no one would be targeted for complete elimination. Cuts have been made across the board as best as possible.

Last week's HSE statement that it would continue funding the service was welcome, but it has not announced the level of that funding. There is still considerable concern and I have been asked to keep raising the matter until we get clarity on what is happening.

There is a key political issue.

Can someone, please, tell the HSE not to be putting parents and the providers of preschool education, through this stress, this trauma, the tears and the upset that I witnessed at a public meeting in a public forum last Thursday night? I am sure this has been replicated in homes and in preschools. Many of the parents whose children are availing of preschool special needs assistants will also be availing of the same service next year if they are participating in a two-year

ECCE or two-year programme. Those parents who are currently availing of the services are concerned for everybody else but they are also concerned about their own situation. I pay tribute to the group comprising five providers of child care who have been joined by other people. They have brought the HSE so far but, in my view, there was no need for this crisis to happen and there would have been no need to have this public meeting if there had been a proper statement yesterday and proper provision. There were arguments over whether the health service should be involved as opposed to the Department of Children and Youth Affairs. This is a matter for the Department's internal administration but the bottom line is that the Minister's Department is the provider and I thank the Minister of State for her attendance today.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I do not think I fully agree with the Senator's last comment but I understand the point he makes and I thank him for raising this matter. The issue of the participation of children with a disability in preschool is a cross-cutting issue involving a number of stakeholders including the Departments of Children and Youth Affairs, Education and Skills and the HSE. The free preschool year is provided through the early childhood care and education programme, ECCE, which is the responsibility of my colleague, the Minister for Children and Youth Affairs. The objective of this scheme is to make early learning in a formal setting available to eligible children in the year before they commence primary school. While the HSE has no statutory obligation to provide supports for children with special needs wishing to avail of the free preschool year, it works at local level and in partnership with the relevant disability service providers to address individual needs as they arise. This is done in a number of ways such as funding special preschools that cater specifically for children with disabilities.

In some limited cases, at local level, HSE disability services have also facilitated children with disabilities to attend mainstream preschools by providing funding for preschool assistant supports where possible and to which the Senator referred in his contribution. In this context, the HSE Meath disability service provides a preschool assistance subsidy in co-operation with Enable Ireland Meath early services. This subsidy assists towards the cost of obtaining a preschool assistant for a child with a disability. The subsidy is paid directly to the preschool as the employer. I am advised by the HSE that the current demand for this subsidy exceeds available resources. These arrangements should not be confused with special needs assistants for children in primary and secondary schools, who are the responsibility of the Department of Education and Skills.

The HSE is obliged to review continually all its existing funding arrangements in order to ensure services are provided within available resources. The HSE Meath disability service has confirmed that it is committed to continued funding of this subsidy for the academic year 2015-16 from within its approved budget. The overall budget allocation for 2015 is under consideration. The HSE has also stated it will be necessary to review how these support hours are allocated in order to ensure that resources are used to best effect and on the basis of need.

The HSE is involved in a major reconfiguration of its therapy resources for children and young people with disabilities as part of its national programme on progressing disability services for children and young people, aged up to 18 years. This programme, when fully implemented, should mean greater equity in accessing therapy services, based on need, clearer referral pathways and improved collaboration between the sectors. An additional €4 million, equating to approximately 80 additional therapy posts, was specifically allocated in 2014 to drive implementation of the programme. A further additional investment of €4 million will be made in the programme in 2015. This equates to €6 million in a full year.

This programme is already well advanced in County Meath. In addition, a dedicated cross-sectoral team, comprising representatives of my Department, the HSE, the Department of Education and Skills and the Department of Children and Youth Affairs, is in place to strengthen cross-sectoral working on children's disability issues. A subgroup of this cross-sectoral team is examining the issue of the integration of children with disabilities into mainstream preschool settings, including supports for these children. It is expected to conclude its work in the coming weeks. I hope this information is of benefit to the Senator.

Senator Thomas Byrne: It is welcome that the issue is being examined at national level. However, in County Meath this service has been provided for decades. Most children with special needs whose parents wish them to attend a mainstream preschool do so. We would like certainty and we would like to see the results of the report, as well as having proper funding in place for next year. We would like to see parents and schools better informed about the situation because the uncertainty is causing stress, anxiety, worry and tears. I will be raising this issue again, as will other colleagues. It is important that it is raised in the House today. The HSE needs to take immediate action and to explain that what it intends to provide will be at least the same as last year - which is not sufficient and was not sufficient last year. There needs to be a level of service equivalent to what has been provided. Some certainty needs to be provided because this will be a very anxious month for many parents as they wait for a decision about next year but also for society in general as we wait to see what the Government plans to do. I suggest that the principle of the Meath plan is good and it should be used in other areas rather than it being abolished in County Meath. I thank the Minister of State and the Cathaoirleach for allowing me to raise the matter.

Deputy Kathleen Lynch: The HSE has confirmed it will continue to support services. I agree with the Senator that this is the type of service that we should provide everywhere if we are now saying that no child with a disability should go to a segregated school, even though I admit that I believe that in some cases there is a very particular need for a specialist school which would be of benefit to those with particular disabilities. We encourage parents to make the choice about putting their children in mainstream education. We need to get together to see how this choice can be supported. Teachers enable the delivery of education and socialisation to all children but the supports are needed for some children. However, this is not solely a matter within the remit of the Department of Health nor of the HSE, even though the HSE needs to reassure parents about the funding for the coming year. The responsibility definitely lies with a combination of Departments and it is a case of them getting together to decide on a change to how service for those with disabilities will be delivered in the community to both children and adults with disabilities.

Senator Thomas Byrne: I thank the Minister of State.

Sitting suspended at 11.10 a.m. and resumed at noon.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, Gender Recognition Bill 2014 - Order for Second Stage and Second Stage, to be taken at 1.15 p.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, statements on improving the quality of early years education, to be taken at 3 p.m. and conclude not later than 5 p.m., with the contributions of group spokesper-

sons not to exceed eight minutes and those of all other Senators not to exceed five minutes and the Minister or the Minister of State to be called on to reply not later than 4.50 p.m.; and No. 61, Private Members' business, non-Government motion No. 14 re water services, to be taken at 5 p.m., with the time allocated for the debate not to exceed two hours.

Senator Darragh O'Brien: I thank the Leader for outlining the business of the day. As he mentioned, Fianna Fáil Members have a Private Members' motion relating to Irish Water and water services in this country. I ask people to have a look at what the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, stated in the debate prior to Christmas. This will afford people time to consider what has happened since. Yesterday, Senator Marie-Louise O'Donnell, in her inimitable Independent manner, asked a number of questions about the public forum that was to be set up and various other elements that she was promised at the time to ensure she would vote for the Bill. I remind people that it could have been stopped here in the Seanad. The debate might afford her and others who took the soup before Christmas an opportunity to see if the promises they were given have been seen through. I argue that they have not been followed up.

When the Minister for Health, Deputy Leo Varadkar, was before the Seanad yesterday, I looked at issues I raised with him and his predecessor over the year regarding low-paid home help workers. I have highlighted this on a number of occasions over the past two and half years. The Government is in breach of two Labour Court recommendations indicating that home help workers are entitled to 4.5 weeks of pay per year of service in lieu of pension entitlements. The Government stated the money would be paid in 2012, and when it did not have the money - as we could understand - it indicated that it would be paid in 2013, but it was not done then either. It also stated that the money would be paid in 2014, but it was not paid. I raised the issue with the Minister by writing to him on 31 July, but was astonished to find he did not know anything about it. He indicated that he was not aware of the issue. I gave him a copy of the letter and wrote to him again, but I have still heard nothing from him.

There are approximately 15,000 workers affected by this. It is a Labour Court recommendation that as these people have no pension entitlements, a once-off gratuity should be paid. Most of these home help workers, who are front-line staff in the health service, are low-paid workers. The average payment to them is approximately €10,000, with a total cost to the State of approximately €15 million. We are getting a wall of silence on this none the less. If we are serious about the independence of our Labour Court and the industrial relations mechanisms in this country, surely to God the Government should not be in breach of two Labour Court recommendations. It should pay these workers the money due. I propose an amendment to the Order of Business specifically on this matter: that the Minister for Health or a Minister of State - perhaps Deputy Kathleen Lynch, if she is in better form today - come to the House to address this specific issue of home help workers. I have been writing to the Department for two and a half years about it, but I have moved no further towards a solution.

Senator Ivana Bacik: Other colleagues yesterday raised the issue of the Central Bank's proposed new rules for mortgage applications. As many Members said yesterday, they have been widely criticised, particularly the requirement for a 20% deposit. I ask the Leader to arrange a debate in the near future on this issue. I note that criticism has been made of the proposal by, among others, Mr. Jack O'Connor of SIPTU, and certainly they are seen as far too onerous, particularly for first-time buyers. In that context, I very much welcome reports today that the Central Bank is considering inclusion in its proposals of some sort of different rule for first-time buyers. It would be worth teasing out in a debate in this House the idea that perhaps

some sort of higher-level requirement for deposits should be in place, for example, for those seeking to buy for investment purposes or those who are not first-time buyers. Certainly, it seems there are some more nuanced proposals coming forward and I ask the Leader for a debate about mortgage criteria and the proposed Central Bank rules.

I also ask the Leader for a debate on the national dementia strategy. I asked for this previously and the Alzheimer Society of Ireland has been seeking a debate. This is an issue of considerable significance for so many in Ireland, both for carers and for those with Alzheimer's. We might ask the Minister concerned - it is the Minister of State, Deputy Kathleen Lynch - to come to the House for a specific debate on the strategy.

I ask again for a debate on equality in third level education. Last week I had the pleasure of meeting Dr. Micheline Sheehy-Skeffington, who won her case against NUI Galway on equality issues for women lecturers there. A number of us have called for a debate in this House on the issues raised by the case and on the issue of gender equality at third level generally. I note the matter is back in *The Irish Times* today, with reports that 25 student societies in NUI Galway are backing a campaign for equality for women lecturers. NUI Galway is also looking for an equality review of the sector generally and I would like us to have a debate in this House in advance of it.

Senator Jillian van Turnhout: I ask the Leader the procedure for withdrawing a motion from the Order Paper, because I am delighted that just before Christmas, at the eleventh hour, the Government stepped in to support the Childline motion that was put forward by my colleague, Senator Ivana Bacik, and mye but supported right across the House. I thank all my Seanad colleagues. This is, yet again, an example of how the Seanad has shown that we can join forces, ensuring Childline continues to offer its services 24 hours a day for vulnerable children and young people across Ireland. I acknowledge and thank the Government, particularly the Minister for Children and Youth Affairs, for finding a way forward. I also thank the generosity of the people who primarily fund Childline. It is their generosity that has ensured it remains open. It is a good news story. We have a motion on the Order Paper and perhaps I can be advised on whether I need to move it or how we move that forward. It is a good news day.

I reiterate a request I made in September 2014 that we hold a full debate in the Seanad on the concluding observations of the UN Human Rights Committee. The committee published its concluding observations after the fourth periodic review of Ireland's compliance with the International Covenant on Civil and Political Rights on 24 July 2014. As I stated previously, a number of the committee's recommendations concern issues on which I and other Senators have spoken and advocated in this House, such as asylum and direct provision, trafficking, the institutional abuse of women and children, symphysiotomy and the need to ban corporal punishment of children in all settings. I believe that there needs to be far more parliamentary scrutiny of Ireland's human rights treaty obligations and the State must be answerable not only to international treaty monitoring bodies but to us all. We are well placed here in the Seanad, with our wide and varying expertise, to offer guidance on how best the State can follow up on and comply with the recommendations. I call on the Leader to hold a debate in this House on the concluding observations of the UN committee.

Senator David Norris: I welcome the announcement that the Government has agreed the wording of the same-sex referendum to be put to the people in May. It is really a question of choice. I note that a small minority of gay people have stated that they do not want marriage. That is fine. That is their choice. It is a matter of choice for other people. I do not want to get

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married - it is a bit late and I am long in the tooth - but I want it for other people. It is a question of choice.

Senator Jillian van Turnhout: Hear, hear.

Senator David Norris: I mention this particularly in the light of the courageous announcement of the Minister for Health, Deputy Leo Varadkar, that he is gay. It would be astonishing if this right to marry were denied to a member of the Cabinet.

I also very much welcome the fact that the Government is introducing legislation governing adoption and children's rights. This was the major defect of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 and it is now being amended, as the then Government promised. That is very good. This legislation deals with a far wider group of people than gay people who wish to adopt their own children, which is obvious daylight common sense. It also deals with, for example, the question of children born as a result of *in vitro* fertilisation. Those children have their rights, too. These are matters of human rights and people should not get upset and into a dander over them. It is merely recognising the human rights of Irish citizens.

It is also welcome that today we will discuss the Gender Recognition Bill 2014. I compliment my colleague Senator Katherine Zappone on organising a briefing for Members of the Oireachtas today. I welcome very much the fact that this legislation is being introduced in Seanad Éireann - another proof of the value of Seanad Éireann. I hope the Government will listen attentively to the debate here because the Bill, although it is a remarkable advance, raises three specific questions. The first is the astonishing requirement that people should be divorced.

An Cathaoirleach: Those questions can be raised when the Bill is debated in the House.

Senator David Norris: It is important to make the point that the Government should be listening to this.

An Cathaoirleach: The Senator can make those points during the debate on the Bill.

Senator David Norris: It is no harm to make them here. The Government is looking to force people to divorce when the Constitution supports marriage. It is quite extraordinary and leads to all kinds of difficulties such as the four-year delay. Then there is the question of age.

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

Senator David Norris: Young people - those under the age of 18 years - have these requirements also. Then there is the question of self-definition. I very much hope the Government will be in listening mode and will not consider that the Bill it has presented to the House for Second Stage debate today is perfection and that it will permit the Seanad to fulfil its role for the proper and bettering amendment of the Bill proposed by it.

Senator Hildegard Naughton: I welcome the significant number of jobs announced in recent days. Zimmer, a medical device company based in Shannon, has chosen to expand its manufacturing facility, and has chosen Oranmore, County Galway, where it will create 250 new jobs. Galway is well known as being a hub for the medical device sector. The fact that a company has chosen a location such as Oranmore shows the impact of the Action Plan for Jobs in that the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, is looking to ensure job creation is spread to the regions. Oranmore is ideally placed, in close proximity to

the M6 motorway to Dublin and 45 minutes from Shannon. Also yesterday, there was the announcement of 150 new jobs nationwide by Acorn Life, which also has operations in Galway.

I commend the Minister of State, Deputy Joe McHugh, for his announcement yesterday supporting the national Irish language theatre, Taibhdhearc na Gaillimhe. Some €320,000 is being granted to the theatre, which supports jobs in the creative sectors and also the promotion of the Irish language through plays, workshops and exhibitions. This is good news for the arts and for jobs nationally.

Senator Labhrás Ó Murchú: On several occasions in the past few years I have raised in the House a case of what I regarded as a grave miscarriage of justice. It is now 74 years since Tipperary man Harry Gleeson was hanged for a crime which he always claimed he did not commit. He was defended at the time by the late Minister Seán McBride. His community strongly believed as well that he did not commit that crime. Looking at the transcripts of the case, it is quite clear that there were serious flaws at the time. Harry Gleeson was a relatively young man who was highly respected in the community and was a great GAA activist at that time as well. Books have been written about the case and many have campaigned for him. I am glad to be able to say that I understand he will be pardoned in the near future, but it would be important if the Minister came to the House and made a statement on this case. There are still members of his family, the community, and, indeed, the following generations who are quite familiar with this case. While the pardon is particularly important and welcome, it has to go a step further than this. The presence of the appropriate Minister in the House would be helpful. I ask the Leader to arrange this debate in the near future.

Senator Denis Landy: I support the points made by Senator Labhrás Ó Murchú. I have followed the case very closely since I was a young boy, and I am delighted the pardon, which is long overdue, will be granted. It was a tragic case and it was very sad that the man was hanged incorrectly. Whether it is appropriate to make statements in the House is a legal matter, but if it can be done, I would welcome it.

I wish to raise the issue of banking charges. People no longer have free transaction banking with the three main banks in the country, which they all promised when they established Internet banking. We now have a cartel in place whereby the banks change their transaction charges in unison. This is causing great difficulty for people, particularly those with small amounts of money in their accounts. Most of the banks now require people to maintain balances of at least €1,500 in their accounts to allow any free transaction banking. In some cases the banks require more. We were promised free banking when the main banks encouraged us to move away from attending counters to do transactions. The counters have been replaced by machines and very few staff work in any bank in the country. I saw recent reports that one of the main banks is speaking about letting go another 70 staff. The three main banks now charge for everything done on the Internet. One of the banks is better than the other two, but they are working together in a cartel. Consumers are being badly treated, and the Central Bank has a role in this as it is supposed to implement a fair consumer system for banking. I call on Leader to bring this matter to the attention of the Minister for Finance in order that he can request the Central Bank to carry out an inquiry into the increase in banking charges in the past five years.

Senator Terry Leyden: Will the Government consider sending a reprimand to Ms Christine Lagarde with regard to her direct interference in the affairs of this independent Republic? She literally handbagged the Government and treated its members like poodles. She stated she was in favour of the 20% deposit for people buying houses and supported the Governor of the

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Central Bank, Professor Patrick Honohan. She interfered in the internal affairs of this republic and I resent it very much. We got our independence, the Government stated the troika was sent home last December, and we are delighted with this. She arrived in and treated the Government with contempt. I do not know what the Minister for Finance is doing because the Governor of the Central Bank seems to be laying down policy for the Government on deposits. He is destabilising the entire building industry. There is great uncertainty. Very few builders will build because they will not be able to sell houses if young couples must provide a 20% deposit. It is practically impossible. Will the Leader of the House invite the Minister for Finance to the House to consider what was said by Ms Lagarde to Miriam O'Callaghan on "Prime Time" on RTE, which was broadcast throughout the country? It indicated to the people that we were still being controlled by the troika and the IMF, which I resent very much. The Leader of the House should arrange a debate with the Minister for his response on the area of building.

I second the proposal made by the Leader of the Opposition for an amendment to the Order of Business.

Senator Michael Mullins: I join Senator Hildegard Naughton in very much welcoming the announcement by Zimmer of 250 jobs for Oranmore and Acorn Life's announcement yesterday of 100 jobs for Galway city. It is clear the Government's Action Plan for Jobs is working. I am anxious that IDA Ireland and Enterprise Ireland place greater emphasis on the regional spread of jobs. I come from Ballinasloe, which lost 1,000 industrial jobs in the past decade. I am not satisfied the State agencies are doing enough to attract a major employer to Ballinasloe, which is in the centre of Ireland and on the motorway. Will the Leader organise a discussion with the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, in the near future on the regional strategy proposed by the State agencies to see how we can ensure the type of regional balance required is achieved in the next two years as the Government plans to put in place initiatives to create 40,000 jobs?

Yesterday Mr. Justice Tony Hunt, speaking at the selection of a jury for what could potentially be a lengthy murder trial, stated he was conscious everyone involved would get paid except those tasked with the most important job, namely, the jurors. He stated the law does not allow him to offer them any recompense. I raised this issue in the Seanad last year following representations from a constituent who was called for jury service for three or four days. This person was unemployed and had to make an 80 mile round trip each day to serve on a jury. The person was not entitled to any out-of-pocket expenses for travel or parking. Those working in the public service and for some companies get paid if they serve on a jury but many others do not.

An Cathaoirleach: Is the Senator looking for a debate on the issue?

Senator Michael Mullins: It is time we had a debate with the Minister for Justice and Equality on this issue. People who serve on a jury and have a most important task to carry out should be covered in some way for their out-of-pocket expenses.

Senator Gerard P. Craughwell: Are Members aware that only nine days are left to make submissions to the reform committee on Seanad Éireann?

Senator Darragh O'Brien: We have made ours already.

Senator Gerard P. Craughwell: In the light of the fact no serving Senators are on the reform working group, it is vital that all of us make submissions. I am deeply saddened by the

fact the experience in this Chamber has not been brought onto the committee.

Following a recent circular, the geographical area for membership of education and training boards and school boards of management has been restricted to 20 km. While this might work in urban areas, it certainly does not work in rural areas. If I might be so bold as to use the Leader's county as an example, Waterford city has a vibrant further education college and efforts are being made to develop further education in other areas such as Dungarvan. It would mean the expertise of the old Waterford City VEC would not be available to the Dungarvan school for its establishment and driving forward its further education offering. I ask the Leader for a debate on boards of management and the restriction with respect to geographical areas specifically.

Yesterday I was assured I would be given some time during the Fianna Fáil motion this afternoon to discuss health and safety issues arising in the installation of water meters.

Senator John Whelan: I appeal to colleagues across the political divide to support me on the issue of libraries. They are at the heart and soul of our communities, particularly in regional and small rural towns. Some people who are involved in local government management - quite frankly, I would classify them as bean counters - are trying to make names for themselves by planning to merge library services across whole swathes of the country. I am fearful that the library services in counties such as Laois, Offaly, Longford, Westmeath, Carlow, Kilkenny, Sligo, Leitrim and Roscommon will lose their local identities, their autonomy and their importance in communities. As I think we should work together on this issue, I am not making a political point when I mention that the libraries in Timahoe, which is the village I come from, and Clonaslee in County Laois were closed at a previous time. Seven of the ten remaining libraries in the county are staffed by a single person. Now it is proposed to have staffless libraries. I am not against rationalisation, value for money or new technologies, but I have never heard anything as daft in all my life. A library is not just about books - it is also about people. Library services are provided by people for people. A staffless library would be a soulless, lifeless and useless library that would ultimately close. This is the thin end of the wedge. Libraries are at the heart of our communities. The local library is the last remaining public building in many towns. It is at the heart of social interaction, education and learning and arts and culture in such towns. I appeal to the Leader to ask the Minister for the Environment, Community and Local Government to come here to discuss the policy on this issue. We need to nip this in the bud by putting an end to this nonsense. Rural Ireland has seen enough closures of facilities and amenities. We cannot talk the talk about preserving rural Ireland while pursuing policies such as this at the same time.

Senator James Heffernan: I support what Senator John Whelan said. It is a shame that libraries seem to be the first thing on the chopping block when a few bob needs to be saved. It is something that should certainly be looked at.

Yesterday's *Irish Independent* reported that toxic sludge is being dumped in waterways around the Border counties, particularly around north Louth, by people who are involved in the illegal fuel laundering business. The Criminal Assets Bureau which I believe tends to be rather conservative in its estimates has estimated that this business is worth between €35 million and €40 million per annum. We are not talking about beans; we are talking about huge money. This business is being run by the Provisional IRA which is still in operation. While it may have opened its arms dumps here and there, it is still ruling the roost in the Border areas and controlling communities through threats and intimidation. I would like to mention an allegation that has been made. It is rather serious for the security of the State, in particular. The Provisional

IRA's money laundering gang would put the organised crime gangs in Dublin, Limerick or anywhere else in the ha'penny place. These are the dons. They are the same people who murdered young Paul Quinn in the most brutal and barbaric fashion in 2007. The allegation is that there is light-touch policing going on between the Garda and the PSNI. It is perceived that the reason they are not nailing these people relates to the advancement and protection of the peace process. We need to have a wide-ranging debate on this issue in this Chamber. If these murderers and criminals are operating in a certain fashion and getting away with it, and the State does not seem to be following it up, that certainly needs to be addressed here.

Senator Colm Burke: I agree with what Senator Darragh O'Brien said about home care. I do not think we are putting enough emphasis on the need to provide adequate support to people who are in their homes. There is a huge saving in real terms to the State when people are cared for in their own homes. The cost of nursing home care to the State is very significant at the moment. We need to help the whole area of home care to grow. We met some people from the Carers Association this morning. We are not even focusing on the whole area of training. It is extremely important that we debate this issue and highlight some of the deficiencies in this area. For instance, people are being asked to call to a house and spend half an hour there. I know a lady who had to walk four miles to do half an hour of work. She was paid for half an hour even though the amount of time in real terms was far more than that. We need to look at this whole area and make sure we have proper structures and training. Before Christmas, I published the Health (Professional Home Care) Bill 2014 to make sure we have careful home care plans. The Law Reform Commission recommended in 2011 that this should be placed on a statutory footing. I am anxious for the draft Bill I published to be brought forward for debate. That would allow us to have a discussion on this issue in the not-too-distant future. I ask for this to be considered at an early date.

Senator Fidelma Healy Eames: I want to be associated with the job announcements in Oranmore and Galway. This good news was mentioned earlier by others. I live in Oranmore. Job announcements are always good news.

I would like to raise the question of junior certificate reform. Around 350,000 kids will be at home again tomorrow. They are losing time at school. The 27,000 teachers who are striking will not be at work. I am sure the Leader heard, as I did, the president of the Teachers' Union of Ireland, Mr. Gerry Quinn, saying on "Morning Ireland" this morning that another strike day will be organised if necessary. This has to stop in the interests of education and in the interests of children. We are lucky that they can go to school. Both sides, particularly the union side, are entrenched. It appears that they are prepared to stop at nothing, even if it means kids lose out on going to school. I would like to appeal for two things to happen. First, I want the Minister to move to reassure people - parents and students - that an appeals process and a second opinion will be available in the event of a grade dispute. This would ensure no one is losing out if the teacher is doing the assessment. I think the teacher might also feel better about that. Second, I want the unions to be reminded that they cannot always have everything their own way. Our kids matter. Education matters. Learning reforms matter. I have written a piece on this issue in today's *Irish Independent*. If teachers have to be paid an extra stipend in the interests of introducing good reform, reforming learning and moving kids on to be more independent learners and to negotiate what is good learning with their teachers, so be it, but we should not stop reform.

I apologise for going over time. Will the Leader give us an indication of the timeline for the children and family relationships Bill, which is urgent and important? Complex issues such as

donor conception, surrogacy and IVF for straight and gay people will arise when the debate on that legislation takes place. It is a very important debate, because identity always matters, as does where we come from.

Senator Aideen Hayden: I support the comments made by my colleague, Senator Denis Landy, about the cost of financial transactions. In my opinion, access to financial services is a basic human right. When I reflect on the counter charges being imposed by some of the banks, I wonder whether we would be in the position we are in today if some of them had known their customers better going back a couple of years. I think the new regime of charges is particularly ageist, given that older people are more likely to use counter services than younger people, who are more likely to be online. I understand that one bank intends to increase its counter charges by 50%. I ask the Leader to follow up on that.

It is reported in today's newspapers that the Governor of the Central Bank is considering reducing the deposit requirement for first-time home buyers from 20% to 15%. While that would represent a marginally better position, I have to be honest and say it would not answer many of the criticisms that have been made about this move. Overall, the use of loan-to-value ratios in this way is a very blunt instrument that does not take into account the affordability of the mortgage for the individual concerned. I accept that the Central Bank is independent and that this is being done in the interests of having a robust lending framework. Governor Honohan has made it abundantly clear that he intends to look into his own heart where this is concerned, as opposed to the views of the Department of Finance. While I accept the independence of the Central Bank, this is a wider societal issue and is a matter for the Government. In this country we have had an historic rate of home ownership. I emphasise that all sectors of society have been able to access home ownership, from the lowest to the highest in the land, thanks to measures such as local authority mortgages and tenant purchase schemes, for example. If we step away from the wide scale of home ownership, we will do so at our peril. I ask the Leader to have a wider debate on the issue of home ownership in Ireland and what measures the Government should consider, given that the Central Bank will go ahead with these proposals, to ensure we have access to home ownership in Ireland. It has been proven historically that one of the reasons older people in Ireland today do not experience the rate of poverty that their incomes would lead one to expect, is because they own their own homes. This is a very critical issue for society as a whole.

Senator Kathryn Reilly: Last November I tabled a motion calling on the Government to initiate legislation to provide for a constitutional referendum to reduce the voting age to 16 years. Like many people, I was disappointed to hear that the Government does not intend to hold a referendum to reduce the voting age to 16 years, as recommended by the Constitutional Convention. Will the Leader arrange a debate this term on how we can enfranchise young people if we are not willing to make more young people eligible to vote? How can young people be engaged in the political system if there does not seem to be a desire to give them voting rights? I understand that a referendum is not required to extend voting rights for local and European elections and we should explore this option. It is important to have the Minister for the Environment, Community and Local Government to the House to discuss the issue and how to get a whole new generation of voters engaged with us. It is often said only older people become involved in politics. Anyone looking at the composition of the Members of the Houses would see there is a lot to be desired in terms of the age demographic. I am disappointed that the Government does not intend to hold a referendum on the matter in its term of office nor does it intend to hold referendums on some of the other matters proposed by the Constitutional

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Convention. It is important that this House should begin this discussion on how young people can be encouraged to engage with the political system and to engage in society in general.

Senator John Kelly: I support everything Senator Denis Landy has said about banks and bank charges. It seems that cartelism is rife in this country, certainly within the banking sector. Oil prices are down at present but in some towns, petrol stations are selling diesel at €1.15 a litre and the competing petrol station is selling it at €1.16 a litre while in another town it costs €1.24 a litre and €1.25 a litre. They are all sticking together within their communities. What Senator Denis Landy says is quite true.

I support Senator John Whelan's points about the library services. I have concerns about the future of the library services. Civil servants are driving everything in this country. They come up with catchy phrases every so often. I refer to the document called Shared Services. Shared services means reduced services. They have produced another document about the fire service called Keeping Communities Safe. The fire service offers an excellent service, and yet keeping communities safe means that the number of firemen on fire and accident call-out is reduced. I am very concerned for the future of all our services. For instance, there is talk of having staff-less libraries whereby customers access the library by means of a key card. I can imagine how that might work in an instance where an elderly person goes into a library at midnight that is operating 24 hours a day, seven days a week and where another person decides to follow her into the library and mug her. Has anyone given thought to such a possibility? I was talking to Senator John Whelan and he is correct in his observation that a library is not just about books but for the civil servants it is about balancing the books. We should have a broad debate on all of these issues before decisions are made.

Senator Paul Coghlan: I agreed yesterday with Senator Darragh O'Brien regarding the proposed 20% deposit requirement, which is over the top. I suggested it be reduced to 15% at least. The more important figure is the limit of 3.5 times the combined salaries. This morning I agree with Senators Ivana Bacik and Ajideen Hayden on the matter. In particular, I join Senator Ivana Bacik in asking the Leader to arrange a debate at an early date on this issue because it will have to be decided quickly and we need to add our voices on the matter. Dublin is the primary market in the country, given the population and where the demand is greatest. We are very concerned for young people that they get on the ladder. As Senator Aideen Hayden said, we have a proud tradition of home ownership which I do not think we want to disturb. It would be bad for the stability of society if we were to encourage things in that direction. One will not buy much in Dublin for anything less than €250,000 or €300,000. If Governor Honohan's proposal goes ahead, that would require a deposit of €50,000 or €60,000. This is way over the top, I believe, and it will go against our tradition and everything that we have believed in. I look forward to the Leader's response because I am sure he will agree with me. For that reason, I ask that we have a very early debate on this hot subject.

Senator Diarmuid Wilson: As Senator Fidelma Healy Eames has pointed out, tomorrow, 27,000 teachers in 730 schools will go out on strike for the second time in as many months. This will affect more than 340,000 students as well as many working families who will be forced to take the day off to look after the young people who are not at school. This is a serious situation which involves proposed changes to the junior cycle. While I credit the Minister for Education and Skills, Deputy Jan O'Sullivan, in going some way towards resolving the impasse, I do not believe she has gone far enough. I completely disagree with Senator Fidelma Healy Eames when she blames the unions. In my view the unions are right on this occasion. This is a serious situation that will cause chaos in the education system if it goes ahead in its

present proposed form. Will the Leader, please, use his good offices to try to engage with the Minister and ask her to come to the House to outline how she and her Department have tried to resolve this situation?

I refer to the matter raised by Senator James Heffernan regarding fuel laundering along the Border. With Senator Terry Brennan and others, I raised this issue yesterday. The situation is very serious, not only from a revenue point of view but from a health point of view and a law and order point of view. I wish to clarify what may be some misunderstanding on the part of Senator James Heffernan. There is no suggestion whatsoever that An Garda Síochána or the Customs service on this side of the Border have turned a blind eye. They have invested a huge effort in combating this fuel laundering and the havoc it creates. It is costing Louth County Council, Monaghan County Council, in particular, and my own county of Cavan hundreds of thousands of euro to clean up the sludge left behind by these gangsters. I want to clarify the point. There is no suggestion a blind eye is being turned by the Garda or the Customs service. However, there is a very serious suggestion a blind eye is being turned by the Northern authorities - by the PSNI and the customs service. Will the Leader ensure the Government acts on this as a matter of urgency?

Senator Martin Conway: Will the Leader arrange a debate with the Minister of State, Deputy Simon Harris, who is responsible for the Office of Public Works, because I want to know how registers of protected structures at regional level work? We have a situation in Ennistymon in County Clare where two buildings are allegedly on the register of protected structures. They are known as Blake's and Linnane's and are on the N67, the main connection to the Cliffs of Moher. I found out this morning that the National Roads Authority is supporting the demolition of three or four other buildings and is building a bridge at a cost to the taxpayer of at least €6 million instead of just demolishing what are two derelict buildings and putting in a roundabout, which would cost a fraction of that amount.

We have come out of a bailout in which people the length and breadth of this country suffered enormously. I consider what the NRA is proposing as a scandalous waste of taxpayers' money. Somebody somewhere needs to be accountable for these decisions. What is happening in regard to these two buildings is completely unacceptable. I very much question whether they have any national heritage importance. Serious questions need to be answered on this issue by the Minister for Transport, Tourism and Sport, the Minister for the Environment, Community and Local Government and the Minister of State with responsibility for the Office of Public Works. Let us start with the Minister of State, Deputy Harris, and invite him to the House to explain how this register of protected structures works and how buildings can be removed from it when they are holding a whole community to ransom and, ultimately, forcing people out of their homes, when they could potentially be purchased through the compulsory purchase order legislation. We are protecting what I would describe as two kips.

Senator Maurice Cummins: The Leader of the Opposition, Senator Darragh O'Brien, referred to home help workers and the Labour Court's recommendations. I am not sure whether he raised the matter with the Minister for Health yesterday, but I will raise the points he made with the Minister.

Senator Ivana Bacik and a number of other Senators referred to the requirement for a 20% deposit for mortgages. Senator Paul Coghlan referred to the cap of three and half times a person's salary for mortgages, which he deemed to be very prohibitive for first-time buyers, in particular. I agree with these remarks. The Central Bank of Ireland has invited submissions,

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which I am sure many people have made. I am also sure the bank will report quite soon on the submissions made. However, I hope special provisions will be made for first-time buyers as distinct from buy-to-rent purchasers.

Senator Ivana Bacik called for a debate on the dementia strategy, which we will try to arrange. She also called for a debate on equality in third level education.

Senator Jillian van Turnhout acknowledged the Government support announced for Child-line and called for a debate on the concluding observations of the UN Human Rights Commission. We will try to arrange a debate on the matter with the Minister for Justice and Equality.

Senator David Norris welcomed the fact that the wording of the referendum on same-sex marriage had been agreed. He also welcomed the Government's proposals on adoption and human rights. I am sure that when the Gender Recognition Bill is discussed today, the Government will listen and, I hope, accept any worthy amendment tabled by Members. I expect that to be the position. It is fitting that the Bill is being taken in this House and I note the Senator's point in that regard.

Senators Hildegard Naughton, Michael Mullins and Fidelma Healy Eames welcomed the new job announcements in Galway in Zimmer and Acorn Life. Senator Hildegard Naughton also welcomed the significant funding for the Irish National Theatre Company in Galway which was announced by the Minister of State, Deputy Joe McHugh, over the weekend.

Senator Labhrás Ó Murchú referred to the case of Mr. Harry Gleeson, from more than 70 years ago, and the suggestion that a pardon be granted soon. I will contact the Minister for Justice and Equality and if the announcement can be made in this House, I am sure she will accede to that request.

Senators Denis Landy, Aideen Hayden and John Kelly, among other Senators, referred to changes in bank charges and the cost to consumers. It shows the need for competition in the banking sector because while the charges are different, some have suggested there is a cartel in place. I am one of the old-fashioned people who still likes to do business at the counter in the bank, but it is becoming increasingly difficult to do so. Every time I go into the bank I am reminded that there is Internet banking and of how good it is, but I am resisting it.

Senator David Norris: Good for you.

Senator Maurice Cummins: Unfortunately, I will be talking to myself fairly soon. The human side of banking is practically gone.

Senator David Norris: Absolutely.

Senator Maurice Cummins: We are dealing with machines all the time now. Talking about machines, the suggestion that some local authority libraries will not have a librarian is absolutely ludicrous. That is going to the extreme.

Senator Denis Landy: Will the Leader ask the Central Bank of Ireland to initiate an inquiry-----

Senator Maurice Cummins: I will certainly bring the matter to the attention of the Minister for Finance.

Senator Terry Leyden referred to the Central Bank of Ireland. As he knows, it is independent of the Government. I think Ms Lagarde answered the questions she was asked directly and in a very forthright manner.

Senator Michael Mullins referred to the regional spread of jobs and called for a debate on regional grants. I agree with him in that regard. IDA Ireland is at last and not before time concentrating on the need for a regional balance in the creation of jobs. I am happy that it has reappointed a director for the south east, which post it removed in 1996. We wish the lady concerned very well in her endeavours because the south east has suffered more than most areas during the recession.

Senator Michael Mullins also raised the matter of out-of-pocket expenses for those who serve on juries. It is a very valid point. Perhaps a Commencement debate with the Minister for Justice and Equality might be suggested in that regard. Many people who serve on juries are penalised financially.

Senator Gerard P. Craughwell referred to the commission on Seanad reform and reminded people that there were only a certain number of days left to make submissions. He referred to the membership of boards of management and the restriction of 20 km applied. It is a ludicrous suggestion. A distance of 20 km is far too short and will prevent good people from becoming members of boards of management. I am sure the points the Senator wishes to raise about water meters can be raised during the debate on the Private Members' motion this evening.

I have commented on the issue raised by Senator John Whelan, namely, libraries, a matter also raised by Senators John Kelly, Denis Landy and James Heffernan, among others. I agree with Senator John Whelan and hope to arrange for the Minister to attend the House to discuss the matter.

Senator James Heffernan raised a point that was also raised yesterday on the dumping of toxic sludge and diesel laundering in Border counties which he pinned directly on the Provisional IRA which he suggested still ruled the roost through intimidation. I praise the journalist Mr. Jim Cusack who raised the matter in the *Sunday Independent*. It must be addressed. I note Senator Diarmuid Wilson's point about how, although the Garda and the Customs service on this side of the Border are active, there is a suggestion their counterparts on the other side are not as active, for whatever reason. I am sure this matter will be addressed in many fora in the coming months, including the British-Irish Parliamentary Assembly. I am sure it will also be discussed by the relevant Ministers, as it is not just a serious matter in the counties involved but also for the country and its economy. The amount of money involved is large.

Senator Colm Burke called for a debate on home care and the need for proper structures and training. He has drafted a Bill which I hope will be before the House during this term for a comprehensive debate.

Senators Fidelma Healy Eames and Diarmuid Wilson referred to the reform of the junior certificate programme. Each had a different opinion on how this should be done. It is regrettable that there will be a further strike, as it will pose a major inconvenience for families, pupils and all involved. Further negotiation is necessary and I hope it will be facilitated.

Senator Fidelma Healy Eames also asked for a timetable for the taking of the children and family relationships Bill. We will try to ascertain when the Bill will be brought before the

House or whether the debate on it will commence in this Chamber.

Senator Aideen Hayden discussed the matter of mortgage loan caps and the critical issue of access to home ownership which I hope we can have addressed in the coming weeks.

Senator Kathryn Reilly mentioned the referendum to reduce the voting age to 16 years. The Government has decided that it will not be held during its term of office, but I am sure the matter will be discussed and kept on the agenda. There are different points of view on whether 16 year olds should have voting rights, but we will try to facilitate a debate on the matter later in the term.

Senator John Kelly made points about competition in the banking sector, as well as library and fire services.

Senator Martin Conway referred to regional registers of protected structures and called on the Minister of State, Deputy Simon Harris, to attend the House. I suggest this could be a good subject matter for a Commencement debate. Perhaps the Senator might table such a motion.

An Cathaoirleach: Senator Darragh O'Brien has proposed an amendment to the Order of Business: "That a debate with the Minister for Health on the pension entitlements of home care workers be taken today." Is the amendment being pressed?

Senator Darragh O'Brien: Yes.

Amendment put:

The Seanad divided: Tá, 15; Níl, 25.	
Tá	Níl
Byrne, Thomas.	Bacik, Ivana.
Craughwell, Gerard P.	Brennan, Terry.
Heffernan, James.	Burke, Colm.
Leyden, Terry.	Coghlan, Paul.
Mooney, Paschal.	Conway, Martin.
Norris, David.	Cummins, Maurice.
Ó Clochartaigh, Trevor.	D'Arcy, Jim.
Ó Domhnaill, Brian.	Gilroy, John.
Ó Murchú, Labhrás.	Hayden, Aideen.
O'Brien, Darragh.	Henry, Imelda.
Power, Averil.	Higgins, Lorraine.
Quinn, Feargal.	Keane, Cáit.
Reilly, Kathryn.	Kelly, John.
White, Mary M.	Landy, Denis.
Wilson, Diarmuid.	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Naughton, Hildegard.
	Noone, Catherine.

Seanad Éireann

	O'Donnell, Marie-Louise.
	O'Neill, Pat.
	van Turnhout, Jillian.
	Whelan, John.
	Zappone, Katherine.

Tellers: Tá, Senators Paschal Mooney and Diarmuid Wilson; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

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

The Seanad divided: Tá, 27; Níl, 14.	
Tá	Níl
Bacik, Ivana.	Byrne, Thomas.
Brennan, Terry.	Craughwell, Gerard P.
Burke, Colm.	Leyden, Terry.
Coghlan, Paul.	Mooney, Paschal.
Conway, Martin.	Norris, David.
Cummins, Maurice.	Ó Clochartaigh, Trevor.
D'Arcy, Jim.	Ó Domhnaill, Brian.
Gilroy, John.	Ó Murchú, Labhrás.
Hayden, Aideen.	O'Brien, Darragh.
Heffernan, James.	Power, Averil.
Henry, Imelda.	Quinn, Feargal.
Higgins, Lorraine.	Reilly, Kathryn.
Keane, Cáit.	White, Mary M.
Kelly, John.	Wilson, Diarmuid.
Landy, Denis.	
Moloney, Marie.	
Moran, Mary.	
Mulcahy, Tony.	
Mullins, Michael.	
Naughton, Hildegard.	
Noone, Catherine.	
O'Donnell, Marie-Louise.	
O'Neill, Pat.	
Sheahan, Tom.	
van Turnhout, Jillian.	
Whelan, John.	

Zappone, Katherine.	
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Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Paschal Mooney and Diarmuid Wilson.

Question declared carried.

Gender Recognition Bill 2014: Order for Second Stage

Bill entitled an Act to recognize change of gender; to provide for gender recognition certificates; to amend the Irish Nationality and Citizenship Act 1956, the Civil Registration Act 2004, the Passports Act 2008 and the Adoption Act 2010; and to provide for matters connected therewith.

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

Question put and agreed to.

Gender Recognition Bill 2014: Second Stage

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

Tánaiste and Minister for Social Protection (Deputy Joan Burton): I am delighted to have the opportunity to introduce this very important and ground-breaking legislation. The number of people directly affected by the Gender Recognition Bill will be relatively small. However, the legislation has deep significance for those who will, for the first time, have their preferred gender formally recognised by the State for all purposes. This significance also extends to families, friends and communities of people who are transgender and who will avail of the new birth certificates to be made available. As Tánaiste and Labour Party leader, I am very proud to be progressing this legislation and progressing the civil rights of transgender people.

I wish to acknowledge and I am glad to see that not only is the Seanad the place in which we are introducing this legislation, which is entirely consistent with the long history of the Seanad and the Members who have argued and worked to change attitudes in Ireland and then to reflect the change of attitude in new laws, but also to see many people here who would have been involved in the case brought by Lydia Foy, whose work I have used very much during the preparation of this Bill. I know that people from various organisations like FLAC and parents of transgender people may be in the Visitors Gallery today and I welcome them to the Seanad on behalf of Senators.

The introduction of formal recognition of the identity of transgender people is, to my mind, a mark of the growing maturity of Irish society. It is an element of the programme for social reform which has been progressed by the Government and it is the third of three pieces of legislation in the civil registration area that I have brought forward as Minister for Social Protection. The Civil Registration (Amendment) Act 2012 introduced marriages by secular solemnisers and the Civil Registration (Amendment) Act 2014, which has just been enacted, introduced a

range of reforms in civil registration.

The House will be aware that the lack of legal recognition for transgender persons is a very longstanding issue. The High Court declared in 2008, in respect of the case brought by Dr. Lydia Foy, that the State was in breach of its obligations under the European Convention on Human Rights because it did not have a process to recognise legally the preferred gender of transgender persons. It is appropriate that I pay formal tribute today to Dr. Foy, whose unstinting efforts over very many years have played a crucial part in bringing us to this point.

The programme for Government of the Labour Party and Fine Gael included a commitment that transgender persons would be provided with legal recognition. In July 2011, shortly after I became Minister for Social Protection, I published the report of the Gender Recognition Advisory Group, GRAG. While that report was a significant milestone, things have moved very far forward since then. This is reflected in the Bill before the House today.

Subsequent to the publication of the GRAG report, the Department of Social Protection engaged in a significant additional amount of consultation and research during the preparation of the legislation. The views of a range of organisations and individuals who have experience and expertise in this evolving and complex area, including transgender persons and their representative organisations, were sought and considered. I met members of the transgender community on a number of occasions and I was also privileged to meet parents of young transgender people.

In July 2013, I secured Government approval for the publication of the general scheme of the Gender Recognition Bill. Following its publication, the general scheme was referred for pre-legislative scrutiny to the Oireachtas Joint Committee on Education and Social Protection. Officials from my Department, representative groups and legal and medical experts participated in hearings held by the committee in October 2013. The committee's report was published in January 2014. I gave careful consideration to the report and again consulted a range of people and organisations with particular experience and interest in this matter. The report and the contributions made at the committee hearings have made an important and valuable contribution to the overall understanding of the complex issues that are being addressed in this legislation. I would also like to thank Senator Katherine Zappone who has campaigned for this issue to be addressed in legislation and introduced a Private Members' Bill in this regard. I also thank my colleague, Senator Ivana Bacik, who has given me a lot of very wise advice on this legislation.

Following the committee's report, I brought the matter back to the Cabinet and the revised general scheme of the Bill was published in June of last year. The fundamental concept underlying this legislation is relatively simple. Where a person has been issued with a gender recognition certificate by the Department of Social Protection, that person's preferred gender will be formally and legally recognised for all purposes, including dealings with the State, public bodies and civil and commercial society. I am aware that for many transgender people the last remaining personal document that does not show their preferred gender is their birth certificate. This legislation allows them to obtain a birth certificate showing their preferred gender.

Arrangements in respect of gender recognition vary widely across the European Union. The provisions in this legislation will be among the most progressive within the European Union and beyond. The Bill uses the term "preferred gender" which is in line with a recommendation of the Oireachtas joint committee. This approach also facilitates applications for gender recognition from people with intersex conditions.

As this House will be aware, the Bill requires that an applicant for gender recognition be single, pending the outcome of the referendum on same-sex marriage due to take place in May of this year. I accept this is not ideal but the existing constitutional prohibition on same-sex marriage is a blockage in that respect. If the outcome of that referendum is that same-sex marriages will be constitutionally permissible, then it will be possible to revisit this aspect of the legislation. The Government and I, as leader of the Labour Party and Tánaiste, will be campaigning vigorously for marriage equality and if the people in their wisdom decide to support marriage equality and the referendum is passed, my firm intention is to return swiftly to this aspect of the legislation.

Once enacted, the main effects of the legislation for those wishing to have their preferred gender recognised will be as follows. An applicant will be legally recognised by the State as being of the preferred gender from the date of the decision to issue the gender recognition certificate. This recognition will be for all purposes, including dealings with the State, public bodies and civil and commercial society. The person whose preferred gender is recognised will be entitled to marry a person of the opposite gender or enter a civil partnership with a person of the same gender. As I have said, if the people give the go-ahead to marriage equality in the proposed referendum, we will legislate for that constitutional change. The person will be able to obtain a new birth certificate that shows the preferred gender and new names, if names are also changed, where his or her birth is registered on the register of births or on the register of adopted children, both maintained by the Registrar General, or on the register of intercountry adoptions maintained by the Adoption Authority of Ireland, or to have their entry on the foreign birth register maintained by the Department of Foreign Affairs and Trade amended accordingly. All rights, responsibilities and consequences of actions by the person in their original gender prior to the date of recognition will remain unaffected.

The Oireachtas joint committee had recommended that the minimum age for gender recognition be reduced from 18 to 16 years. The Bill provides for applications from 16 and 17 year olds, but with significant safeguards attached which seek to balance the rights of such applicants with the need to protect their interests at a vulnerable age. In such cases, it will be necessary to secure a court order exempting the applicant from the standard requirement of a minimum age for gender recognition of 18 years. For reasons of confidentiality, applications of this type will be made to the Circuit Family Court.

The application process for gender recognition will be administered by the Department of Social Protection. Applicants will either be obliged to have their births registered in Ireland or be ordinarily resident here. The application process will consist of a statutory declaration by the applicant that he or she intends to live permanently in the new gender and a supporting statement by his or her primary treating medical practitioner to the effect that he or she has transitioned or is transitioning to the preferred gender. The process will not require details of care, including medical history or confirmation of a diagnosis, nor will the person have to confirm that he or she has been living in their preferred gender for a specific period prior to his or her application. This is a much more progressive, less onerous and less invasive approach than is the case in many other countries and I hope it will be recognised as such.

I will now summarise the main provisions of the Bill. Sections 1 to 4, inclusive, are standard provisions in respect of the Title of the Bill, the commencement process, the definition of terms, the power to make regulations and the costs of administration. Section 5 sets out how documents under the Act are to be issued.

Section 6 provides that records of decisions made by the Minister under the Act will be maintained and that an annual report on the operation of the Act shall be laid before the Oireachtas. Section 7 provides that the Minister for Social Protection shall be the decision-making authority in respect of the issue of a gender recognition certificates.

Section 8 sets out the conditions a person will be required to meet to be eligible to apply for a gender recognition certificate. The person must meet one of the following qualifying criteria: his or her birth is registered on the register of births or the adopted children register maintained by the Registrar General; he or she has become an Irish citizen by having his or her birth registered in the foreign births register maintained by the Department of Foreign Affairs and Trade; his or her birth is registered on the register of intercountry adoptions maintained by the Adoption Authority of Ireland; or he or she is ordinarily resident in the State. An applicant must also be at least 18 years of age on the date of application, unless he or she meets the requirements of section 11, and he or she must not be in an existing marriage or civil partnership. In addition, he or she must meet the evidential requirements set out in section 9. Senators should note that an amendment will be introduced on Committee Stage to delete a superfluous word “not” from section 8(1)(a) at line 19. This line should read “(a) who may or may not be ordinarily resident in the State and-”.

Section 9 addresses the evidence relating to the qualification requirements. This includes proof of identity and either a certificate from the relevant register of births or proof of ordinary residence in Ireland. Also required will be a statutory declaration stating that the person is not in a marriage or in a civil partnership, has a settled and solemn intention of living in the preferred gender for the rest of his or her life, understands the consequences of the application and makes said application of his or her own free will. An application must also be accompanied by a statement from the applicant’s primary treating medical practitioner - defined in section 2 - which confirms that the applicant has transitioned or is transitioning to his or her preferred gender and that he or she is satisfied that the applicant fully understands the consequences of his or her decision to live permanently in the preferred gender.

Section 10 deals with applications from persons who have already had their preferred gender recognised in another jurisdiction. These applicants will have to show, to the satisfaction of the Minister, that the requirements which led to their preferred gender being recognised in the other jurisdiction are at least equivalent to those set out in the Bill.

Section 11 addresses applications for gender recognition certificates by persons aged between 16 and 17 years. It will be necessary to secure a Circuit Family Court order exempting the applicant from the standard minimum age for gender recognition of 18 years. The court will have to be satisfied that the child’s parents or guardian consent to the application or, in the event that such consent is not forthcoming, that it is in the child’s best interest that he or she be allowed to proceed with the application. The court must also receive written confirmation from the child’s treating medical practitioner that the person has attained a sufficient degree of maturity to make the decision to apply for gender recognition and is aware of and has considered all the consequences of that decision. The physician must also be satisfied that the application was freely made without the undue influence of any other person. This must be accompanied by confirmation from an independent physician - a registered endocrinologist or psychiatrist - that he or she concurs with the views of the treating practitioner.

Section 12 provides that the gender recognition certificate shall contain the person’s forename and surname as specified by the applicant in his or her application, his or her date of

birth and the preferred gender. The Minister shall notify the Registrar General or the Adoption Authority of Ireland, as appropriate, that the certificate has issued and will provide them with a copy of the gender recognition certificate, a copy of the person's birth certificate and his or her name and contact details.

Section 13 provides for the revocation by the Minister of a gender recognition certificate if information or facts come to his or her notice that would have led to a refusal of the application. The person involved will have the right to appeal a decision in this regard under the provisions of section 16. Where a gender recognition certificate is revoked under this section, it will be deemed to have always been void and of no effect.

Section 14 provides for the revocation by the Minister of a gender recognition certificate in the event that a person applies to revert to his or her original gender and provides satisfactory evidence to support that application. In any such case, appropriate documentary evidence, including a statement from the person's treating medical practitioner, accompanied by a further statutory declaration from the person concerned, will be required. If the application to revoke is declined, the person concerned will be informed of his or her right to appeal. Where a gender recognition certificate is revoked under this section, the rights and liabilities of the person in his or her preferred gender prior to the date of revocation will not be affected.

Section 15 provides for a situation where a person applies to the Minister seeking to have a clerical error or an error of fact in the content of a gender recognition certificate corrected. Section 16 provides for appeals in respect of gender recognition certificates.

Section 17 provides for the fundamental principle that once a gender recognition certificate is issued to a person, his or her gender becomes the preferred gender for all purposes, including dealings with the State, public bodies and civil and commercial society. It includes the right to enter a civil partnership and the right to marry. The effect of the legal recognition is not retrospective and shall be only from the date on the gender recognition certificate.

Section 18 provides that a change in a person's recognised gender under the legislation will not affect the responsibilities of that person as the parent of a child born prior to the issue of a gender recognition certificate. Section 19 provides that where a person has had his or her preferred gender recognised, it does not affect the distribution of property under a will or other instrument made before the day on which the Act comes into force. Section 20 relieves a trustee or personal representative from any fiduciary duty to inquire whether a gender recognition certificate has been issued to any person or revoked, even if that fact could affect entitlement to property which he or she is responsible for distributing. Section 21 makes provision for any situation where the disposition or devolution of property under a will or other instrument is different from what it would be but for the fact that a person is regarded as being of the preferred gender.

Section 22 provides that where criminal liability would arise but for the fact that a person, either the victim or perpetrator, has been issued with a gender recognition certificate, there will be such liability, notwithstanding the gender change.

Section 23 amends section 2 of the Civil Registration Act 2004, which contains definitions, to take account of the provisions of the Gender Recognition Act 2015. Section 24 provides for the establishment and maintenance by the Registrar General of the register of gender recognition. Section 25 adds the register of gender recognition to the list of registers maintained by the

Registrar General.

Section 26 inserts a new Part 3A into the Civil Registration Act 2004. The new provisions of Part 3A are as follows. Section 30A provides a definition of terms used in the Act. Section 30B provides that a person to whom the Minister has issued a gender recognition certificate and for whom there is an entry in the register of births or the adopted children register may apply to the Registrar General to be entered on the register of gender recognition. The entry will list the person's name and surname and preferred gender as stated on the gender recognition certificate, together with the other particulars contained in the person's original entry in the register of births or the adopted children register, as appropriate. Section 30C provides that the Registrar General will keep an index to the register which will not be open to public inspection or search, save by the person to whom the gender recognition certificate has been issued or, if that person is deceased, surviving next of kin. Section 30D provides that the Registrar General shall also maintain a confidential index which will link the entry in the gender recognition register with the corresponding original entry in the register of births or adopted children register. Section 30E provides that where a gender recognition certificate is revoked the Registrar General will, in turn, cancel the relevant entry in the register of gender recognition. Section 30E also provides that where changes are made to an entry in the register of births or adopted children register for which there is a corresponding entry in the register of gender recognition, then the latter will also be changed accordingly.

Section 27 of the Bill provides that the register of gender recognition is not subject to section 61 of the Civil Registration Act. This effectively excludes all persons other than the holder of the gender recognition certificate from being able to draw a birth certificate from the register of gender recognition. Section 28 amends section 63 of the Civil Registration Act to allow for the amendment of errors in the register of gender recognition. Section 29 amends the first schedule to the Civil Registration Act 2004 to set out what will be entered in respect of an entry in the register of gender recognition.

Section 30 provides for amendments to the Irish Nationality and Citizenship Act 1956 which will allow for the establishment of a register of gender recognition of foreign births by the Department of Foreign Affairs and Trade. The Minister for Foreign Affairs and Trade may introduce regulations to provide for arrangements for this new register which mirror those which will apply in the case of the register of gender recognition maintained by the Registrar General.

Section 31 provides a definition of terms used in the Adoption Act 2010 relating to gender recognition. Section 32 provides for amendments to the Adoption Act 2010 on the maintenance and operation of a register of gender recognition of intercountry adoptions by the Adoption Authority of Ireland. Sections 33 and 34 further amend the Adoption Act 2010.

Section 35 makes it an offence under the Act to knowingly provide false information in an application for a gender recognition certificate. Section 36 provides that cases relating to applications from a 16 or 17 year old for a gender recognition certificate under section 11, or appeals against decisions by the Minister under section 16, may be heard by a judge of the Circuit Court in which the applicant concerned ordinarily resides.

Section 37 provides for an amendment to the Passports Act 2008 which provides that where a person is applying for a passport in his or her preferred gender, the gender recognition certificate will be recognised for this purpose. The Passports Act will continue to provide for the issue of passports to transgender persons who are unable to apply for a gender recognition cer-

tificate on the grounds that they are not single.

As I stated, this legislation is long overdue. Getting to this point has been a difficult and challenging undertaking due to the complex and sensitive issues involved. I again thank all those who have contributed to the process. I thank all of the people who at different times, whether at Labour Party conferences or other conferences and events, have allowed me to become aware of their personal stories and the various journeys they have taken with regard to this issue. I feel strongly that the Bill represents a very progressive approach towards meeting the obligations of the State to the needs of our transgender citizens and transgender people who live here. The Bill has, at its core, a genuine commitment on the part of the Government to enable transgender people to be recognised for all purposes in their preferred gender. I acknowledge this recognition will have a momentous effect on many people's lives and it is absolutely essential that it is facilitated in a serious manner that maintains the integrity of the registration process.

The provisions in the Bill contain some very significant advances on previous proposals and, as I have stated, compare very favourably with the equivalent legislation in many other countries in Europe. The legislation requires the Minister to produce a report on its implementation on an annual basis to the Oireachtas. It is clearly important that the impact and effectiveness of this ground-breaking legislation is carefully assessed over time. The Oireachtas, particularly the Seanad, will learn from the experiences people will have from now on. This is a progressive Bill which I have championed and which has been needed for a long time. Members of the transgender community, naturally, wish to avail of the opportunity to have their preferred gender recognised as soon as possible. I look forward to an informed debate and to hearing the views of Senators on the measures contained in the Bill. As I stated, I really am pleased that the Bill is commencing its passage through the Oireachtas in the Seanad because of its history on this and many other issues in contributing to personal freedom and personal progress with regard to the rights and civil liberties of citizens and other people living in Ireland.

Senator Averil Power: I welcome the Tánaiste. It is also welcome that she has brought forward Ireland's first gender recognition legislation. It is an important step. There is no doubt it has been a long time coming. I particularly commend Dr. Lydia Foy, who fought on this issue the whole way through the Irish courts and in Europe to have her rights respected and on behalf of the transgender community as a whole. There is no doubt that without her courage and determination we would not be here. I commend her for this.

I acknowledge the work done by Transgender Equality Network Ireland, TENI, Transparency, LGBT Noise, Gay + Lesbian Equality Network, GLEN, Amnesty and BeLonG To. A wide coalition has been working for a long time to have legislation brought forward in this area. I appreciate it is a significant step forward which I welcome, but I am concerned that it does not go far enough.

While I accept the Tánaiste's point that, compared with legislation elsewhere in Europe, this could be considered progressive, that is because much of that legislation was introduced years ago. Many of the countries that originally legislated in a more conservative fashion are now re-examining their legislation with a view to being more progressive. To that end, they are considering countries like Argentina. Our benchmark starting in this area should not be what the UK did in 2004 or what other countries did even before then, but what is best practice in 2015. We should consider countries like Argentina and forthcoming legislation in Malta and elsewhere so as to ensure that we have the most progressive and sup-

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portive legislation possible.

The Bill has been conservatively drafted in a number of respects. It is also overly paternalistic and contrary to current best practice. As such, Senators from various groups will table amendments on Committee Stage. I will take the opportunity to refer to three of the main areas about which we are concerned in the hope that the Government will introduce amendments of its own after listening to the opinions expressed by Senators as well as members of the Oireachtas committee when we discussed the draft scheme of the Bill.

The first area of concern is the requirement for a medical evaluation. It is not clear what the evaluation involves. The Tánaiste has listed a number of elements that, as far as she is concerned, it does not involve, but there is no definition of “medical evaluation”. Transgender Equality Network Ireland, TENI, and others have expressed the concern that it could even require a physical exam, as that has not been ruled out. The Bill states that the evaluation would be carried out by a psychiatrist or an endocrinologist, but the very mention of a psychiatrist immediately brings to mind thoughts of mental disorder. It is stigmatising and reminiscent of how homosexuality was treated for a long time, in that it was seen as an illness. That we are medicalising the situation and stigmatising people in this legislation is unfortunate. It is also unnecessary. For example, Argentina and Denmark allow for self-declaration, as will the legislation that is being introduced in Malta. Why can we not just take people’s word for it? Of what exactly are we afraid? Do we believe that people will decide to have the State recognise different genders on a whim? I do not accept that will be the case, as it is not a decision that someone makes on a whim. By the time that people reach the point of being able to seek recognition, they have known for a long time that they identify in a different gender. I am unsure as to what we are guarding against. This is why I called the legislation paternalistic. It is as if we must protect people from making bad decisions. There is no evidence internationally that people are making bad decisions. To assume otherwise is judgmental, wrong and unnecessary. Even the HSE representative who addressed the Oireachtas committee on health stated that the HSE would prefer self-declaration over medical involvement.

Second, the age stipulation in the current draft of the Bill is disappointing. It makes no provision for gender recognition certificates for those aged under 16 years. Between 16 and 18 years of age, recognition does not just require the medical evaluation to which I referred, but also parental consent and a court order. This is deeply problematic. From a young age, many transgender people identify in different genders from which their births were registered. They know from the age of three, four, five or six years. From then on, it becomes a struggle. The State does not recognise who they are and they could face difficulties with being accommodated in school in terms of uniforms, toilets and other practical day-to-day matters. That there is a large gap between this and 16 years of age in which they cannot have their preferred genders recognised by the State, even when their parents support them, is wrong. When discussing children, surely the people who are best placed to judge are not just the children - the Constitution now refers to the right of children to be listened to in all matters that affect them - but also their parents. If parents are satisfied that their children should have the opportunity to have their preferred genders recognised before they are 16 years of age, I do not understand why the State would fight it. This is not a requirement in other countries. Argentina has no age limit and countries that have legislated for age limits previously are now re-examining their laws. The Bill is unfortunate in this regard. Against what are we guarding? Even in the worst case scenario, that being, the 1% of people who in adulthood regret making the decision, they can change it. We are discussing a certificate, a piece of paper. Surgery is the only irreversible

decision, but that cannot be undertaken until the person is 18 years of age anyway. What are we worried about?

Third, the forced divorce requirement is unfair, unnecessary and arguably unconstitutional. According to the Tánaiste, we must legislate in this way under the Constitution. That is her view. Perhaps the Attorney General has also expressed this view. I raised the issue at length before the Oireachtas committee, but the departmental officials could not set out the substance behind that view. Several groups provided legal analysis to the committee that argued otherwise. They stated that one of the strongest parts of the Constitution was the protection of the family based on marriage and that any requirement to break up a family just to have another constitutional right recognised, for example, gender identity, would be unconstitutional. The Council of Europe's Commissioner for Human Rights wrote to the committee and stated that this legislation was against the European convention. It was a strong and persuasive opinion, but it has been ignored.

While I welcome the legislation and accept that it is a major step forward, I hope the Tánaiste will listen to the voices that, while thanking her for doing this, are urging her to go that bit further, to legislate for what is best practice in 2015 and give people the support and recognition they deserve.

Acting Chairman (Senator Paschal Mooney): Before I call the next speaker, the Tánaiste indicated that she had to leave. She apologised. I welcome the Minister of State, Deputy Kevin Humphreys.

Senator Hildegard Naughton: I also welcome the Minister of State. I am pleased that this proposed legislation is before the House. It is nearly eight years since the High Court first ruled on this issue and I am happy to see the Government moving to rectify a glaring anomaly in the law. As the Minister of State knows, we are the only country in Europe without any legal provision to recognise transgender or intersex people. Therefore, the Bill is to be welcomed.

I wish to bring to the Minister of State's attention a number of concerns that were raised with me during meetings with TENI and LGBT Noise. Since they represent those who are directly affected by this legislation, their concerns should be listened to attentively.

Regarding the Bill's measures on recognition for 16 and 17 year olds, I welcome the Government's provision of a legislative pathway and its decision to remove the so-called sports clause. However, I wish to highlight an issue that might be termed an overly paternalistic approach to adults and younger people. My colleague has referred to it. Regarding younger people, is any other minority, sexual or otherwise, asked to have the consent of medical professionals and parents as well as a court order before the State allows its members to be who they are?

This legislation is based on the medical model of trans and intersex recognition when the move internationally is away from such. If this legislation is passed as is, we will probably have to revisit it. An individual's own opinion of his or her gender and experience must be the paramount consideration, not whether a doctor or parents agree.

We in this country have a long and difficult history of being afraid of any sexual matter. We have repressed it and made it as difficult as possible for people to express their sexuality. No 17 year old transgender individual is going to put himself or herself through the ordeal of having to get the permission of his or her parents and at least one treating physician and then go to court in order to waive the age requirement. It seems to be merely putting off the inevitable. By the

time the process has been gone through, the individual would more than likely be 18 years of age.

Let us be clear. What we are talking about is merely the permission of the State for a person to obtain a revised entry on a birth certificate relating to the gender. It is not about having gender reassignment surgery, where medical considerations clearly apply.

Having met representatives of the Transgender Equality Network Ireland, TENI, and LGBT Noise, I would also like to bring to the Minister's attention an issue expressed to me. They are seriously concerned about the prospect of having to attend their "primary treating medical practitioner", which is defined in the Bill as their endocrinologist or psychiatrist, in order to get a certificate in writing to apply for a change in documentation. As those from TENI expressed to me, their members do not enter into these decisions lightly and I could not possibly imagine they would. It is probably the biggest decision these people will make in their lives. It is my understanding that: "The process would not require details of care, including medical history or confirmation of a diagnosis, nor would the person have to confirm he or she has been living in their preferred gender for a specific period of time prior to their application." If that is the case, what is the purpose of the long and complicated medical process in the Bill?

I note that when appearing before the Oireachtas Joint Committee on Health and Children in July 2013, Dr. Philip Crowley, HSE national director of quality and patient safety, stated that the HSE endorses a gender recognition process which places the responsibility for self-declaration on the applicant rather than on the details of a medical certificate or diagnosis. In doing so, the emphasis is placed on the process of legal recognition of that self-declaration, as opposed to the legal recognition of the medical certificate and diagnosis. The HSE considers this process to be simpler, fairer and pragmatic, and it may be easier to legislate for as it takes account of both transgender and intersex people with differing backgrounds and contexts. Will the Minister comment on the advice of the HSE in this case?

I also highlight an inconsistency created by the provisions relating to people aged 16 or 17 years. Section 23 of the Non-Fatal Offences Against the Person Act 1997 provides for persons of 16 years and over to consent to any surgical, medical and dental treatment without parental consent. This legislation proposes that such people must have consent of the courts, medical professionals and parents before they can decide their gender and get a new birth certificate. It is essentially saying someone of 16 or 17 years can consent to gender reassignment surgery of their own volition but they cannot get a birth certificate without a plethora of investigations and consents. Will the Minister look again at this issue and see if a more streamlined and less onerous process is possible? One akin to changing one's name might be appropriate, with the relevant six-month cooling off period included. This would make an individual's own life experience and decisions the overriding consideration.

The second issue is obtaining a birth certificate from the Minister in circumstances where the person concerned is already married. The Bill proposes that this is impossible due to constitutional constraints regarding what currently constitutes the constitutional definition of marriage. TENI has issues with this but I would lean on the Minister's side of caution. I propose a sunset clause in the Bill that would provide that this provision would no longer apply should the people adopt civil marriage equality this year. That would be a reasonable compromise in these circumstances.

I commend the Minister for publishing this revised legislation and I will happily vote for

it. It is a huge advance for transgender and intersex people. These are our fellow citizens, who deserve all the respect and assistance the State can offer. I hope the Minister will take my observations in the constructive manner in which they are offered and perhaps look again at making this process an easier one for our transgender and intersex citizens.

Senator Katherine Zappone: I welcome the Minister of State. With my colleagues, I welcome the trans people, their families and allies in the Visitors Gallery. We have a full house, which is great to see. Broden Giambrone from TENI is there, along with representatives of FLAC, LGBT Noise, TransParenCI and many others to whom many others have paid tribute. I specifically mention Dr. Lydia Foy, who was with us earlier today. Her spirit still fills the Chamber. Throughout the decades she must have often thought this day would never come but it has. We all owe her a major debt in that regard. I acknowledge the leadership of the Tánaiste in getting the Bill delivered to the Oireachtas and the extensive and detailed work of the civil servants in her Department. The Bill would not have happened without her or her willingness to listen, with empathy, to the aspirations, hopes, pains and the struggle of trans people and their families.

This is a very significant Bill but it is regrettable that it has taken successive Governments more than 20 years to legislate for gender recognition and that we are now the last European country to enact legislation to meet our international legal obligations under the European Convention on Human Rights. As there were injustices in the past, the Bill must maximise the potential of the law to protect the dignity and self-determination of transgender people in our society in future. We must ensure that the Bill aspires to the highest human rights standards. Why should we not? The unfortunate distinction of being the last country in Europe to legislate for gender recognition grants us one advantage in that we have a unique opportunity to draw on best practices and experiences around the world, as Senator Averil Power and others have mentioned already, and base our legislation on current international standards. The gender legislation we pass should be based on international best practice, so I welcome the Bill before us. I hope the Minister is open to amending the Bill in order that, when passed, it will achieve that aim.

The Minister believes it is vital that we, as lawmakers, listen to the people directly affected by the legislation. Last week I hosted a civic forum on gender recognition in Ireland in Leinster House and I met interested, passionate, engaged citizens, advocates and champions. Many of them are here today and are willing to engage in a productive and constructive manner in this legislative process in order to influence legislation that will affect their lives. We should all do so when our fundamental rights are at stake. I witnessed a powerful civic demonstration of endurance from many of the people who came, especially Dr. Foy. As the Tánaiste and others indicated, Dr. Foy is waiting over 21 years while fighting for her right for recognition.

All of us as lawmakers were keen to see that the human rights of trans people are progressed in a just, fair and equal manner. I will be bringing forward amendments, with others which have been suggested to me by the real people whose lives and fundamental rights are affected by the proposed legislation. There are a number of serious flaws in the proposed legislation and we should utilise the legislative process to correct the flaws. I will mention some which have been raised, as they are the primary concerns. We will probably introduce some technical amendments as well on Committee Stage.

The minimum age requirement is an issue close to my heart. Perhaps it is because I have met so many young trans people, some of whom are under 16. While it is welcome that the

proposed legislation includes a pathway for legal recognition of those aged 16 and 17 years who wish to change gender, I and other Senators fear that the criteria required will be too restrictive and onerous on the young people they are meant to protect. Young people aged 16 and 17 years will require parental consent, a letter from a primary treating medical practitioner, another letter from a medical practitioner and a court order to access legal recognition. That is overly protective. The process of gaining so much supporting documentation could take up to two years or longer, as we heard this morning in our briefing, so this process does not really protect some young trans people in that regard.

There is also a blanket exclusion on young trans and intersex people under 16 years. These are our most vulnerable young people and they will have no voice at all. Lowering the age of recognition would improve the lives of many young trans people who could obtain legal recognition prior to leaving school and change their necessary identification documents. I have heard from several young people and families that legal recognition would not only make their lives easier but it would also validate them for who they truly are. As Sam Blanckensee stated earlier this morning, there is no legal protection for children under 16 in our schools within the Bill. The question is whether this is in the best interests of our children.

The Bill requires an applicant not to be married or in a civil partnership, which means that married trans people must divorce their spouse if they want their gender to be legally recognised. One may be either legally married or have gender legally recognised but not both. The requirement will mean an individual must choose between family and identity. How can we ask families to break up and what about the negative impact on children and spouses? Even if people want a divorce, it is not easy, given our divorce legislation. It was interesting to read an article by Carol Coulter in yesterday's edition of *The Irish Times* that reminded us why we have onerous requirements for this. For example, those seeking a divorce must live separately for four years out of five. This issue is in our Constitution, as distinct from our law. There is also a requirement that the parties must say the breakdown in the relationship is irreconcilable. The inevitable irony is that trans people who are happily married - some of us have met them - and wish to keep their family intact and protected will not be eligible for a divorce unless they perjure themselves in court. What will these individuals do? As Senator Averil Power argued, it is unconstitutional. The Bill is not protecting their families, as the Senator stated so eloquently and Dr. Fergus Ryan mentioned this morning. The fairest approach would be to delete the requirement entirely. It would be an acknowledgement that these families exist and that the State will protect them. However, if it is not possible, I concur with Senator Naughton on a recommendation, coming from TENI and others, to put in a clause whereby forced divorce will no longer be required should the Irish public adopt civil marriage in 2015.

On the medical criteria to get legal recognition, in the Bill trans people are required to submit a statutory declaration - I hope they will be so proud to do so when this comes through - of a settled and solemn intention of living in their preferred gender identity for the rest of their lives.

Acting Chairman (Senator Pat O'Neill): The Senator has one minute remaining.

Senator Katherine Zappone: Is that all?

Acting Chairman (Senator Pat O'Neill): That is all.

Senator Mary M. White: We all have to get in.

Senator Katherine Zappone: I will be done. They are also required to submit a certificate

in writing of a medical practitioner confirming transition. The criteria inextricably link medical treatment with a legal right. By defining medical practitioners as a psychiatrist or endocrinologist who must perform a medical evaluation which, as others have stated, is not defined in legislation, it runs the risk of pathologising the community by requiring a de facto diagnosis or worth and, further, as Broden Giambrone stated this morning, it stigmatises them and they need a third party to sign off on their identity. The Private Members' Bill I published, in 2013, with Senators Jillian van Turnhout and Fiach Mac Conghail, promoted the self-determination of trans people in a simple and legally robust statutory declaration process. That is what they are doing in other countries where best practice is being observed.

In Ireland, we have fallen behind the evolution of modern society in this respect by failing for so many years to legislate for the recognition of those people who do not conform to the traditional binary model of gender and those who regard the biological sex into which they are born as not their known or felt gender. All they wish is to have a law that allows them to exercise the human right to determine their own identity. We have an opportunity now to legislate for that based on international practice and our visitors' fantastic advocacy and example. I hope the Minister takes that opportunity to show the trans community, and the international community that has long called for Ireland to fulfil its obligations under the ECHR, that in Ireland, in 2015, we have a society that accepts, recognises and protects all citizens.

Senator Ivana Bacik: I welcome the Minister of State, Deputy Kevin Humphreys. It was welcome that the Tánaiste and Minister for Social Protection, Deputy Joan Burton, was here to introduce the Bill. I also welcome all those in the Visitors Gallery and thank them for all their work on this issue over many years.

The Tánaiste has already spoken about the progressive nature of the Bill. I very much welcome it, as I think we all do. I also welcome that it is being introduced in the Seanad, which is in keeping with the Seanad's proud history of working on progressive social issues and social change of this nature.

We all recognise how overdue the Bill is. I pay tribute, as others have done, to Dr. Lydia Foy on her tremendous work, the work of her legal team, FLAC, Mr. Michael Farrell and others, and the work of groups such as TENI, LGBT Noise, Amnesty International and the Equality Authority, who have made submissions and have done a lot of preparatory work and consultation on this issue. I also acknowledge Senator Katherine Zappone's work on this issue and thank her for the briefing she hosted this morning which was useful for all of us involved in the Bill and in the work behind it.

In many respects, as the Tánaiste stated, the Bill is more progressive than was originally envisaged. It is also progressive relative to many other European jurisdictions. However, of course, we are the last to enact legislation providing for legal recognition, and that has to be acknowledged too. It is, as I stated, long overdue. It is true to say that, because of this delay, transgender and intersex persons have been left without formal legal status and this has had a significant impact upon their lives in society over many decades. We need to recognise that our failure to legislate to date has had that practical and unfortunate effect on individuals, their families and communities. Therefore, the Bill is most welcome.

It is welcome that we have seen progress, for example, in terms of age. Notwithstanding that, the three issues that have been identified represent areas where we can seek to improve or to change. Those are issues which have been addressed by others and I want to go into those

in a little detail.

I acknowledge also the work of the Oireachtas Joint Committee on Education and Social Protection. Its report of January 2014 significantly changed for the better many aspects of the Bill that we see before us. This is a complex and evolving area and the law, in particular in Denmark and, with the current change, in Malta, has changed since the Oireachtas committee reported. Clearly, this is an area where there will be more progressive change to be made.

On age, the first of three issues that have been identified, I welcome that the Bill provides for a procedure for those aged 16 and 17 years to apply for an exemption to the normal rule that 18 is the minimum age for application for a gender recognition certificate. That is in keeping with the Oireachtas committee. It is also in keeping with the law to which Senator Naughton referred, the Non-Fatal Offences against the Person Act 1997, which allows those aged 16 to consent to medical treatment. It is welcome that section 11 of the Bill allows for dispensing with the need for parental consent where that is not forthcoming. It is progressive in many ways. The question as to whether there should be some acknowledgement of the role of persons under 16 years is a difficult one. The Oireachtas committee did not recommend that. In other aspects of the law we have ensured that we protect children generally and we make distinctions between adults and children for many reasons. However, I support the recommendation of the Oireachtas committee that there be some measures put in place to address concerns of transgender persons under the age of 16 years, and particularly to look at guidelines supporting inclusion of transgender young people in schools because there are real concerns around bullying and discrimination in school. On the age perspective, we need to look at that issue.

On the issue of marriage, the so-called forced divorce clause, the provisions in sections 8 and 9 that require persons applying for gender recognition certificates to be single are hugely problematic. Many have pointed out it has significant negative repercussions for individuals. Clearly, we all acknowledge that if the marriage equality referendum in May, on which I certainly will be working hard, is passed, that will enable resolution of this issue. There has been a suggestion that a sunset clause might be incorporated in the Bill. That is somewhat problematic - I have spoken to Dr. Fergus Ryan and others about this - because it appears to anticipate a result in a referendum and all of us would be anxious not to undermine the referendum campaign in any way. I suggest a simpler and easier measure would be to ensure the implementing legislation that is being drafted, I understand, in the Department of Justice and Equality preparatory to the referendum being put to the people should include the necessary amendment to be made to this Bill should the referendum be passed. That is a more appropriate place for that. It would address the real concerns that TENI and others have expressed directly to me and others that even if the marriage equality referendum is passed, as I very much hope it will be, this issue will be neglected subsequently, as it was in Sweden, and there will be a delay in addressing the forced divorce clause. Therefore, there may be a way around that at which we can look.

The third issue that has been raised most vocally by TENI and by others is this issue of the medicalisation or pathologisation and whether, instead of requiring any intervention from a doctor, we should be looking to the self-declaration model that has been adopted in Denmark since the Oireachtas committee reported. That would be a much more progressive model. Many of us would like to see us move to simple self-declaration. As I understand it, the original view was that there should be self-declaration combined with a supporting letter of validation from a registered medical practitioner, and that might have been liveable with. The difficulty for many of us with the more restrictive measure as it appears in the Bill is that the definition of the primary treating medical practitioner, rather than being the person's GP, is an endocrinolo-

gist or psychiatrist. That seems to impose some serious issues regarding access for people, and the TENI material makes clear the difficulty with access to those specific specialists within the medical profession. That is something at which we might be able to look on Committee Stage.

The other concern within that issue of pathologisation is the inclusion of the phrase “medical evaluation” in section 9. I am not sure why that is included. It seemed the professional medical opinion of the medical practitioner might be sufficient. I am not sure what “evaluation” adds to it. We may be able to tease it out on Committee Stage. It is not defined in section 2.

LGBT Noise asked me also to put on the record a number of other concerns around, in particular, whether the Bill adequately addresses the uncertain position of intersex persons. I am glad that the Tánaiste stated the Bill would cover intersex persons, but I raise it to be clear. They also raised the exclusion of non-binary persons and whether we can adapt the Bill to accommodate non-binary persons. As I understand it, that is something that has perhaps not been done in other European jurisdictions but certainly has been done in Australia and New Zealand.

As with the Thomas Hammarberg quote, in an ideal world we should see gender identity as being based purely on an individual’s opinion and experience. Issues arise in terms of whether the State should be in the position of recording people’s gender identity and if a birth certificate should do that. It is a bigger existential question whether gender identity should be purely a matter for self-identification. As a lifelong feminist I say that, unfortunately, in our world gender does matter. Women are discriminated against in a whole range of different ways in Ireland and in much more extreme ways in other jurisdictions. Many of us struggle with the fact that gender does matter in so many ways, and for that reason the State does have an interest in recording gender. I suppose that is at the root of the more philosophical issues behind the Bill.

The complex series of amendments listed by the Tánaiste to the Civil Registration Act 2004, the Adoption Act 2010 and to criminal justice legislation among others, show us in how many ways recognition and registration of gender does matter. For those very reasons I should say how important the Bill will be in a practical way. Section 17 sets out in such an important and powerful way the effect of the gender recognition certificate to enable for the first time transgender and intersex persons in Ireland to be recognised in the courts with their preferred gender. That is hugely welcome.

Senator David Norris: I welcome the Bill, late and limited though it is, in particular because it will obviate the necessity for transgender persons to reopen the issue every time they apply for a driving licence or other such official document. It is also welcome that the Minister paid tribute to Seanad Éireann and said this was the appropriate House in which to introduce such legislation, and also the fact that she indicated that she will introduce a small technical amendment herself because that leaves open the possibility of accepting amendments from this House. I think it very important that the Government should listen in the light of the rapidly developing information we have.

I said the Bill was late. There was a judgment in the European court in 2002 – *Goodwin v. the United Kingdom* - where the court found the rights of transsexuals to security in society must be implemented. In 2003 there was *Von Koch v. Germany* where the right of an individual to determine their own gender was upheld by the court. There was *L v. Lithuania* which said states were required to recognise the rights of transsexual people, obliged to recognise them. Ireland has been in breach of the European Convention on Human Rights since 2002. A High Court case taken by Dr. Lydia Foy found in her favour. We are, as I say, late in coming to the

issue.

There are three areas and all my colleagues have indicated them: one is the divorce requirement. It seems to be absolutely asinine to require people to be divorced. It flies in the face of various decisions such as the European Parliament's paper. The European Parliament found that it was in breach of articles 7 and 9 of the Charter of Fundamental Rights. The Austrian constitutional court has granted a transsexual woman the right to continue with her marriage. The German constitutional court made a similar ruling. The Irish Human Rights and Equality Authority said the single status was unnecessary. It is the gender of each party at the date of marriage that counts in determining the validity of the marriage. There is that. Portugal, Belgium, Georgia, the Netherlands, Romania and Spain all recognise existing partnerships. I was struck by the fact that we hear so much about the family and the constitutional protection of the family - one based on marriage - when the State is insisting on people who are happily married being divorced. The State requires divorce. That surely is an attack on one of the major provisions of the Constitution and opens up the question of whether the Bill is entirely legitimate in terms of its constitutionality.

Then there is the question of the time involved. If one is forced to get a divorce, one must comply with the requirement to have been separated for four years, which means there is a delay of four years, and another requirement to say there are irreconcilable differences. How is that possible when the people are still in love with each other? It is absolutely mad that they must go to court and say they cannot stand each other and they have irreconcilable differences knowing it is perfectly untrue. That is utterly daft and I hope an amendment to delete those sections will be entertained.

There is also the question of pathologisation, the medicalisation of the problem, which suggests it is an illness or some kind of defect. The chair of Transgender Equality Network Ireland, TENI, Sara Phillips, said that it is diagnosis by any other name. The individuals who must sign off on the legislation are the very same individuals who provide a diagnosis or medical treatment. That is restrictive and unnecessary. Trans persons are best placed to understand and identify their own gender as they live it every day.

We heard evidence this morning at the briefing that was organised. Sam's mother said they had been trying to get medical help. They got one certificate but after four years they failed to get the second. People are unwilling to give such certificates.

In Malta, the Minister for Social Dialogue, Consumer Affairs and Civil Liberties introduced into parliament a new gender identity Bill. It was set out at section 3(4) that applicants for recognition shall not be required to provide proof of a surgical procedure or total or partial genital reassignment, hormonal therapies or any other psychiatric, psychological or medical treatment. Malta is a little island a fraction the size of Ireland and not the most advanced in terms of human and civil rights.

In 2006 a group was established, including Mary Robinson, a former Member of this House and a former President, and the former chief commissioner of the Northern Ireland Human Rights Commission, Professor Michael O'Leary. The group adopted a set of principles. Principle 3 stated the country should fully respect and legally recognise each person's self-defined gender identity and ensure procedures were in place whereby all state issued identity papers reflect the person's self-defined gender identity. Denmark does not require any of this. The words of Dr. Philip Crowley, the national director of quality and patient safety for the HSE have

already been placed on the record, clearly endorsing self-diagnosis.

The other matter is the exclusion of young people. They really have serious problems which might not immediately occur to people who are not in the situation, for example, the use of toilet facilities in schools; the fact that school authorities might not want to engage with the young person involved; their being prevented from wearing what they consider gender appropriate uniforms; bullying by peers; and exclusion from school activities. FLAC has also spoken on the issue. It stated the Bill also fails to make provision for young persons under 16 who are particularly vulnerable to bullying and harassment at a very sensitive period in their lives. FLAC suggested the Bill should be amended to require respect and support for young trans persons, especially those still at school.

In addition, there is the question of the amendment to the discrimination legislation. I can speak with some historical perspective, because I introduced the first provisions under the incitement to hatred legislation. I think it was the Video Recordings Bill of many years ago, before the decriminalisation. I managed to persuade the Government at that stage to include sexual orientation and membership of the Traveller community. The grounds have been extended since then and it seems to be logical to extend the Equal Status Acts, the equality Act and the Employment Equality Acts, among others, to give the protection of law, quite specifically, to transgender people.

I give a guarded welcome to the Bill. It is an improvement. There is no question or doubt about that. My friends in the transgender community are happy today. They have something to celebrate, but it is not the full deal, to which we look forward. I am sure the Minister will be able to co-operate with us in amending the legislation to make sure it approaches nearer to that target.

Senator Aideen Hayden: Like Senator Ivana Bacik, I am very pleased that it was a Labour Party Minister who introduced the legislation. I am also pleased that the legislation is being introduced in the Seanad. I congratulate Senator Katherine Zappone on the role she has played in bringing the Bill to fruition and all of the organisations represented in the Visitors Gallery, for which this has been a very long journey. I wish to begin by quoting the words of Sam whom I know is in the Visitors Gallery. I met Sam Blanckensee at the Tom Johnson summer school a number of months ago. We discussed this issue as it was going to come before the Seanad. This morning I asked him if he would not mind me using his words and reading them because, to my mind, although a number of the issues of concern to all of the organisations represented in the Visitors Gallery have been identified by many of the speakers, they are best described in Sam's words.

Gender Recognition is not an abstract concept; it's not just about a birth certificate. It's about real people and real lives. For me it's not about a piece of paper, it's about Mr. Sam Blanckensee legally existing in the Irish State. I am an active participant in my community; I'm a scouter and a student leader. But in the eyes of my state, the man I have become doesn't exist.

I do not think anybody could put it better. It has already been said but needs to be repeated that Ireland is the only country in the European Union which has no provision for legal gender recognition. It was not in 2008 but in 2002 that the High Court held there was no legal precedent to allow Dr. Lydia Foy to change her sex on her birth certificate, and many speakers have recognised her unique role in the fact this legislation is before us today. In 2014 her action

against the State was effectively settled after the High Court was told by the Government it had a firm intention to enact necessary laws as soon as possible in 2015. I am thankful it is in January 2015 and not December 2015 that we are considering this legislation.

A number of changes have been requested by many organisations and have been referred to by many other speakers. I am going to return to Sam's words and focus on the issue of age:

I realised I was trans when I was 16. At that stage I was in 5th Year in an All-Girls School. I was sure at that time that if I was to come out I would have to leave my school. So instead of telling my peers and teachers I continued going to school using the wrong name and pronouns. That year was the worst of my school life. I felt I couldn't be authentic, I was suicidal and I was self-harming regularly.

In a recent report TENI found that 78% of transgender people had seriously considered suicide and 40% of these had attempted suicide. I will now go back to Sam's story.

For the next year and a half, although I began coming out and being more true to myself, I had to wake up in the morning and put on a skirt and listen to people refer to me as a girl. I had to hide who I was every moment of my day in school. This is not an experience that every trans child survives - knowing who you are but not feeling you can do anything about it.

Often with the support of their parents [many transgender children] come out to their teachers and principals and hope that these adults in their lives support them as their parents have. Unfortunately, these brave and self-aware young people don't always have their hopes realised. Their teachers are often the biggest block they face to acceptance. They get told to use different bathrooms than the other children of their gender, regardless of their wishes. This can be one of the scariest and hurtful things you can be told to do. They may have to wear the wrong uniform or have the wrong pronouns used by their teachers.

These are children with a very different situation to the one I was in, they're in a situation that could be so easily improved with a little understanding from the staff in their schools. But instead these kids struggle with school, some drop out, others have to transfer.

These are Sam's comments on the legislation and the changes he wants to see.

This legislation does not protect these children. The age limit of 16 means that there is still no legal protection for children in schools, children who want nothing more than to be normal kids and to go to school with their identity respected the way the identities of their peers are.

Between 16 and 18 the conditions may be slightly better ... I know of a number of young people in Ireland who were disowned by their parents after coming out as trans.

Sam sees having to seek the consent of parents as a particular impediment to the legislation as it is drafted. He also states two medical opinions will be difficult to find. Endocrinologists and psychiatrists who will give medical evaluations to transgender adults are few and far between. We should take on board the experience of people who must deal with this legislation. Finding two specialists who will give evaluations to transgender children will be nigh on impossible, as doctors feel they need to be experts in their field before dealing with transgender individuals.

Sam states: "These children need protection; they need protection from the people in their

lives who don't want to believe in their identities." Will the Minister of State consider the age provision in the legislation? Many other changes have been proposed, but we should consider the position of children between the ages of 16 and 18 years and those aged under 16. Professor Donal O'Shea stated that from a medical point of view, the most important age was puberty and that the debate as to whether the minimum age should be 16 or 18 was a facile constitutional argument.

Senator Mary M. White: It is my pleasure to state Fianna Fáil supports the principle and concept of introducing a gender recognition Bill. The Bill will allow each person to identify in the gender he or she feels internally, which may not correspond with the sex assigned at birth. In 2008 the High Court ruled the State was in breach of its obligations under the European Convention of Human Rights because it did not have a mechanism to recognise legally the preferred gender of transgender individuals. In response to this, the then Minister for Social Protection established the gender recognition advisory group in 2010.

We need to discuss a number of issues, the first of which is more obvious and easier to deal with than the others, which should be discussed more in order that people in Ireland come to terms with and understand what is involved. It was the former Taoiseach, Bertie Ahern, who asked me three years ago to get involved and help transgender people. My mind was blown by what I learned from them. Transgender people are required to divorce before their preferred gender will be recognised. A man in a heterosexual couple I met had changed his gender to female and the couple was heartbroken because they wanted to stay together and did not want to have to divorce. They had a 16 year old daughter. I thought it was a no-brainer. Why did they have to divorce? The Bill must seriously address this human rights issue, which affects many people sitting in the Visitors Gallery, that transgender people must divorce before having their gender recognised. In effect they must become single.

The provision that a statement must be obtained from a primary treating medical practitioner is misguided and damaging because it relies on an obsolete conception of the nature of transgender identity and serves to pathologise the identity of transgender people. The Department of Social Protection has received letters from transgender health experts worldwide stating unanimously that legal gender recognition is a human right and should have nothing to do with medical care pathways.

Speaking before the Oireachtas Joint Committee on Health and Children in July 2013, Dr. Philip Crowley, the HSE's national director for quality and patient safety stated:

The HSE endorses a gender recognition process which places the responsibility for self-declaration on the applicant rather than on the details of a medical certificate or diagnosis. In doing so the emphasis is placed on the process of legal recognition of that self-declaration as opposed to the legal recognition of the medical certificate and/or diagnosis. The HSE considers this process to be simpler, fairer, pragmatic and may be easier to legislate for as it takes account of both transgender and intersex people with differing backgrounds and contexts.

Another issue is the availability of recognition for those under the age of 16 years and the disproportionately onerous requirements to be fulfilled by young people aged 16 and 17. Today we heard the story of Sam, thanks to the courtesy of Senator Katherine Zappone. Sam is an outstanding young person, and we also heard his mother's story. It broke my heart to hear it.

Being a teenager is bad enough, but I cannot bear to think how painful it must be to be conscious that one's gender may not be what it was at birth, having to go with the flow and having to hide what one really is. I was perfectly happy until I was 17 years of age, and after that I was very unhappy for a number of years. It is hard enough to come to terms with life and to establish one's own identity without having to deal with this other issue.

I thank Senator Katherine Zappone, TENi and Broden Giambrone, who was a magnificent advocate. I have met amazing people who have inspired me and given me heart. The transgender people have had the courage to come out and say to society that they exist and that they want to be fully recognised in Irish society. Fair play to them.

Senator Jillian van Turnhout: I very much welcome the Bill but note that Ireland has lagged behind. There are issues that concern me. Subject to the time limitations in this Second Stage debate, I will confine my intervention to three main areas of concern to me, arising out of this Bill. I say "of concern to me," but that is not strictly true; my life will not be directly impacted by the legislation we will bring forward as a result of this process. Rather, these are deeply felt concerns of the transgender community itself, which were articulated to me by transgender young people and adults and, more generally, by transgender activists - for example, at the public hearings of the Joint Committee on Education and Social Protection in October 2013. These are the voices to which we need to listen most carefully. Nobody is better placed to know what is best, more appropriate and most just in respect of the lived reality of transgender people's lives than transgender people themselves. In that regard, I welcome our visitors to the Visitors Gallery. Part of me wishes we were switching who is actually debating this Bill and who is listening to this debate. I am sure some of my colleagues share that wish.

In researching this area, I was most impressed with the Maltese approach to this issue. It has yet to be finalised but it is taking a very people-centred, lived-lives approach whereby the major focus of consultation is with the transgender community itself in developing the legislation. I was also very interested to learn that in Malta there is no requirement to register a baby's gender at birth, nor is a gender disclosure required in applying to schools.

I want compliment TENi, the Transgender Equality Network Ireland, Amnesty International, FLAC, and, particularly, my colleague Senator Katherine Zappone. We have been extremely well briefed on the issues before us. I have listened to the interventions and really support what all my colleagues have said; I really hope, therefore, that we can do good work on Committee Stage.

The issues about which I have concerns include the single status requirement as a precondition for gender recognition and its implications for transgender people, happily married or in a civil partnership - my colleagues have explored that issue - and the current medical criteria, which medicalise and pathologise gender identity and act as a barrier to gender recognition through an unnecessarily onerous process and which actually fail to meet the standard as laid out in the Yogyakarta principles that such procedures should be efficient, fair and non-discriminatory and respect the dignity and privacy of the person concerned. I do not understand why we need to put these very unnecessary and onerous hoops in place.

The third area of concern to me - as several colleagues from across the House have mentioned this issue, I hope we can make progress on it - relates specifically to young transgender people. On this point, we have serious work to do in upholding and respecting our international human rights obligations to children under the UN Convention on the Rights of the Child. Ar-

Article 2 relates to non-discrimination, Article 3 relates to the best interests of the child, Article 6 relates to the right to life survival and development of the child, and Article 12 relates to the voice of the child and the protection of privacy. The UN convention speaks to me so much about many of the issues raised with me by those in the transgender community.

In the Bill, no account whatsoever has been given to inter-sex youths. There is no process for them to have their preferred gender identified. Furthermore, there is no legal protection for transgender children under the age of 16. We can think of cases where people are not in agreement, but what about situations where everyone is in agreement and where the six-year old boy has clearly articulated his gender identity and his parents, friends and family all agree on his gender identity? As is the case at the moment, is this young child really going to be forced to go through a girls' school wearing a girl's uniform in order for him to access education available in his locality? Whose best interest are we serving? Surely, in this Bill, we could do something for that young person. In this Bill, we are saying we will bring in the process at 16 years. I would not advise anybody to go through that medicalised process. I do not understand it and do not see why we are doing it. If one applies for a college place, one's gender identity is assigned to one. We have to go further.

We have an opportunity to bring in a law. We are probably talking about a handful of young people, but we can go further, which I will explore more on Committee Stage. As said by my colleague Senator Aideen Hayden, and as Sam Blanckensee said earlier, this goes beyond birth certificates. This is about real lives and it has a real impact, and we can do more in this House.

Senator Gerard P. Craughwell: Cuirim fáilte roimh an Aire Stáit. I welcome the Bill, which provides for legal recognition of preferred gender for transgender people. However, while applauding the Government for finally publishing this legislation and bringing it before the House, we should also acknowledge our collective shame that successive governments have failed to act on what is an essential and basic human right – the right to preferred legal gender identity. In failing to act before now, the State has shown a deep disrespect for transgender people and their families and for the European Court of Human Rights. In a country which prides itself on fair and equal treatment for all its citizens, the rights of transgender people have all but been ignored. It is seven years since the High Court ruled that Ireland's failure to recognise transgender people was a breach of the European Convention on Human Rights. It is shocking that it is 21 years since Dr. Lydia Foy, who was with us earlier, first requested a new birth certificate in her female gender. We have heard Taoiseach after Taoiseach apologise for the wrongs of the State against children and for various other things down through the years, but we owe Dr. Foy a huge apology for having to divest herself of her privacy and come into the public domain in order to get what was a basic human right recognised. At some stage, somebody in this House or the Taoiseach should apologise to her and her many colleagues who have fought for so long.

Furthermore, Ireland has the dubious honour of being the only state in the European Union with no provision at all for recognising transgender people and their preferred gender. I am aware that both Sinn Féin and Senator Katherine Zappone brought forward gender recognition Bills and have actively campaigned for change but, sadly, the fact that this legislation is now before the Seanad is due more to the persistence and courageous advocacy of Dr. Foy, TENi and the transgender community than it is any policy maker or legislator. Transgender people have sought legal recourse in national and European courts and have put their necks on the line by bravely telling their stories to diverse audiences and service providers in an effort to effect social and legislative change.

What the transgender community is looking for is something that we all take for granted – a certificate which unequivocally states our gender as either male or female. It is a certificate which affords to us, as citizenship, the dignity of legal identity. It is a certificate that is a gateway document to a range of other legal documents, services and protections. There is ample evidence that not having consistent and accurate identity documents exposes transgender people to harassment and discrimination in the employment process, in accessing social services, in educational participation and in many other contexts.

Acting Chairman (Senator Pat O’Neill): It is now 3 p.m. and the debate must conclude. The Senator has is two minutes left. He will be called first the next day.

Debate adjourned.

Improving the Quality of Early Years Education: Statements

Acting Chairman (Senator Pat O’Neill): I welcome the Minister and invite her to make her opening statement.

Minister for Education and Skills (Deputy Jan O’Sullivan): I thank the Acting Chairman and Members of the Seanad for providing me with the opportunity to update the House on my plans for strengthening the quality of early years education. I realise I am speaking following a very historic debate because that very important Bill is initiated in the Seanad.

I wish to recognise the contribution that early years practitioners are making to our society. Each and every day they support the educational, physical and social development of our youngest children and I place a huge value on that work. I am committed to engaging with and finding ways to support those working in early years settings in order that together we can further strengthen the quality of early years education.

As Minister for Education and Skills, I am determined to ensure that early years education is viewed as a central element of the overall education continuum. Many stakeholders would argue that the early years is the most important part of this continuum. High quality education at this stage helps each child to develop and learn at this vital early stage and lays the foundations for future educational achievement and success. Early years education affords us an opportunity to ensure that we level the playing field for everyone so that no child gets left behind at the start. All of our children can avail of free early childhood education through the free preschool year. The popularity of this option among parents is clearly apparent, with 96% of the eligible cohort now availing of the free preschool year. This means that any improvement in the quality of early years education has the potential to benefit the vast majority of our young children.

As a former Montessori teacher who ran my own preschool for a number of years, I am very aware of the positive benefits of early years education, both for the individual child and for society as a whole. It is, therefore, absolutely essential to provide high quality early years education. If we do not get things right from the start by establishing strong foundations in terms of positive learning dispositions and basic skills development, we will need to spend more of our time and resources playing catch-up later. This is why I have made early years education one of my key priorities as Minister for Education and Skills.

The education sector, including the early years sector, is playing a crucial role in our eco-

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conomic recovery and in contributing to future sustainable economic growth. Equally important, education also plays a vital part in building a better society for us all. By promoting inclusivity and diversity, the education system can help to build a society that is truly representative of the many different communities now living in this country.

In my capacity as Minister, my first priority is to achieve greater investment in education as a whole and there has been some progress in this regard. In the budget I secured the first increase in education spending in recent years. While the level of increase was modest - a €60 million increase over 2014 spending - it has allowed us to stop the reduction in education spending. It has also allowed us to provide the teachers and funding necessary to support the growth in student numbers in schools. Securing the funding is one challenge but it is equally important to ensure that this funding is supporting quality educational outcomes. To this end, my Department is involved in a major programme of reform across the education continuum with the objective of supporting a system that responds to the needs of modern society and that promotes positive outcomes for all of our learners.

This programme of reform encompasses measures such as the following: the continued implementation of the literacy and numeracy strategy; the continued roll-out of junior cycle reform; the measures adopted under the further education strategy; the higher education strategy; and a renewed focus on apprenticeship training.

I have also sought to extend this reform agenda into the early years sector. Since my appointment as Minister, I have made a number of significant announcements regarding early years education. This includes the establishment of an early years education advisory group and is the first time such a group has been convened to advise the Minister for Education and Skills. The group will provide advice on education issues across the entire early years sector, covering children from ages zero to six, and will report to me twice a year. It will also co-ordinate existing education-related activity within the early years sector, identify means by which the quality of early years education can be strengthened, and ensure that the early years are integrated into the overall education continuum. I have sought to ensure major organisations working in the sector, including Start Strong, Early Childhood Ireland and Barnardos, are included in the membership of the advisory group. I also recognise the importance of associations and unions representing those working in the sector, and the Association of Childhood Professionals, the INTO and IMPACT will also be represented. It will never be possible to include every organisation or individual with an interest in this area, but I intend that the group will regularly organise plenary sessions through which a much broader range of voices can be heard.

I have also announced that we will begin an important review of the education and training programmes leading to qualifications in early years care and education. The review will help to ensure that such programmes equip graduates with the skills, knowledge and dispositions to support quality educational outcomes in early years settings. The extent to which early years practitioners are appropriately qualified is recognised internationally as an important factor in determining the quality of early years education.

The review will begin with a public consultation which I hope to launch shortly. I encourage anyone with an interest in early years education to submit their views as part of the consultation process. As well as carrying out a general consultation we will also be conducting stakeholder-specific surveys. These surveys are intended to elicit the views of education institutions delivering programmes, early years practitioners who hold these qualifications, and employers of early years practitioners. In addition to these new initiatives my Department also continues

to provide additional support to those in disadvantaged communities through the Early Start preschool programme. Early Start has been a flagship initiative of my Department for the past 20 years. Last summer, we published a focused policy assessment of the programme, the recommendations of which were discussed with staff from all 40 Early Start units in November last year. Progress with the implementation of those recommendations will be made in 2015 in close consultation with these key stakeholders. This will ensure Early Start continues to serve the needs of some of our most vulnerable children and their parents.

I use this opportunity to highlight the opportunities for the early years to inform developments in other parts of the education continuum. My Department, in conjunction with the National Council for Curriculum and Assessment, is in the process of revising the primary school curriculum. Priority has been given to the development of a new integrated language curriculum and a new mathematics curriculum. As part of this reform, measures are being taken to strengthen the links between early years education and infant classes in primary schools. In particular, we are ensuring the key principles of Aistear, the early childhood curriculum framework, inform practice in infant classes.

I am committed to continuing to work closely with the Minister for Children and Youth Affairs, Deputy James Reilly, on the broader quality agenda in the early years sector. We have worked closely together on the creation of Better Start, the new national early years quality support service. Better Start is adopting a model that has worked very well in the school system, where support services have facilitated innovation and supported improvements in quality for many years. The work of Better Start in engaging with early years providers will be supported by a new practice guide that will distil key principles from Aistear and from Síolta, the national early years quality framework.

The practice guide, which is being finalised by the National Council for Curriculum and Assessment, will be an important resource tool for all early years practitioners. It focuses on developing the capacity of early years educators to create and implement curriculums which adhere to the key principles, standards and guidelines contained in the two frameworks. Through the use of practical resources such as video, self-evaluation and planning tools and research digests, early years educators will be encouraged and enabled to improve the quality of their educational programme content and delivery.

I am working closely with the Minister, Deputy James Reilly, on the introduction of education-focused preschool inspections for the first time. The Department of Children and Youth Affairs has provided funding for dedicated early years inspectors, who will be employed alongside our school inspectors. These inspectors will work to improve and enhance educational standards within this sector. They will complement and not duplicate the type of inspections that are carried out by the Child and Family Agency, Tusla. The education-focused inspections will be developed in close collaboration and consultation with the early years sector. We will make every effort to ensure we do not create unnecessary administrative burdens for our early years settings. We will work to make sure these inspections help to support improvement in the sector. Recruitment for the dedicated early years inspectors will begin in the spring. We will work with the Department of Children and Youth Affairs to implement the education-related commitments in the new national early years strategy, which is currently being developed by that Department.

I am grateful for the opportunity today to further strengthening the quality of early years education. I have identified some of the major reforms and initiatives that are already under

way or are planned. I hope Senators will agree that this amounts to an ambitious programme of reform. I would like to conclude by emphasising that in progressing this reform agenda, we will be working in close consultation with the early years sector. Indeed, I have met many of the groups at this stage. I have the utmost respect for those who work in and support this vital sector. My intention, and that of my Department, is to ensure we support early years practitioners in continuing to provide quality educational outcomes for all our children.

Senator Averil Power: I welcome the Minister. I also welcome the establishment of the early years education advisory group. As the Minister said, the membership of the group includes organisations like Start Strong, Early Childhood Ireland, Barnardos and the Irish National Teachers Organisation and representatives of child care professionals. It is positive to see a Minister for Education and Skills prioritising this area. I am sure her decision to do so reflects her own background and experience and her commitment to early years education. I would like her to clarify in her closing remarks how this fits in with the early years strategy that has been promised by the Department of Children and Youth Affairs. The Government originally gave a commitment that the strategy would be published in 2012, but it has yet to be published. Perhaps the Minister has some intelligence to give us on the reasoning behind this. What has caused this delay? More importantly, I would like to know how the strategy fits in with the Minister's approach. It is important that we avoid duplication. I would love to see the Department of Education and Skills taking the lead on this. For too long, early years provision has been treated in Ireland as childminding rather than as education. What is the current fit between the Department of Children and Youth Affairs and the Department of Education and Skills? Is the strategy that has been announced in line with the Minister's own plans?

Traditionally, we have not had a great record of prioritising investment in early years education. In the past, we were behind many other European countries in getting started with child care and early education. We are still behind now. Fianna Fáil prioritised this issue when it was in government. It started to make a major investment through the equal opportunities child care programme, which ran between 2000 and 2007 and created 40,000 extra places. Its successor, the national child care investment programme, created a further 25,000 places between 2006 and 2011 by providing capital grants to child care providers in the private and community sectors. Those programmes dramatically increased the availability of child care places across the country. The introduction of the free preschool year was also a major step forward. Indeed, significant advances were also made in developing important quality and curriculum frameworks for the sector and putting in place a development plan to ensure the professionalisation of the service. Unfortunately, in respect of the latter I do not think the resources have really been provided to this day to roll out the curriculum framework. While it is being very well implemented within the primary curriculum in schools, child care providers would say they have not been given the resources they need to actually implement it. It is important that the curriculum is not just inspected - it also needs to be supported. We should not just be coming in to pick up where we think people are going wrong. The supports should be in place to help them to upskill their staff and deliver a high-quality curriculum.

One of the big issues for us as a country is that early years work is traditionally poorly paid. It is still poorly paid in this country. This sector is very professionalised in countries that have grasped and prioritised early education. Such countries tend to allow people who are starting teacher training to opt to be a primary school teacher or an early years teacher. They are paid at the same levels. In some countries, one is actually paid more for working with children in the early years than for working in education in the later years. We have the opposite here. People

are working on the minimum wage. Services are under pressure. They cannot afford to buy in the expertise and skills they would like to have. I think that is a huge challenge for us. Regardless of what else we do, we must provide for serious State investment to help improve quality without worsening affordability for parents. We already have an expensive service. I am not proposing the introduction of qualification criteria that would increase the price paid by parents even further. As the Minister's colleague, the Minister for Public Expenditure and Reform, acknowledged earlier this week, we already have one of the most expensive child care systems in the world. There is a need for State investment to fill that gap and for us to take investment in early education seriously.

All of the research shows that investing in early education is right from a social and an equality point of view and makes economic sense. Even at a time of limited resources, it makes sense purely from an economic perspective to prioritise early education. Research shows that the skills children develop in their younger years in areas like self-control, curiosity, perseverance and teamwork are not just important in themselves, but are also important in helping children to avail of later educational opportunities. The earlier they can develop those skills, the better. The 2010 OECD report, *Doing Better for Children*, argued that public spending on services for children should be frontloaded onto the early years because the economic research is so strong. The PISA study found that children in certain countries who "attended some pre-primary school [who had early education] outperformed students who had not". It found that "the difference between students who had attended [early years education] for more than one year and those who had not attended at all averaged 54 score points in the PISA reading assessment" and that this amounts to "more than one year of formal schooling". That is really significant. Similarly, US research shows that those who avail of early education are more likely to do well, not just in education but also in employment. They are also more likely to find themselves in high-skilled jobs. Research shows that early education reduces child poverty. There is a lot of compelling research that tells us this is where we should spend money and it is what we should prioritise, yet we do the opposite in Ireland. We spend more *per capita* on education in the later years, on post-primary and tertiary education, than on education in the early years, and by some margin. We need to address the issue and take it seriously. I welcome the fact that the Minister for Education and Skills is personally committed to education in the early years. However, the Government must give her the resources required to make an impact, and we support her in that regard. It is crucial that proper resources are invested.

There are gaps in a number of areas. The free preschool year was a good initiative for working parents because it allowed them to have some child care supported by the State rather than paying for expensive care themselves. The initiative also means every child has some level of early education. The groups we wished to benefit the most were children from disadvantaged areas and children with special needs. Last May the Government published a report which showed that the initiative did not give these children any advantage. It lifted all children equally; therefore, everybody benefited a little, but the gap between children from disadvantaged areas and those from better-off backgrounds stayed exactly the same. Things improved a little for all children but the gap stayed exactly the same. That is a real challenge for us. Research shows that to tackle disadvantage among children, one must intervene at the youngest possible age.

Let us look at best practice. My area of Darndale, Dublin 17, has the early childhood initiative and a Preparing for Life initiative. All of those initiatives show that the Government needs to work with parents almost immediately after a child is born. If we did this it would help parents to become their child's first educator and thus ensure that children do not fall be-

hind by the time they start school. We need a proper full-time year-long service, particularly in disadvantaged areas.

The Minister mentioned the early start scheme, which is still a pilot scheme. Schools have asked me why the early start scheme is still a pilot one, what is going on, whether the Department is committed to the project and whether it will be extended. I ask the Minister to give us her views on the matter.

Regrettably, cuts have been made to community child care provision. In the past few years I have fought in this House on behalf of the Jigsaw project in Darndale, the biggest child care centre in the country, which was threatened with closure last year as a result of cuts. The commitment of the Minister, and that of the Government, will be judged on whether resources are put in place to provide a service.

There is another big gap in the area of special needs education. A lot of parents with children who have special needs have found it impossible to secure a place. Providers say there is no place for them due to a lack of support and because providers do not receive extra capitation or payments from the State. They feel that in order to support a child with special needs, they need smaller ratios and a special needs assistant or something like that, but I remain unconvinced. The system of providing an assistant in schools has had some drawbacks that we did not anticipate. Some form of extra support must be provided, particularly if children have high care needs, in order to ensure these children can be integrated properly. There is no point in enrolling a child in preschool if he or she is left sitting in a corner and is not integrated - a situation which is not fair on anybody. These are a couple of the issues that I would like the Minister to elaborate on in her closing address.

Senator Jim D’Arcy: Ba mhaith liom fáilte a chur roimh an Aire go dtí an Teach.

I admire anybody who deals with early years education. When I was a teacher I only taught in an infants’ class for 20 minutes and afterwards I decided I could not do it any more. Teaching such young children is a very challenging and complex task. People dealing with children of that age need to be fully supported. Maria Montessori wrote a book on early years education. As the Minister is a qualified Montessori teacher, there is no one better placed to deal with early years education. That includes the setting up of the new early years education advisory group, which will include the professionals who work in the field, which is a very good idea. The Minister’s personal commitment to the sector, as stated here and in other places, is welcome. As we know and as the Minister has stated, there has been a 96% take-up of the preschool year.

Education reform was mentioned. I wish to digress a little and appeal to the teachers and organisations involved in tomorrow’s strike to support the Minister’s junior cycle reform programme. She has gone out of her way to alleviate the worries of the teachers and organisations involved. I have spoken to many teachers around the country and they agree with me that she has been more than facilitating. I call on the ASTI and the TUI to move forward in a spirit of working together and for the benefit of all children.

The Minister has mentioned that we may shortly have an inspectorate to examine the work of preschool units. That is probably a good idea. The Irish word for “inspector” is “cigire”, and the meaning of the first part of the word is to look, to see and, at the very worst, to spy on. That is how the role was perceived at one time. We need, as is happening, to move the inspectorate away from the perspective of us against them. I remember Liam Mulvihill said that to me in

1979 when he came to my club, which was just after he had been appointed director general of the GAA. On that occasion I said to him, “You are on the other side from me,” and he replied: “No. We are all on the same side.” I hope we can continue to move the inspectorate to a role of cigire or helper system, particularly as it is being set up anew.

The Association of Childcare Professionals has said that its members do not feel valued, that they have had enough, that child care is a sector of high expectations but low investment and that they need more assistance. I think assistance will be provided in degrees. We also need to look at the present FETAC level 6 qualification framework for leaders, which I think it is fine. The association is comprised of 3,500 members. Can a mentoring system for new principals, such as the one for the Irish Primary Principals’ Network, be introduced? If that was done it would mean new leaders would be mentored by people within the organisation and the system would develop.

The early years education policy is now co-located within the Department of Children and Youth Affairs and the Department of Education and Skills. This was done in order to ensure policy developments in the early childhood sector are developed within an overall strategic policy framework for children. We also have the early years education policy unit, EYEP. We have the Aistear in Action toolkit, a set of practical resources on the four themes of well-being, communication, identity and belonging, and exploring and thinking. We have Síolta, the national quality framework for early childhood education, and the workforce development plan. We have the Early Start programme, a pre-primary initiative for designated areas of urban disadvantage, with 40 centres and 1,650 spaces. On that and what Senator Averil Power said about special needs children in early years education, perhaps we could have an added focus in order that the outcomes could be stronger. It may be something on which the advisory group and all those involved could work. It would be very beneficial.

The question is to where we now go to move on from childminding and child care. We remember a time when a “crèche” was a car accident in Dún Laoghaire, as they used to say. There were also childminders. We want to know how to nurture the holistic being. We need to move on from diverse forms of provision to best practice, in terms of facilities, providers, leaders, ancillary staff, resources, standardisation and quality control.

The early child care and education programme is designed to provide for children from birth to six years of age. The free preschool year provides for children from three years and two months of age. Perhaps we have a lacuna. The parent is the primary educator of the child, something we should not forget when we are dealing with early years education. We need programmes for parents in order that they can read to and with their children in the very early years, perhaps from the time they are three or six months of age, which is a major benefit.

We must further encourage and develop in-service training in order that leaders and assistants can remain up to date with relevant research and ideas. This should include assisting all staff in an understanding of practical child psychology. If this discipline is so vital for infant education in primary schools, where it receives a special focus, it can be no less vital for the three to six year olds in preschool settings.

Síolta does, admittedly, deal with this somewhat, but we need to be sure all carers and educators understand the theory and how to apply it in practice. I have no doubt that the Minister is proving to be an excellent Minister for Education and Skills and will deal with all of these issues very effectively.

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Senator Jillian van Turnhout: I welcome the Minister to the Seanad. She is particularly welcome as she is dealing with the issue of early years education. I know her personal commitment to and experience of the issue. The steps she made in the early days in terms of examining the early years and setting up the work she will do in this area are welcome. We have had many excellent debates in this House on the importance of the early years and I do not need to rehearse them. My colleagues have articulated the importance of early years education.

I should start with a declaration of interest. I am chair of Early Childhood Ireland, but it is a governance role. In speaking here today, I am not speaking in that role. I chair the board in the organisation in a governance role.

The Minister mentioned inspections and the importance of the inspectors she will appoint, which I welcome. It is an excellent decision. She said the inspectors will complement, not duplicate, the type of inspections carried out by the Child and Family Agency. At the moment early childhood care and education settings are inspected by Pobal and the Child and Family Agency, and will now be inspected by the Department of Education and Skills. I do not see why we need all of these inspections and different types of people doing the inspecting. It represents a mentality we have, namely, a silo effect of government. We need to be much wider and broader.

I would welcome the Department of Education and Skills taking the lead in inspections. Would we accept multiple agencies and public health nurses inspecting the work being done in our primary and secondary schools? How many of us would say that makes sense? It does not make sense in terms of the use of public health nurses or the education and care of our children and young people.

In my experience, the Department of Education and Skills has built up a recognised and approved inspectorate. The Minister receives a lot of criticism, but it is rare that I hear criticism levelled at the inspection system. There is scope for us to examine how we develop an inspection system for early childhood care and education settings that is led by the Department of Education and Skills and not have other Departments involved in the inspection process. The Department of Children and Youth Affairs can play an important part in the delivery and provision of settings, but we have to consider a much more co-ordinated approach. It is something I would urge the Government to reconsider.

I take the Minister at her word when she says this will complement inspections, but the reality is that I meet owners of child care settings who tell me two different inspectors will arrive, coincidentally, on the same day who are looking at slightly different things within their settings. They do not have extra staff to allocate to these inspectors. We need to be careful about what we are trying to achieve with the inspections. Are we really trying to ensure that the quality and standards improve? Are we trying to ensure that Síolta and Aistear are implemented in our child care settings or are we trying to make sure that a sink is in the right place? What are we trying to achieve with the inspections? What is the primary consideration for the inspections? I ask the Minister to go back to her colleagues in government and ask whether we can re-examine this and find a better way.

I am greatly concerned about the investment by Government in child care settings. It is not adequate. We have to consider how we will increase it. Everybody agrees on the importance of the period from birth to six years of age, but early child care settings are only open for 39 weeks of the year. I would like to see the number of weeks provided for children in early child

care and education settings greatly extended. I would like to ensure that the staff are qualified. We will hear more in February about those who are on low and minimum wages, part-time contracts and go on the dole for the summer. One does not get paid for any non-access hours or child-free time. Teachers will get non-contact time, but those working in early child care settings do not, yet we are asking them to drive for quality while paying them the minimum wage or lower.

We have to examine how we can raise the quality bar and encourage teachers in early child care settings to get further education to be able to deliver the type of services we want to have. It is important that we build this up.

The other area of concern is children with special needs. This is not within the scope of the Minister's Department, but the current system does not allow flexibility for children with special needs. Everybody agrees that we should extend the amount of time special needs children receive and that they would at least get a second year, as all children should get. The Department said it will have flexibility in regard to such children, but the ratios operate at a local level. A parent might know that a child with special needs can attend two or three days in a week. Nobody knows on a Monday the two or three days that will be used; therefore, the setting has to provide the necessary staff. The State will only pay the service for the days the child attends. It does not compute.

We have to re-examine this issue because we need to ensure such children are in the system. We know early identification of special needs issues can often equip children to develop their full potential and be much more able to deal with and be part of life. We need to determine how to provide a facility whereby children with special needs and parents can feel they do not have to say they are fully in or out of the special needs early education system. There is an issue in that the State is engaged in providing the free preschool year. I have had major debates on the issue of rates in this House, which the State sets in every county. I acknowledge that this does not come within the scope of the Minister's Department, but it is a cost for child care facilities. In different services in different areas of the country, charges, be they rates, water charges or other charges, differ by area, yet the State decides how much a child care facility gets paid per child, the space required per child and the number of early years educators per child. It sets all these parameters and specifies that child care facilities cannot charge parents anything extra, which I support and with which I am in agreement. Different child care facilities, depending on where they are based in the country, are viable or not viable because of external costs such as rates or other charges related to the premises. This is an issue in that the State cannot say it is responsible for all these pieces, but it is responsible for the setting of rates. It is an area we need we need to revisit and in respect of which we need to look forward.

We need to ensure we treat all children equally, which is why I am a big supporter of the free preschool year. I would like it to be extended and the State to invest more in services. As I said when we debated the Social Welfare and Pensions (No. 2) Bill, at the start of the recession we were lectured - I use that word wisely - to the effect that it was not about cash transfers and that the way we could improve outcomes for children was by investing directly in the services and in the infrastructure to support such better outcomes. I hope, as we see an upturn in the economy, that those words will be acted on and that we will start investing in children's health care and education and not go back to a system of cash transfers, which we know do not necessarily deliver better outcomes for children. I would encourage the Minister to say that we need a co-ordinated approach and a single system of inspection in order that it is clear both to parents and to those running child care facilities that our intention is to improve outcomes for children.

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I encourage the Minister in what she is trying to do and I welcome this debate.

Senator Mary Moran: I welcome the Minister, Deputy Jan O'Sullivan, to debate how we can improve the quality of early years education, which is a key priority and of great importance to her. She has clearly and publicly outlined areas of particular focus in her portfolio, including increasing investment and making early years education a priority in our education system. I welcome her statement that work has already begun to improve the early years sector, including the introduction of preschool inspectors. I agree with Senator Jillianvan Turnhout that perhaps it is something the Minister could examine again with a view to leading. There is the saying that too many cooks spoil the broth and the Minister has said one will complement the other, but perhaps we could have a leader in order that people are clear on what exactly is required in the inspection.

I welcome the introduction of Better Start, the new national early years quality support service, the announcement of the first major review of education and training programmes that lead to qualifications in early years care and education, and the creation of the advisory group on early years education, with a range of stakeholders represented. Budget 2015 represented a further investment in education and the early years, with an increase in current spending of €60 million, which sounds amazing but is a drop in the ocean in terms of what we can do to help improve services in education for young people. While we will have 1,700 new teachers and special needs assistants to meet the growing number of children in the schools nationwide, the early years service is an area we need to separate and in respect of which we need to consider providing specific additional funding. The announcement of the allocation of €600,000 to immediately recruit a new team of early childhood education inspectors is welcome, as it will promote and enhance good educational practice. I agree with Senator Jillian van Turnhout that there must be education-focused inspections on early childhood education facilities participating in the free preschool year programme. I hope that is the case and that clear guidelines will be in place to complement Tusla, as the Minister said. That is something we should closely monitor.

I, too, am completely supportive of the continuation of the free preschool year, from which 68,000 children benefit each year, but we can go further. I am a strong supporter of a second free preschool year. We spoke about children with disabilities. That is a huge issue and one I deal with on a weekly basis. People who have children with special needs would have half the free preschool year one year and the other half the next year, but they do not know how the child is behaving from one week to the other. There must be more flexibility, and children with special needs should definitely have an entitlement to a second free preschool year.

When we talk about very young children in that preschool year - I can only speak for my own county - I know that the early intervention services and the disability services can be very good. We cannot forget that and put it under an umbrella service. I have found in my area that while disability services for children under the age of four can be very slow to get started, they are very supportive in ensuring a special needs assistant is with the child to give it every advantage. Regardless of whether that works throughout the country, it is something we must focus on to ensure children with special needs get not only equal treatment but the extra support they need.

With regard to the qualifications for early child care professionals, the annual survey conducted by Pobal looking at the early years sector found a very wide range of qualifications. I welcome that from September this year it will become a requirement that everyone working in

early years education and directly with children will be required to have a level 5 award on the National Framework of Qualifications.

Excellent work is being funded and carried out at a local level. In my county in November 2013, €1.5 million in funding was announced for the Louth Genesis Programme by the Department of Children and Youth Affairs for an area-based childhood programme. I congratulate and commend everyone involved in the Genesis Programme, as they recently completed all stages, and the Louth Leader Partnership signed the area-based childhood programme contract in November, with the programme officially commencing on 1 December last. The school programme was developed by a working group of primary school principals, parents, HSE representatives and community leaders to support local children and their families. The programme has more than 60 consortium members and will deliver the Incredible Years programme to disadvantaged areas in Louth, both in Dundalk and in Drogheda. As with many areas and issues, early intervention is key. The recognised target group for this programme is zero to six years of age and the group proposes to invest in evidence-informed interventions to improve the long-term outcomes for children and families living in areas of disadvantage. Having visited the schools involved and seen the work done by the individual teachers, principals and other members involved, the work is phenomenal and I have no doubt this programme will ensure many hundreds of children, with the support of their families, will stay in education. That is the key to any success in any education programme.

The Incredible Years programmes aim to promote and enhance children's cognitive, social and emotional well-being at this very early stage of life. The project has only just officially begun, but many years of work and dedication have ensured that this important programme will hit the ground running and provide an effective and necessary service for many children and families in Dundalk and Drogheda. I congratulate and commend all involved on their hard work and dedication in ensuring that this programme will reach the local children. I have no doubt of the positive effects it will have, not only for the children of Louth but for their families.

I recognise and appreciate that there is still additional work to be done to address issues and improve the quality of the early years sector. Affordability remains a major issue for many parents. When it comes to children's education and well-being, many parents, educators and politicians would agree that we can never invest enough attention, funding and resources to improve the educational, social and emotional outcomes for our children at any age. This area needs to remain a focus for the Department of Education and Skills and the Department of Children and Youth Affairs. An investment in early years education is an investment in the future. The Minister is committed to improving the quality of early years education and I am committed to working with her in that respect.

Let me mention the school completion programme. I have met representatives of schools and many teachers involved in the programme. I acknowledge this is moving on, but I would really appreciate the Minister's comments today on the current position on funding. Schools should know what exactly they can do and the current position on the programme. I met a group in recent months and am meeting it again this week. I have seen at first hand the absolutely brilliant work done in my area. The programme in the area has kept hundreds of students in school. The service is vital and it is vital that it be retained and adequately funded.

Senator Feargal Quinn: The Minister is very welcome. I am delighted to see her here again. She attends regularly. I am reminded of when she was a Member here. Her interest in this topic was evident then.

I wondered what I would speak about today. I have five children and 16 grandchildren and, therefore, have some experience from that point of view. My other experience is that, in my business approximately 40 years ago, we established playhouses in each of our supermarkets. We established a condition at that very early stage that the playhouses, which were for children up to seven and eight years of age, would never be just for entertainment; we were trying to develop the children. It worked very well over the years, to the extent that parents shopped with us not only because we looked after their children, but also because we developed them. We learned later from schoolteachers that they could identify the children who had been used to the playhouses from the age of two or three. Therefore, very early development is an important aspect.

When I was chairman of the committee on the applied leaving certificate, we learned that youngsters of 16 and 17 years only suddenly blossomed when doing the applied leaving certificate examinations because, from a very early age, at four, five, six or seven years, they had been at the back of the class because they were not academically minded. Since they were at the back of the class, they were ignored to a large extent. It seems their abilities and talents were not developed until a much later stage. It is a real reminder that the onus is on us as a nation to ensure we educate children at a much earlier age. That is why I welcome the debate today. We need to do much more in this area. In this regard, one should note that many states in the United States now believe investments in early learning programmes deliver better dividends than similar investments in university education. I was surprised by that, but it is never mentioned. Although we talk about lifelong learning, could a strong signal be made to reflect the importance of this point? Could we count school years from birth rather than from the start of primary school to underline the importance of the preschool years in child development? It has been argued that this would encourage school readiness among parents and children. We must make it clear that the educational cycle does not begin at primary school but at birth. This would be a very interesting idea to consider, and I am interested in hearing the Minister's view on it.

My second point is very obvious, but perhaps it is too readily ignored. Could a national campaign be launched to educate people in the basic principles of parenting in terms of our early years strategy? We teach skills such as driving but, although the skill of parenting is so important, we ignore it. Why? A programme could be along the lines of a public health campaign that would explain to parents the importance of the first three years of a child's life in setting up emotional and even academic foundations. Many still do not fully understand or accord enough weight to the fact that the child's experience in the family has a massive impact on his educational achievements. Do parents know how to respond to a baby's cues? Do they know how they should talk to the baby frequently? Do they know certain gestures have an effect on the mind of a child? I am not sure they do. I would be interested in hearing the Minister's views on this because it refers to a basic part of a child's development. There is a lot of potential in this area.

On preschool years, according to a major study every euro invested in preschool years for at-risk children reaps between €8 and €9 in return. Early years comprise such a crucial time, especially for children from disadvantaged backgrounds. Research published in the journal *Child Development* has shown that young children do better in socially mixed settings. For instance, when children with weak language skills are in preschool settings alongside children with stronger language skills, their language skills develop faster than those of children in settings where all the children have relatively weak language skills. We could do more to encourage the mixing of children from different backgrounds at preschool level.

Many parents may not be sending their children to preschool as they may be unemployed and cannot afford it, even though preschool years are crucial for children. How do we nudge parents to make their children attend? In Norway, where the majority of preschools are privately run, there are public subsidies and national regulations that set maximum fees. In 2011, the maximum fee charged to parents was €310 per month, or €70 per week. We need some more movement in this area. I would love to believe we could do something. Given that child care is so expensive in Ireland, could the State invest more in kindergartens?

Are preschool teachers' qualifications strict enough, given the importance of early years education? Should we be improving the quality of preschool teachers? I would be interested in hearing whether the Government has any plans in this area.

With regard to learning how to learn, we must teach children how to learn. This may seem obvious but the ability does not come naturally. Many countries, including Finland, have set courses in learning how to learn. Student behaviour has changed radically over the past decade.

EUROSTAT recently reported that Ireland had the lowest level of foreign language tuition in Europe and that the study of at least one foreign language at primary school level had become compulsory in every European country except Ireland. We have an unusual set of circumstances in that we speak English as a first language in most cases and, therefore, do not get around to learning other languages. I sent my three boys and two girls to school in France for the short summer term at the age of 13 years. It is a little dangerous because the two girls fell in love with Frenchmen at the age of 13 years and are now married to Frenchmen. We have a number of French grandchildren. It is great to be fortunate enough to be able to learn a language. We should do whatever we can in this regard.

I have called before for the use of the Michel Thomas method. In French, one does not pronounce the "s" in Thomas. The method is amazing and has led to proven results. Students do not have to learn grammar and are excited to learn according to the method. As when we went to the Gaeltacht, we did not learn grammar but how to speak. We chatted and it was just a joy to do that. *The Guardian* recently described Michel Thomas's teaching of French in a school.

He astounded staff at a school in north London by teaching a group of teenagers deemed incapable of learning languages. In one week, they learned the amount of French it normally takes five years to acquire.

There is a danger of becoming stuck with rote learning and stodgy grammar.

My other point is on teaching entrepreneurship, even at a very early age. On Friday morning, I will be speaking about entrepreneurship to students in fifth class in a school where I live. It seems some schools are doing this very well. It should not only be in secondary school.

People forget that disadvantage and mental development are linked with food and nutrition. It is a crucial part of early development.

On improving the quality of early years education, it should be mandatory for schools to give swimming lessons and the Government to fund them. It is ridiculous that, as an island nation, so many people are unable to swim or have difficulty in doing so. It is interesting that other European countries have made swimming lessons compulsory at a very early age.

The amount of effort they put in to teaching children how to swim at an early age shows it

is worthy of inclusion in their education.

The Minister is very welcome. I am delighted to have this debate and I hope she will find it useful in making decisions.

Senator Cáit Keane: I welcome the Minister for what I would call one of the most important debates. Prevention and early intervention for children and education is most important, as is the provision of services in this area. We all know - the Minister better than most, as a former Montessori teacher - about the absorbent mind of the child. I was there myself. I used to go around Ireland at one stage inspecting, before inspectors were prominent or even regulated in Montessori schools.

I know practitioners and organisations out there are working and doing their level best to support positive outcomes for children, families and communities through programmes, now that some of them are serviced and provided for through the funding system. Before that, indeed, I want to pay tribute to the many preschool educators and providers that did it before it was even on the agenda of the Department of Children and Youth Affairs, the Department of Education and Skills, the Department of Health, or anybody else.

The establishment of the Child and Family Agency in January 2014 represents the most comprehensive reform ever on child protection, early intervention and family support services in Ireland, and we cannot speak of one without the other. Family support is most important in providing education from womb to tomb, from birth to age 24 - that is the age covered by the Brighter Futures programme. Brighter Futures recognises that our increasing child and youth population is a significant resource for our country, and further recognises that ensuring the best possible outcomes for this group is therefore an important element, not only for the child and family but for our economic planning also. I know the Minister recognises that, but not everybody in every Department recognises the importance of investing in early childhood care. The Growing Up in Ireland study conducted by the ESRI and Trinity College Dublin for the national framework illustrates that very well. Parents are the primary educators under our Constitution. We know that reports on parenting provide details on what investment has done to support parents and parenting programmes. We have some supported parenting programmes, as the Minister knows, in the family support service and in the Department of Health, but we need an awful lot more targeted and universal parenting programmes to support parents, because family circumstances and family needs are different. Tailored approaches are needed for children of different ages, depending on developmental stages and different types of intelligence, of which there are many, as we know.

We have learned lessons from the past and some very difficult lessons, particularly with regard to preschool. We saw this on the “Prime Time” programmes recently, but the legacy and failings of the past are now promoting a culture of cross-governmental approach to improving outcomes for children. This has been a priority of the Government and I know the impetus the Minister is giving to it with her training. I welcome her arrival in the Department of Education and Skills. The delivery of support to families is important, and between the Departments of Education and Skills and Health, this issue could fall through the hoops. There are the early start centres and as I know somebody mentioned all of the different ones, I will not go through them. The Department of Children and Youth Affairs administers two support schemes to encourage more vulnerable families to make use of the early childhood care and education programmes and different subvention programmes.

On the issue of continuous professional development, CPD, and training for preschool teachers, I welcome the introduction of a requirement from September 2015 that all those dealing with preschool children must have a qualification of at least FETAC Level 5. That is down to the Minister for Children and Youth Affairs. Is preschool not formal education? There should be continuing training and development in a formal way for preschool staff as well as for teachers. They are all teachers in preschool. The setting is informal, but the actual delivery of the outcome is formal and it is recognised with Level 5 training. I ask the Minister for details about CPD in this area. That has to be looked at when preschool is taken into consideration.

I welcome, in the Minister's Department, the introduction of focused inspections for high-quality education provision in early childhood education settings, particularly for the preschool year. We also have the preschool inspectorate under the Child Care Act 1991 to ensure the safety and welfare of preschool children; therefore, we have, as one of the other Senators said, both types. How many inspectors do we need? We need inspectors for care, education, the whole lot - we need it all and it has to be done. A new implementation structure is required - I know that there was a group set up in the Department last year and I am waiting for a report on that to bring it all together - with joined-up thinking on care, education and early intervention.

I want to say a word about the availability of resources. I ask the Minister to provide a report on a pay scale for teachers in preschool. We cannot leave it to everybody's imagination to introduce pay scales. We have to pay people if we want good outcomes. If we invest in preschool, we will get a better return than we would on any stock market - that is definite - but we cannot have good child care and early intervention without appropriately qualified and remunerated staff. Somebody else mentioned the percentage of GDP that we are spending on preschool education. The Minister should have a look at it - we are third from the bottom in Europe.

I have not got time to go into the area of special needs, but somebody mentioned it. We must not forget this, as it needs special attention. The after-school programme is also important. I could discuss it for longer, as it is important. The Minister has the right mind.

Senator Katherine Zappone: This is an extremely important debate. We need the Minister's leadership. We need significantly more ambitious change in this sector therefore, it is really great to have the time to discuss this and to hear the Minister's plans and the things she has already put in place. As the Minister knows, when early-years education is of high quality it benefits children from all socioeconomic classes and also benefits society and the economy as a whole. Research shows that it leads to better educational outcomes and a more skilled workforce. It reduces poverty and can even lower crime rates, but only if the quality is high. Low-quality services can be unsafe for children.

We know the quality of early-years education here in Ireland is mixed. It can be unacceptably low, as was shown in the 2013 "Prime Time" investigation and documentary, "A Breach of Trust". At most child care centres across the country, though, the quality is good or excellent, particularly under what are often very restrictive circumstances. What we need to aim for is a sector which provides excellent quality early-years education at all times for all children.

I have been involved in the sector for almost 30 years, since my partner, Dr. Ann Louise Gilligan, and I founded the Shanty creche in Jobstown in 1986 to provide child care services for women who took part in our education and training programmes up in the mountains. We have since established the Rainbow House educational child care centre, operating in An Cosán, and

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a network of educational child care facilities in the community of Tallaght. We have also led the establishment of a childhood development initiative in west Tallaght and I have co-authored a manual on early-years education and care with the specific intent of raising quality in the delivery of this level of education, particularly through the integration of Siolta and Aistear, in the context of particular approaches to early-years education.

It is evident from my own experience and from listening to educators who work daily with young children that more resources need to be available for the sector. That is what all of us are saying, if we want to improve the quality of our early-years education services. It is not necessarily just a question of resources, but we do need more investment - it is as simple as that - because the resources cannot come from the parents alone, as other Senators have said. Our child care fees are among the highest in the world, despite the variable quality of our early-years services. The high fees exclude many women from returning to the workforce - we have also been saying this for years - and exclude their children from accessing early-years education. It is as unacceptable today as it was in previous years. High costs and parents' lack of resources reflect the lack of public investment by the State in early-years education. Others have referred to our international comparisons. We are not spending enough in terms of percentage of GDP. When our GDP goes up, we should spend more on early years education and care. I am aware the Minister believes that too. Therefore, we are expecting great things from her in terms of increasing investment in early years education. We have some public funding schemes - the preschool year, the community child care subvention and the ETS scheme. They are positive and make the services more affordable for parents but they can only deliver quality if there is sufficient funding for the programmes. All of these schemes fail to provide funding for non-contact time which is to provide for continuing professional development for staff. It is important that they get a fundamental training but also ongoing training. Level 5 is great but it is only level 5 and we are talking about what is in effect the most important time of a child's life. We need support for non-contact time. It is essential if we want to provide quality in early years education. Of course, I want and would welcome a second free preschool year but we need to ensure the quality of the scheme is in place and that the funding includes non-contact hours. Also, there is a huge need for more specialised training among early years educators. Others spoke about special needs, and there have been hugely positive results in many arenas, for example, speech and language training and the childhood development initiative in west Tallaght, as documented, which through early intervention and specialised speech and language training for educators, has significantly improved children's educational outcomes.

We need to listen to the professionals in the field. In regard to early years education and care, we need to invest in universal schemes and training that can deliver quality that is expected to benefit children. I was pleased to hear the Minister mention Early Start. It was terrific at the beginning, it has been improved over the years and the Department continues to support it.

The investment that we all talking about will not jeopardise the economic recovery. We cannot argue that we can only do it when we can afford it. In fact, it helps create that economic recovery by enabling women to return to work. It is really turning on its head the most popular argument that we will invest if we get the money, but we need the money to invest to increase productivity and prosperity. Enabling women to return to work, will raise the standard of living for many families and contribute positively to the economy. I have spent many years making economic arguments, as has the Minister, for the investment in early years education and care. I hope she will continue to advocate and convince her colleagues of this.

Senator Kathryn Reilly: I welcome the Minister. Many of my comments will echo some

of those made already. The importance of early years education to the overall education system cannot be overstated. However, more could be done when it comes to supporting the area that will provide children with the building blocks for their education, essentially for the rest of their lives. My party has recently expressed concern at findings in OECD reports comparing vision of early childhood education in Ireland with other countries. An estimated 63,000 children aged three to six years participated in the free preschool year introduced in 2010. The estimated cost of the scheme is around €166 million. A 2005 National Economic and Social Forum study estimated that on average more than €7 of returns are achieved for every €1 invested in early childhood education. Previous speakers have mentioned that this in itself is an economic return, which is why we need to invest heavily in it from the beginning. Given the gains that can be made, it is alarming that early childhood education accounts for 1.7% of overall education spending, which is more than nine times lower than that of Hungary where the amount spent is approximately 14.1% of education spending. Ireland's is the lowest amount in the surveyed sample. To put that in context, when compared with the second lowest level of relative expenditure by the United Kingdom, it allocated more than three times as much of its education budget to early childhood.

Clearly, what is needed is an increased commitment to early years education. To begin with, we would like the Early Start preschool project extended to all schools in disadvantaged areas with the maximum child-adult ratio of 12:1. Ideally, we would like to see introduced a universal preschool session of, perhaps, 3.5 hours per day, five days per week, for children aged three to five years. More than €320 million has been taken out of early childhood care and education in recent years, and in many services practitioners' hours are being cut. They are forced to maintain quality through voluntary hours. The Minister for Children and Youth Affairs should consult those in the sector to gain a more comprehensive understanding of the resource level and policy development required to ensure quality for children and families.

There is a clear need to increase the qualification standards of child care staff further. While the introduction of the minimum FETAC level 5 qualification standard in September is a welcome development, I do not think it will help achieve the European target of a 60% graduate-led workforce by 2020. An emphasis needs to be placed on supporting the large number of practitioners already holding a level 6 qualification with routes to level 7 and level 8 programmes. Courses are not available in many areas of the country and where they are available, they can be seen to be prohibitively expensive. A more robust, consistent and regular inspection system should be developed. The inspectorate has been increased through the employment of additional public health nurses. The proposed model means, however, that inspectors will be lucky to complete two inspections per week. At this rate, the inspectors will not be able to cover the services in a reasonable timeframe. Inspection reports are being published online. While this is a good thing, inspectors are spending so much time getting reports ready for publication that they are not carrying out enough inspections. The need for more inspectors could be addressed in part by employing additional early years professionals as well as public health nurses to carry out inspections. The inspections are part of supporting quality delivery and, as such, are welcome by providers once they are conducted by professionals who are qualified and have experience in early years care and education.

Those are my main comments. I do not wish to labour the issue and repeat comments already made. I thank the Minister for coming.

Senator Mary M. White: I congratulate the Minister on the delivery of her brief in education and, please God, it will all work out for the best. In addressing the issue of economic and

equality goals and early childhood care and education, I believe and all the evidence shows that the benefits of early childhood care and education accrue disproportionately to those children who are economically disadvantaged. As such, the goals of equality and economic development coincide in this policy field of early childhood care. Education disadvantage can be discussed in terms of the accumulation of well established warning signs. UNICEF presents the following individual at-risk markers: a home in which children or families experience poverty, unemployment, low parental education, substance abuse, mental illness or cultural and language problems.

From my experience, in my 24/7 engagement with Lir Chocolates, the same applies to a young person who has been unemployed for a long time and gets a job. If a young person struggling to do a job comes from a family where they are the third generation that did not have a job, and if there are any of those issues, such as substance abuse, mental illness or cultural and language problems, it is very difficult for that person to engage and have the emotional stability to be able to do a job for the day. It is the same issue if there is disadvantage at home. They cannot hold on to a job. I have seen it myself. A father of a young man whom we took on from the long-term unemployment list told me that he was going to Mass every morning to pray that his son would be able to do the job every day. Another young person who had brilliant potential was going home at night to parents who were drunk. I approached the then Minister for Enterprise, Trade and Development, former Deputy Mary Harney, to ask if she could establish a mentoring service for young persons going home to such a setting. Generally, parents encourage their children to develop a work ethic. However, some young people who are trying to hold on to a job need a mentor to compensate for the lack of emotional stability at home. I asked the then Minister to establish a mentoring system for them, but she did not engage with the idea. I had a formal meeting with her, but, to be honest, I did not get anywhere. There are many young people with similar problems.

In 2005 I compiled the first report entitled, *A New Approach to Child Care Policy*, and compiled the second in 2006. I gave marks and credits on the issues that had been followed up. Fianna Fáil introduced the first free child care services. I put pressure on the then Taoiseach, former Deputy Bertie Ahern, who responded positively and said it had to be done. The momentum generated by a by-election in County Meath where parents were seeking child care facilities, coupled with the pressure I was putting on the party, helped to achieve early childhood care services.

A large body of research in the social sciences, psychology and neuroscience shows that skill begets skill and learning begets learning. All of us who are privileged to be here know this. There is strong evidence that once a child falls behind, he or she is likely to remain behind. To some extent, the basis for future learning and social and emotional development is set before a child starts at school. Thus the foundations of policy lie in the realisation that learning abilities are formed during the early years of childhood. As a former school principal - an *príomh mhúinteoir* - Senator Jim D'Arcy knows only too well how learning begets learning. As an educationist, Senator Sean D. Barrett knows that the more one learns, the more one wants to learn. When children do not have a good start in life, early intervention is essential, as generally schools are ill equipped to remedy a bad start. Studies of the relative return on skills investment in early life show that such investment yields the highest return from age nought to six years and climbs exponentially thereafter. The return is especially high for underprivileged children. The OECD argues that early investment is vital. Such investment needs to be made in the exploratory years of early childhood relative to the Facebook years of later childhood. Spending

in the early years can be more effective than expenditure on adults. An analysis undertaken for the European Commission showed considerable evidence that education and training policies targeting low-skilled adults had often been ineffective. Meanwhile, the little European evidence that is available shows that early investment has important and long-lasting effects for children.

Senator James Heffernan: I welcome the Minister, Deputy Jan O’Sullivan. It is good to have another Limerick person here for a change. I do not feel as alone any more. I wish her continued success in her big portfolio. She will continue the work undertaken by her predecessor, Deputy Ruairí Quinn, who was a very fine Minister for Education and Skills.

Senator Jim D’Arcy said he used to have about six minutes in an infants class before pulling his hair out. I spent two years in an infants class - courtesy of someone who must have been a very forward thinking Fianna Fáil-influenced principal - before coming to the Seanad. I found it far easier to deal with 27 infants than with some people here.

Early childhood education is hugely important, although it has not received the attention it needs and deserves. I commend the Minister for the work she is putting into it, especially as she comes from a Montessori background and knows what she is talking about. She also knows the dividends that can be gained if it is done properly, which is the crux of the matter.

Teachers should be coached to ensure that in the early education age group every lesson is engaging, interesting and fun. Children learn so much more when they are engaged with a subject. I had difficulties when I was working in the sector. I found that the curriculum was inadequate, especially the way in which we could fall into a lazy way of doing things such as having children colour in a page of a book at a certain time each day. It is not the way education subjects should be taught, especially in the early years. Perhaps it might come back to the issue of teacher training. I undertook my training in the United Kingdom where specific courses were provided for persons who would become specialists in early school education. For example, such teachers’ graduate degrees could be specific to early education between the ages of three and seven years. They worked in a special environment and could be involved in specialised teaching.

I remember being involved in a classroom inspection and wondered about some of the feedback I had been given. I am glad that the Minister intends to recruit dedicated early years education inspectors. It is a welcome move that needs to be made. When I taught, I had to fill in a *cuntas míosúil* at the end of each month on the work that had been done. However, much of it could not be written down because the evidence of learning could not be shown. For example, if I found a spider in the classroom, we would have been able to do so many things; we could have had an art lesson, an Irish lesson or a PE lesson based on it. The children would have been so engaged with it and one could have seen the results. Many teachers cannot use such holistic or organic teaching methods because they feel restricted by the curriculum. I am glad, therefore, that the Minister has decided to put together the early years education advisory group, which is a great initiative. My only recommendation is that instead of reporting to her twice a year, it should report more regularly and its reports should be made public in order that people would know exactly what was being done.

Previous speakers referred to the Scandinavian teaching model. I spent time in Finland where I was exposed to state-aided early education methods, including kindergarten teaching methods. It is probably the best practice we have seen in Europe and it is certainly one to which

we should aspire.

I know the former Minister, Deputy Ruairí Quinn, was almost pilloried at an INTO conference when he referred to the profession as being largely female-dominated. It is a fact that it is female-dominated but are any steps being taken by the Department to encourage more males into primary school education? This is important, given that today's families are different from the traditional family model of the past and influences at a young age are very important for shaping a person. I remember my junior infants teacher putting tape across my lips to keep me from talking. That did not work very well but it is a clear memory. My favourite teacher taught senior infants, so I know teachers have a major influence on children at that age.

I remember dealing with three children with special needs in an infants class and it was difficult enough. Perhaps special needs assistants could follow the children to which they are allocated. It is a common practice in schools that a special needs assistant would become more of a teaching assistant. I know there are teaching assistants in the United Kingdom, but a special needs assistant should always follow the special needs child. If there are three children with special needs, there should be three special needs assistants for the class. They should not be divvied up among other classes, which is a commonplace practice.

I do not know if there can be collaboration between the Department of Social Protection and the Department of Education and Skills, but there is now an onus on teachers to report issues related to the domiciliary care allowance, specifically relating to a child's progress. Teachers are not medical professionals and it is unfair to put an onus like this on a teacher where sometimes they are forced to say X, Y or Z about a child for a parent to qualify for the domiciliary care allowance. It is a bit much to ask of a teacher and it can be difficult. People in education would know parents and families very well; therefore, this can be an added pressure that teachers can do without. Perhaps the Minister might look at that issue.

Senator Sean D. Barrett: I welcome the Minister. What we are doing is most important. The research indicates that these are really important years in a student's life. Professor James Heckman won the Nobel prize for his work in this area. I wish the Minister good luck and more power to her in addressing this issue. This could be the era of people's lives in which they will learn fastest and do the most valuable work. Perhaps we should go right to the very other end of this spectrum and reduce post-doctoral places as there might be a bigger return if Professor Heckman is correct.

Given the difficulties we face, as we are still borrowing €8 billion every year - we have all come here in the past three or four years to try to do something about this and I hope signs are getting better - there were reforms in the McCarthy report which would free up some of the funds required for today's purpose. There is more than incrementalism involved. When we start a new programme, we should consider all the others and see if there are any returns or programmes which have outlived usefulness. There were some suggestions from an *bord snip nua*, such as 36 management allowances which cost €236 million per year and which seemed to grow out of a period of social partnership when, to try to conceal the overall rate of pay increase, people were given allowances. A massive number of allowances are paid and these are covered in the McCarthy report.

The growth in the number of special needs assistants is particularly relevant. The McCarthy reports points out that between 2005 and 2009, the numbers grew from 6,000 to 10,500. Was that properly analysed? He thinks not and that there is a surplus of approximately 2,000 as-

sistants. Did we analyse the opportunity cost of that compared with what we are discussing? As there is not much difference in the ages of some of the children, would they be better served by the programme we are discussing or within the formal school system? It was a vast growth in numbers and I was certainly surprised to see there were 10,500 special needs assistants. It seemed to have grown like Topsy. There was also €300 million for substitution, etc.

How do teachers relate to these children and this vital area which we are discussing? I have to say I think it is badly. We had debates about where teacher training should take place - it was largely between institutions - with very little emphasis on children, certainly on small children. I overheard some comment to the effect: "who wants teacher training anyway", and that we can do something much more prestigious in - insert the name of the university concerned. This is the most important area. I have felt for a long time that maths teachers should be trained in mathematics departments with everybody else and not siphoned off into lower grades of courses. This is the most important task they will face and it is much more important that we do that than training people to become bankers or stockbrokers subsequently and proceed to do serious damage to the country. This is important but I do not see the university heads addressing it. Many of the people in the departments I mentioned were not very interested in the importance of Heckman's work. Maths departments should have a cohort of people doing this work, because that is where we will get our next generation of geniuses in that kind of subject.

I know the next matter is close to the Minister's heart. We have been too financially based in our approach to language departments. We have reduced or shut down more language departments in Irish universities in recent years and put them under serious pressure. That is important because the research material provided to us indicates that children at a young age learn languages really well and quickly. Is Ireland just to speak English, our own language, and no other world language? I know and the Minister will know from her time with us that people in language departments feel under increasing pressure because such departments do not cause economic growth and are, therefore, a peripheral concern. They cost rather little to run, however, and make a significant contribution to the attractiveness of the country.

We cannot just find the money to do this. With the best will in the world, the Minister for Finance, Deputy Michael Noonan, does not have it; therefore, all budgets within education should be assessed, as Mr. McCarthy did in 2009, and we must see if this matter under discussion is a stronger and greater priority. I believe it is and that it is well worth the investment. I ask students who their best teacher was or who the teacher was they remember most, and it is usually somebody from preschool or primary school. Inspiring teachers seem to be encountered mostly when children are young, and that inspires people to carry on with their careers.

Within education, while I mentioned the allowances, we must emphasise the classroom. That is where the important work is done. I know people want posts of responsibility, fancy titles and so on. It is said that every day a Kerry person spends away from Kerry is wasted, but every day and hour a teacher spends away from the classroom is really a waste. We have made the process too bureaucratic recently. Let us go back to the basic relationship between the teacher and student. The classroom is probably one of the most rewarding places where that relationship will manifest itself. I wish the Minister good luck in her efforts and she knows she has support from these benches.

Minister for Education and Skills (Deputy Jan O'Sullivan): I thank all of the Senators who contributed to the debate. There was cross-party and Independent support on the vital importance of the early years in any child's life and on what I am trying to do as Minister for

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Education and Skills. I deliberately highlighted this area because it is crucial. I am delighted to see that there is so much understanding, experience and support in this House. In having had this debate today, it strengthens my hand, for which I thank Senators.

I need not repeat what has been said on the research showing that what one invests in early years is returned manyfold at a later stage. I will not repeat any of the points made, but thank Senators for making them. Perhaps I will clarify a few of the areas that were highlighted by Senators, where issues were raised to which I might respond.

Quality, in terms of the educational quality of the early years, is my area of responsibility, which is why I am establishing the review of qualifications. I note Senators Feargal Quinn, Sean D. Barrett and others have raised that issue around qualifications. We are reviewing all of the qualifications, including higher education and further education, to ensure that there is quality across the board and there are quality trained staff working in the sector. That is also why we have the inspectorate. Senator Jillian van Turnhout and others raised the issue of the number and different kinds of inspections. We want to co-ordinate the inspections. In fact, recently I attended a conference where I took part in a question and answer session where there were staff from the two Departments answering persons working in the sector on the different inspectorates. We want to ensure we co-ordinate the inspections and do not place too much of a burden on the sector. I stress that the purpose of the education inspectorate is centred on support where help is needed rather than on judgment, closing anybody down or anything like it.

Primarily, the two Departments, although the Department of Health is also involved, particularly for young people with disabilities, are working together. In answer to Senator Averil Power's question on the early years strategy, we expect that will be published in the first half of this year. My Department is feeding into it also. Alongside that, the Minister for Children and Youth Affairs, Deputy James Reilly, has received approval from the Cabinet to set up a cross-departmental group on the cost of child care. As has been repeated across the House, Ireland has not invested in this sector in the way that it should have over the years. The preschool year was a good investment but we need to catch up on other countries. I would certainly be committed to working with Government colleagues to see where we can invest further because investment is important in this area. The Minister, Deputy James Reilly's cross-departmental group will help to both inform the early years strategy and give us solid evidence in terms of where and how we need to invest. With the economy a little better than it has been in recent years, we hope we will be able to proceed along those lines.

Senator Mary Moran, in particular, raised the issue of disability and the early years, working across the early years sector with the primary school sector as well and having supports. The National Council for Special Education conducted a review of the way in which we support children with special needs in schools and made recommendations on changes in how we do so. We want to use the data from the early years, and from the disability services through the HSE, on which there is cross-departmental work being done at present as well, so that we have a better idea of what the needs will be when the children get to schools because one of the criticisms of the current system is that one must get a diagnosis before one gets the supports in schools. We want to get as much information as we can to ensure we can put the supports into schools where they are needed in order that they will be there for the child and there is that continuum between children with special needs in the early years and their support right up through school. I acknowledge that children with special needs, in particular in the early years, need to have their needs addressed. That is one of the areas on which I will ensure the advisory group focuses. I also take the point that we need to ensure that the group reports regularly, but the group

will conduct broader consultation and it will not be only the groups which are represented on the advisory group that will be consulted. They intend to conduct consultation within the sector across a wider area.

I responded to Senator Averil Power on the strategy. I am not sure whether she had come back in at that time.

Senator Averil Power: Have I just missed it?

Deputy Jan O'Sullivan: It will be in the first half of this year. It will be linked to this cross-departmental work on the cost of child care.

Senator Averil Power: Is the Minister's work feeding into the overall strategy?

Deputy Jan O'Sullivan: The Department of Children and Youth Affairs is developing the strategy, but in conjunction with my Department and other Departments.

There is a twin-track economic argument involving, obviously, allowing women to go back to work - a point made by Senator Katherine Zappone - but also in terms of the child's development. If children miss out in the early years - this point was made towards the end of the debate - catching up later becomes difficult and they find it hard to participate later on. It is crucial, both in terms of those young people in their personal development and in terms of how they contribute to society and the economy later.

Senator James Heffernan spoke particularly about the engaged holistic learning from his experience as a teacher. That, I suppose, is the kind of learning we want in the early years. It is based on play and enjoyment, but also on it being a learning environment, and that while the child may not be conscious of it, one provides a quality experience where he or she is learning. We have all of that data to feed into what we are doing.

I have covered some of the specific points raised. I do not know if I have answered anybody's particular questions. In response to Senator Sean D. Barrett on languages which is probably not closely connected to what I am talking about today, I met the future skills needs group last week and one of the areas it stated we need for the economy is more skill in languages. I agree with the Senator that the earlier, the better.

Senator Sean D. Barrett: Hear, hear.

Deputy Jan O'Sullivan: It is interesting that they have identified that as an economic need, not only as something we think would be good.

I thank everybody who contributed. I will feed back what I have heard here into the work of the advisory group and the cross-departmental work. It will be important that we ensure there is co-ordination, that there is no duplication and that we work with the sector because there is an understandable sense of uncertainty in the sector and a feeling that it needs more support. There is still a lot of low-paid work in the sector and we need to recognise that. By valuing it, by setting up what I am doing and by working in a cross-departmental way, and by continuing to have debates such as this which focus on that sector which is so important,-----

Senator Averil Power: Will the Minister respond on Early Start, if she did not do so already?

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Deputy Jan O’Sullivan: Early Start, as the Senator will be aware, is effective but has not been developed over the years since it was set up by the former Minister, Ms Niamh Bhreatnach. It is something that we will incorporate into the work of the advisory group. I suppose the question is that, while there are a lot of different types of provision in the early years, obviously there is a lot of private provision, there is community provision and there is the more formal setting of the school in the Early Start programme - the Early Start programme is valuable and good, particularly for that sector of children who benefit from it in the area of disadvantage - it is something at which the advisory group should look to see how we co-ordinate that experience across a wider sector and ensure we develop what has been, as the Senator stated, a pilot scheme for many years.

Sitting suspended at 4.50 p.m. and resumed at 5 p.m.

Water Services: Motion

Senator Marc MacSharry: I move:

That Seanad Éireann:

noting:

- the roll-out of 530,000 water meters across the country to date with an additional 500,000 meters due to be installed by 2016;

- two thirds of water bills will be for meters which will remain unused until 2019; and

- the overall costs of €540 million borrowed from the National Pension Reserve Fund, NPRF, to finance the implementation of water metering;

further noting:

- the impending charges of €25 million due on the outstanding loan to the NPRF in September 2015 and ongoing repayments on the loan; and

- that water meters will be redundant for the first five years of their 15 year average life span;

condemning:

- the confused series of U-turns on water policy by the Government that will leave water meters unused until 2019 at the earliest;

calls on the Government:

- to clarify impending legislation on water services promised in the legislative programme for the spring-summer session in 2015; and

- to set out its plan and investment details for the renewal of the water meter network from the late 2020s when the current system becomes obsolete.

I welcome the Minister of State, Deputy Paudie Coffey. I am pleased to have the opportunity to raise this issue. There are two reasons for tabling the motion. First, a water services Bill

is listed on the legislative programme. We are very anxious to know what possible U-turn this Bill will hold for us considering the previous ten. Then there are the substantial reports in recent months in terms of the obsolete nature of the water meters in time. As the Minister of State will be aware, my position and that of my party is that we are opposed to water charges. Since we have established this, we have had the ten U-turns and the various forms of adjustments that the previous Minister, the current Minister and the Minister of State have made to the debacle which are our water charges, despite the fact that we have outlined many times in the House that people cannot afford an additional charge at this time and the many arguments put forward by all sides of the House to have the Government cease plans in this regard.

We have spent €540 million on installing meters in the ground which it has been indicated will be obsolete and will cost €60 to bring up to date within a 15-year period. That makes debacles of the past such as electronic voting machines worth €50 million pale into insignificance when one considers this kind of waste. The other amount mentioned was €170 million between the set-up costs and the consultants' fees which were hidden when the former Minister misled the other House when questioned by Deputy Barry Cowen who asked what the cost would be and was told it would be around €10 million. We now know that the cost is €170 million. In total, the expenditure of Government amounts to about €710 million.

The managing director, Mr. Tierney, considers that €2.3 billion is required for investment in the water infrastructure throughout the country in the next six or seven years. If we had used our existing structure, that is, the local authorities throughout the entire country, and employed no extra expensive consultants and no new multinational figurehead company to employ all the people from other sectors who are on pensions and so on and who are coming in to the work for the private sector, 30% of the work would have been delivered already. Given that we would have had €700 million to spend, we would have delivered throughout the country by means of the roll-out of local authority water services plans, as was done in the context of water upgrades in Sligo town, for example, which was done by the local authority during the period. Instead we wasted the €700 million, which has been admitted to by the Government with all the U-turns and with the reports that €540 million has been wasted on meters that will not be fit for purpose within a 15 years and another €60 per meter will be required.

In the meantime we have had other reports by the Environmental Protection Agency which state that of the 856 water treatment plants throughout the country, 530 are in need of upgrade. Instead of doing that through a local authority structure which was working in the context of upgrading infrastructure, albeit at a less than desired pace and number, we have wasted all this money. The question is when we are going to have any of the upgrades that have been slated throughout the country? I can only give examples in County Sligo where we have had the necessary upgrade to the sewage treatment plants in Grange, Tubbercurry and Strandhill. Tubbercurry, which is the second county town, Strandhill, a large urban area of more than 1,400 people, and Rosses Point, with a somewhat smaller population, are all under the authority of Irish Water, the quango that has cost €700 million. They are now going to have no money to invest because we have wasted it all on employing them and putting useless meters in the ground that are not going to be used until 2019, after which time they will have very little lifespan left.

When are these projects, for example those three in Sligo, going to proceed? I know what is going to happen. If I write to the Minister of State or to the Minister, Deputy Alan Kelly, in a couple of weeks, I will get back what we have all been getting for years. It will be like those parrot-like responses from the HSE in the context of health, that "Under the 2004 Health Act" - which was a disgrace - "the CEO of the HSE is now responsible for that issue, so I have

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sent your request to him for consideration.” That is what we will be sent when it comes to the Granges, Tubbercurrys and Strandhills of the whole country. The Minister will be saying, “As the Deputy is aware, under the 2013 Water Services Act, the Minister has no responsibility in this area” any more - because we abdicated that, threw the money away - “so we are going to pass on your request.”

I am not quite sure to whom the request will be passed on because there are now three organisations. We have the board of the overall company and then we have the board of Irish Water and the board of Bord Gáis and everybody else. The Government is going to pass the buck. It is going to do a Pontius Pilate and say, “Send it on to Irish Water and they will let you know.” Irish Water will write back and say:

Sorry, we do not have the money because the Government did not make it. We are paying ourselves big salaries and spent €700 million on consultants and water meters to throw into the ground and we have no money to upgrade.

The people of Tubbercurry, Strandhill and Grange can sing for it because the then Minister, former Deputy Hogan, was in such a rush to get out to Brussels that he did not give it the appropriate thought and consideration. He did not listen to anybody in his own party, in the Dáil or in the Seanad and set up a system that, according to the Minister of State, Deputy Kathleen Lynch, yesterday, left the Labour Party trying to clean up the Fine Gael messes of the past year.

There is collective responsibility. The whole coalition is responsible. There is €700 million down the drain. The poor people of Sligo. I just gave three examples in my county, I am sure we all have three, four, five or six examples in other counties. Places like Roscommon are on boil notices, I saw a programme about it during the week, it is not acceptable. It has been going on for years. I saw a lady in Boyle, County Roscommon, on the news the other evening, or was it “Prime Time”, saying it seems to be going on forever. She cannot brush her teeth or do anything.

No doubt the Minister of State will say this is why we have to charge for water. I put it to him that this is not why we have to charge for water. This is what we have to do because we threw €700 million down the drain. As is so often the case, we did not apply the necessary thought and did not use the infrastructure we had in place. We had to go off, and despite the then Minister, former Deputy Hogan, telling us at the time he was going to spend €10 million on consultants, we had to spend €170 million on the set-up costs for Irish Water to find out how to do things. We did it all back to front and upside down and wasted €700 million or €800 million of the people’s money. What are we going to do about it? By John Tierney’s own admission as managing director of Irish Water, we need to invest €2.3 billion in our network throughout the country and so say all of us. As I said, of the 856 water treatment plants, 530 are below standard. How many of them could have been brought up to standard by the €800 million and by the directors of service, the area engineers and the water services employees in each local authority in the country? Quite a few, I would put to the Minister of State.

I notice that there is a Sinn Féin amendment to our motion which advocates the abolition of Irish Water. During the course of the debate we will consider whether we would support that. This is the Fianna Fáil position. Sinn Féin has changed its position, obviously, but we welcome the fact that it is now in that camp also. Fianna Fáil believes in abolishing this charge at this time. We believe in putting a new delivery model in place which takes advantage of the one that was working, although not in every instance, the one that was working nationally, the template

that we had. We want to use those professionals, those people with the local knowledge, those engineers who knew where the problems were in Waterford, Kilkenny, Cavan, Wexford and all the other counties, and give them additional assistance if they need it. We want to suspend water charges. We are not in a position to afford water charges at this time. They are even not worth paying, considering the EPA warnings, not least in terms of the water treatment plants but also in terms of the amount of lead----

Acting Chairman (Senator Michael Mullins): The Senator has one minute.

Senator Marc MacSharry: What we need is water infrastructure for the 21st century, but instead we threw €800 million of the people's money down the drain in setting up an unnecessary quango. Frankly, whoever is responsible for advocating spending €540 million of the people's money on putting meters in the ground that are going to be obsolete in 15 years, should not be employed by this State. It is a damning indictment of the ineptitude and incompetence of those overseeing Irish Water and the Government and those associated with it should be ashamed.

By next September, a further €25 million bill will accrue to the people in terms of the loan that has to be repaid. At this very late stage, the Government should admit failure, say how much we have gotten this wrong and move to abolish the water charges and the metering programme. It should revert immediately to a new delivery model to take advantage of the local authorities throughout the country. The Government should begin to resource them to do the work they know how to do instead of spending the €800 million we have wasted in the past 12 to 18 months. That money could have paid for 30% of the work that Dr. Tierney has rightly pointed out is needed in terms of investing in infrastructure.

Senator Brian Ó Domhnaill: I second the motion. During his contribution, Senator Marc MacSharry outlined the debacle which has transpired from the fallout of Irish Water. He identified the money which has been spent and effectively wasted, and which will be wasted over the next four years. If the Government were to step back from where it is at the moment with a clean sheet, I do not think it would do what it has done. The establishment of Irish Water was structurally wrong and it was wrong from strategic, economic, fairness, equality and governance points of view. The Minister of State, Deputy Paudie Coffey, could do the State some service today by acknowledging this. Whatever way this is dressed up or justified, the structural manner in which Irish Water was established - on an *ad hoc* basis with various U-turns as are identified in the motion - showed a complete lack of strategic planning by the Government and by the Department of the Environment, Community and Local Government. It is a failed entity and a failed piece of work and it is a bad day in office for the Government which will haunt this country and the generations to come long into the future.

The OECD maintains that if meters are installed, for every 1% increase in price there is a 0.4% saving on water consumption. What the Government has done is an unholy mess. First, it went forward with a plan to install meters, spending €540 million as Senator Marc MacSharry has said. The meters will cost an additional €60 million to upgrade in future years. Then the Government decided it was not going to actually use the meters until at least 2019; what, therefore, is the purpose behind an expenditure of €540 million up-front? This investment plan has 500,000 meters installed with a contract to install an additional 500,000 meters using Siteserv, a company that was awarded the contract by the then Minister, former Deputy Phil Hogan. What is the purpose of that investment? By 2019, taking the 500,000 meters that are currently in the ground, a third of those meters' lifespan will be expended but they will not have served any

purpose. Can the Minister of State outline how that represents value for money to the taxpayer? Who, in his view, is going to pay for it? We know that the National Pensions Reserve Fund is paying for it, but that is borrowed money. Who is paying for it? The Minister is not paying for it, Fine Gael is not paying for it and the Labour Party is not paying for it but they have asked the citizens to pay for it. Bad economic planning and bad strategy by the Government have resulted in the consumer having to pay money just to fund the installation of meters that will not be used until 2019. How does that fulfil criteria for water conservation and water pricing? It does not fulfil either of those basic criteria.

The basic rules of value for money within the public service have been thrown out the window. Value for money is determined by using efficiency, effectiveness and economy of scale in the public sector. It is difficult to examine and measure but in this case value for money was simply thrown out the window. There is no value for money. It is an unholy mess to spend €750 million of taxpayers' money on a quango which will deliver nothing, and on pipes that will rust in the ground until such time as Government policy is changed to allow them to be used. That is not strategic planning or good governance. If a school board of management operated in such a manner the Minister for the Environment, Community and Local Government or the Minister for Education and Skills would step in and take control. Perhaps it is time someone else took control of the mess the Government has created in regards to Irish Water. It is an absolute disgrace that future generations are expected to pay for the mess made by the Department and Minister for the Environment, Community and Local Government.

The expenditure of €2.3 billion identified by Senator Marc MacSharry has not been addressed because no extra money is being expended on infrastructure. In fact, since the Government took office in 2011, over €400 million has been spent on the improvement of water network infrastructure. In 2014, €296 million was expended on infrastructural improvements of the water network. How is that progress? It is not progress.

Serious questions must be answered. I appreciate that changes have been made but they have not gone far enough. Irish Water needs to be disbanded as it is not fit for purpose. The money has been squandered so one must cut one's losses. The project established is an absolute disgrace and fulfils no economic value for money as defined in any textbook that I am aware of.

Senator Cáit Keane: I move amendment No. 2:

To delete all words after 'That Seanad Éireann' and substitute the following:

'supports:

- the establishment of Irish Water as a long-term strategic investment project to deliver the necessary water services infrastructure and quality of services required to meet statutory compliance and demographic needs; and
- the view that metered charging is the fairest form of water charging with benefits in proper management of this vital resource;

notes:

- that the Programme for Government provides for the introduction of a fair funding model to deliver a clean and reliable water supply which will involve the installation of water meters in all households;

welcomes:

- the enactment of the Water Services Act 2014 which provides clarity and certainty and ensures that water charges are affordable for customers;
- the fact that metered usage under the charging regime can lead to a lower charge when compared to the relevant capped charge;
- the fact that the installation of meters is helping to find leaks, thereby improving water conservation;
- the progress with the roll-out of the domestic metering programme being delivered by Irish Water with over 540,000 meters installed to date, supporting some 1,300 jobs;
- the fact that Irish Water maximised the delivery of the domestic metering programme in 2014 which resulted in an increase in meter installations of 35% over and above the end-2014 target of 400,000 indicated to the Commission for Energy Regulation; and
- the indications that progress remains on track for the installation of 1.1 million meters by end 2016.”

I welcome the Minister. Prior to Christmas we had lengthy debates on water; I thought, therefore, that something new and imaginative would come from the Opposition side today, but all I have heard is more of the same. I expected something new, but I did not get it.

Senator Marc MacSharry: A bit like the people after the general election.

Senator Cáit Keane: I did not interrupt the Senator. The Government is continuing with this progressive water programme. It outlines how the Government will ensure, as a priority, that we have safe, clean and adequate water supply that will serve the country’s needs for years to come. It should have been done during the years of the Celtic tiger, but instead people have boil water notices and must buy water.

Uisce Éireann was established to merge 34 local authorities together into one national service provider with the aim of reducing cost, generating economies of scale and increasing efficiency. I acknowledge that we tried to do too much too fast in the beginning. It took the Scottish authorities ten years to do what we did in ten months. That is where a big problem arose but that has now been corrected.

A single utility will yield a saving of €1.1 billion in operating costs in the next seven years. Everything that needs to be done cannot be done in a day. For example, it was originally projected in local authority estimates that the Ringsend treatment plant in Dublin would cost €350 million, but Irish Water has stated, and it has been agreed, that the upgrade will cost €180 million which includes over €70 million for retrofitting. That means Irish Water will save us €170 million on that one upgrade of the Ringsend treatment plant and thus provides value for money. Such a saving should be acknowledged since Irish Water was established.

To ensure there is a customer-centred focus going forward the Government has committed to establishing a public forum on a statutory basis to ensure everybody can make an input on water provision. I ask the Minister to ensure that the measure is worked on straightaway and

that it is established.

The Government could not invest money in the bad situation we found ourselves in and it had to provide €600 million off balance sheet for water.

Senator Marc MacSharry: The Government created a quango that cost €800 million.

Senator Cáit Keane: I have heard lots of people say we should not charge for this and that, but I have not heard one person say how we will provide the €800 million that this country needs to borrow every month for health, education and every other service. In order to keep matters off balance sheet, investment was important. Do we want the troika back? Perhaps Opposition Senators do but we do not.

Senator Brian Ó Domhnaill: It would do a better job of it.

Senator Marc MacSharry: Plus €170 million was spent on consultants.

Senator Cáit Keane: That is one way of inviting them back in.

The original number of meters to be installed was 450,000 but now 552,000 meters have been installed. That means Irish Water has surpassed the projected estimate for meters. Let us remember that installation staff had to work in very difficult circumstances. They were stopped on occasion though not very often. I congratulate Irish Water on installing so many meters. It did not do everything right, but it is getting things right now.

I will now discuss lead in water. Last night I watched a television programme and heard people from Tullamore, Birr and Roscommon complain about lead in water.

Senator Marc MacSharry: Boyle.

Senator Gerard P. Craughwell: Tralee.

Senator Denis Landy: Tullamore.

Senator Cáit Keane: Lead in water was an issue when I was a member of South Dublin County Council. The problem should have been corrected ages ago.

Affordability is the most important issue. The Minister has ensured improvements will be made in every statement he has made. The Government has listened and now the €100 conservation grant will help people to conserve water. There is also a €160 charge which means it will cost just €1.15 per week or €3 for a couple. Charges will be capped at €1.85 per 1,000 litres of water supplied and €3.70 for 1,000 litres of water and wastewater removed.

Senator Gerard P. Craughwell: That will not cover the half of it.

Senator Cáit Keane: There was uncertainty but now people know where they stand. I agree that they should not have been left in an uncertain position but now there is certainty.

As many as 800,000 households, or 60% of the population, have registered with Irish Water and I encourage everybody to register. If one does not register, whether one is a customer of Irish Water, but has a well or septic tank, one will receive €100. Affordability is an issue. With the tax cut announced in the budget it means people will be €236 better off now than they were this time last year.

The next issue I shall discuss is leaks. Meters are good because they detect leaks.

(Interruptions).

Senator Cáit Keane: Irish Water uses meters to ensure it can correct leakage. As much as 49% of water in Ireland goes down the Suwannee and water meters will help to correct the situation. Meters also help people to conserve water.

Senator Marc MacSharry: It will plug the hole at a cost of €540 million.

Senator Cáit Keane: Responsible citizens can undercut the cap because one can save money by looking at one's meter. I encourage people who have meters-----

Senator Gerard P. Craughwell: One cannot save money on a fixed charge.

Senator Cáit Keane: Yes, one can undercut the cap.

As regards the lifespan of meters, it is pie in the sky and I do not know from where the idea came. There is a guarantee given with every bit of software and hardware that is created. The company that supplies the meters will guarantee it if it goes out of action in a certain amount of time.

Senator Marc MacSharry: How many years?

Senator Cáit Keane: There are meters in England that had a 15-year guarantee, but they are 25 to 30 years in existence. Households here do not have to pay the charge. The budget for the maintenance of meters exists or it will do. Every type of meter must be replaced at some stage. That has been budgeted for and it will be done. There will be no charge on the household, but Senator Marc MacSharry loves to stir it.

Senator Marc MacSharry: I am only asking the question.

Senator Cáit Keane: He will not whitewash the people on this issue because when they know their meter will be fixed if it goes out of action, they will say it is good. If one's washing machine goes out of action, one must buy a new one. It is not guaranteed for life.

Senator Marc MacSharry: If one has a washing machine.

Senator Cáit Keane: One will get a new meter if it goes out of action.

Senator Gerard P. Craughwell: Quite apart from the waste of money of installing meters which are not required and will not be required for at least five years, by which time they will probably be obsolete, I dispute the fact they will tell us whether there are leaks. It is a load of rubbish.

I am informed that the people installing these meters are not qualified plumbers. It is a serious issue if we have people working on utilities who are not qualified. I have for the Minister of State's inspection photographs of what is happening during the installation of Irish Water meters. I would like the Minister of State to tell me, because the Department is responsible for the Health and Safety Authority, whether the contractors have carried out risk assessments on all sites on which they are working. Have they prepared and implemented a safety statement, as required by law in all workplaces? Is there effective safety consultation with employees and members of the public with respect to work sites where water meters are being installed? Is

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a safety representative on site, as is required at all sites where work is taking place on water meters? Is a form AF2, which is required under health and safety legislation, at each work site? Is a process in place to warn the public in each work area of the danger associated with scald risks due to water works? Some of us may have experienced having a shower when a washing machine cuts in and suddenly the water goes from lukewarm to scalding. Is a process in place to inform members of the public that it is likely the water will be cut off outside their door and that it may affect a second property on the same site? Are arrangements in place for pedestrian access in all work locations? If the Minister of State looks at the photographs which I will give him before he goes-----

Acting Chairman (Senator Michael Mullins): The Senator cannot display documents in the House.

Senator Gerard P. Craughwell: That is great.

Acting Chairman (Senator Michael Mullins): The Senator can present them to the Minister of State afterwards.

Senator Gerard P. Craughwell: I will present them to him afterwards, because in them we can see that absolutely no provision is made for pedestrian access at these work sites. Front doors of houses are blocked. I have photographs of fences erected across the front door of a house because a water meter is being installed. This is ridiculous.

I have witnessed works taking place in estates throughout the country where no traffic management is in place but large trucks with mixed concrete, sand and various other materials are at the work site. Are all work sites fully compliant with respect to workplace signposting? If the Minister of State drove around the parts of this city where water meters are being installed, he would find the signage is very poor. As it has not been secured, it is available and obvious all of the time. With regard to public access and facilities for disabled people, the photographs I will produce for the Minister of State will show him that ramps installed outside houses for public access are highly unsafe. I am required to have a ramp at my house for one of my relations and I have seen what goes wrong if a ramp is not properly installed and not secured.

My next question may not be for the Department but it will probably finish up there. This country is notorious for liability with regard to public accidents. If somebody is injured, who will pick up the tab for it? I have photographs for the Minister of State of situations where entire footpaths are blocked and there is no access for pedestrians along the road and no provision for access along the roads.

I agree with my colleague, Senator Marc MacSharry, on putting in, at a massive cost to the Exchequer, meters which will not be required for another five years. I appreciate what the Government is trying to do. The Minister of State and I have communicated - I appreciate he is genuine in what he is trying to do - but I am deeply concerned that the work practices engaged in by the cowboy operators - I am afraid that is all I can call them - working on behalf of Irish Water and the State are highly questionable.

Senator Denis Landy: They are fellow trade unionists. That is disgraceful.

Senator Gerard P. Craughwell: I am sorry, but take a look at the photographs. I have sent the Senator the photographs and he has seen them. Coming from his background, Senator Denis Landy is aware of work practices. I am sorry he finds it disgraceful but at the end of the day

the practices do not comply with the Health and Safety Authority's rules. If one cannot comply with the rules, one should tidy up the operation. Somebody somewhere will be liable and I ask the Minister of State to look into it. Where the Health and Safety Authority guidelines are not observed to the letter of the law, all works should be ceased until they are observed.

Senator Denis Landy: I formally second the amendment to the motion.

Acting Chairman (Senator Michael Mullins): It does not need to be seconded.

Senator Denis Landy: I bow to the Acting Chairman's knowledge.

In an interview, Councillor Paschal Fitzmaurice of Fianna Fáil stated he does not have a problem paying a reasonable amount of money for water; that the amount being charged is very fair as it is quite a low amount of money; and that as the money must come from somewhere, the idea some people have that we can have every service and pay for nothing is not reasonable. The councillor is well known to some of my colleagues on the other side of the House. His views are very reasonable, considering that in his area of Roscommon up to 10,000 people were on boil water notices. This is being resolved by the Government and the actions of Irish Water.

The water meters being installed, contrary to what the motion states, are robust and will last for up to 25 years. They will last in excess of meters installed by the gas company or the ESB. More than 500,000 meters have already been installed and much play has been made in the motion about the cost of replacing them after 15 years, which is incorrect, as it will be between 20 and 25 years. The maintenance cost based on the running of the company will be 0.1% of the annual budget. For any utility company, 0.1% is not, as has been stated, an excessive figure or too much. It is a very reasonable figure if one looks at similar utilities in this country and throughout Europe.

The Irish Water legislation which went through the House on 21 December did not address U-turns by the Government, as outlined in the motion, but rather concerns expressed by the public day to day to people such as me, the Minister of State, Deputy Paudie Coffey, who lives quite close to me, and other Oireachtas Members based in urban parts of the country. It set about reducing the costs, which we were told by our Fianna Fáil colleagues would be approximately €700 per household. It also set about dealing with the issue of PPS numbers, and at 4.45 p.m., at a briefing which I noted was not attended by any of our colleagues who tabled the motion, I was informed by Irish Water that by the end of February all the PPS numbers in written format would be destroyed by the regulator. All voice messages received will be dealt with in the subsequent month. The method of payment, which was a major concern for the people, was addressed in the Bill we dealt with before Christmas. A conservation grant is being introduced to assist households to reduce the use of water by installing water butts, etc. I have been informed by Irish Water that more work on this is in the pipeline. Quite clearly the public confusion, stirred up in many cases by the Opposition, has been removed by the Bill we put through the House in December. I have listened to the contributions from the Opposition. I forgave some of them when they spoke on the Bill at 3 a.m. in December, but to be making a similar contribution at 5 p.m. today is a bit hard to swallow.

Senator Diarmuid Wilson: The truth is always the truth no matter what time it is.

Senator Denis Landy: The details of the investment by Irish Water have already been explained *ad nauseam* at this stage. The problems that were outlined were brought to the attention of Irish Water and were dealt with in an open and transparent way by the assets manager of Irish

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Water, Mr. Jerry Grant, on radio this week. Some 120 plants need to be upgraded, including the plant in Roscommon, which I mentioned. Priority will be given to the plants in areas that are on boil water notices and some 20 water supplies must be upgraded. Some €2.3 billion is necessary to build up the network between now and 2021. We currently have 978 sources of water and that number has to be reduced to avail of economies of scale. As of 4.50 p.m. today, more than 1 million people have registered with Irish Water. Clearly that is indicative of the views of the people. People are registering in their thousands on a daily basis. They have got the clarity they needed from the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, and his Minister of State, Deputy Paudie Coffey, in this House during the debate of more than 20 hours. They are satisfied in the main and will register and qualify for grant assistance for conservation. They will pay their bills.

However, a number of issues must be clarified, namely, the relationship between tenants and landlords and I ask the Minister of State to comment on that in his response. The other issue is housing estates that have not been taken in charge by the local authority and effectively remain as private property. Many of these estates are entangled with cowboy developers who have gone to Australia and other places or are in NAMA. We are in a situation where the people living in these housing estates are living in private property. In some cases these householders are fed up to the teeth with the way the estate has been left and they do not want meters installed. This issue must be clarified. With respect, I ask the Minister to address this issue today.

People were frightened by the Fianna Fáil Party's assertion that they would be paying €700 per household in water charges. We have dealt with the issues.

Senator Paschal Mooney: The Government has not dealt with it.

Senator Denis Landy: In the main, as I said, most people are satisfied with the outcome. There always will be people who will complain.

I reject the allegation of cowboy operators. As far as I am concerned, the people doing this work are qualified to do it. If there were issues with health and safety, that is the role of the Health and Safety Authority and these issues should be reported to it and, if needed, investigations should be conducted. Standing up in this Chamber, showing photographs of people and situations is only looking for media attention.

Senator Gerard P. Craughwell: Come on, Senator, spare me.

Senator Mary M. White: I welcome the Minister of State, Deputy Paudie Coffey. The Fianna Fáil Party's position on Irish Water from day 1 has been vindicated. The Government has introduced ten U-turns since charges came into effect on 1 October 2014. The Government is making up water policy as it goes along as shown by the fact that this legislation was removed bizarrely from Deputies' post boxes only two days before this debate due to last minute changes. The expenditure of €540 million on water meters will be wasted for another five years, while another €25 million in further interest payments and maintenance fees on the loan is due by September 2015. This is money down the drain. Meters cost €450 per household. For a family home this means the first three years of charges will be spent on paying off the cost of the meter. For a single adult household, it will take seven years to pay it off. The new regime is cooking the books to meet the EUROSTAT test. Some €60 million of Irish Water spending has now been shifted onto the local government fund, effectively robbing county councils of funding. This is one of the main reasons Irish Water was set up.

The original principles of water conservation put forward in the debate have now been completely abandoned. A flat charge will apply until at least 2019. Irish Water will not invest an extra cent in infrastructure. More than €530 million has been spent on water meters that will only last 15 years and will rust in the ground before costing at least €60 million to be replaced. Almost 500,000 meters have been installed to date with another 500,000 meters contracted to be installed. These water meters will not be used until 2019 at the earliest and judging by the Minister for Finance, Deputy Michael Noonan's, comments possibly later.

Ministers who fell over themselves explaining the need for water conservation investment have now forgotten about these ideas. In a further blow to the already tattered reputation of Irish Water, revelations around the €100 million increase in the estimated cost of water meters raises further questions. The entire set up of Irish Water should be subjected to an examination by the Comptroller and Auditor General. Much of the €172 million start up costs for Irish Water has also been completely misspent with water meter reading and billing apparatus now rendered useless.

At a time of financial hardship with a major housing crisis and creaking water infrastructure, the Government chose to invest more than €500 million on a metering system that will not be used now for at least another five years. This is one of the most scandalous examples of waste of money in the history of the State. Having once emphasised the importance of water metering, the Government is rowing back on the stated goals of its policy in a desperate attempt to keep public anger at bay. The tragedy of the situation is the complete lack of political understanding of managing a project. They showed their lack of experience by having a very short timeline for its delivery. As the former Minister, Deputy Pat Rabbitte, has admitted, the Government responded to EU pressure to deliver the project quickly. It takes time and patience to drill down into the management of the plan to make for its successful delivery.

Fianna Fáil policy is to abolish Irish Water and suspend charges pending a full review of the policy. This latest U-turn underlines the complete mess this Government has made of our most important natural resource. Unlike the economics of Sinn Féin policy or a complete lack of alternatives by the anti-austerity grouping, Fianna Fáil believes in a clear route to a renewed water policy. As I said before, we believe in a partnership between the local authorities and a new Irish Water authority to manage the water resource, similar to the way Fianna Fáil delivered the fabulous motorway infrastructure. We have a fabulous national road network due to the partnership between the National Roads Authority and the local county councils.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I am pleased to attend the Seanad and to have the opportunity to outline and clarify some of the important points about the national metering programme that is currently under way. Senators will know that meters are being installed in homes throughout the country in a programme unparalleled anywhere else in terms of the speed or scale of the installations. On average, a meter is being installed somewhere in the country every 30 seconds.

In the context of the debate, it is important to remember why Irish Water was established and why we need water metering. I refer to the legacy of the substandard water networks which the Government and the country must now deal with. Boil water notices are commonplace in many counties, raw sewage is allowed to flow into water courses and there are unacceptable levels of leakage of treated water. Therefore, there is an obvious urgent requirement for investment in the water networks and an urgent need for renewal of those networks. Senators have

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outlined the problems, but the Government's focus is on finding and presenting solutions to allow for required investment.

I remind the House why the Government asked Irish Water to implement this programme. In the view of many who accept the need for domestic water charges, metering is the fairest form of domestic charging. This view is supported by the OECD, an international organisation that has conducted significant research into water charging and policy. The reason metering is fair is that it links people's use of water services to their contribution to funding the water system.

I will address the point about health and safety as raised by Senators. Irish Water, as the national utility, is the responsible authority for all aspects of health and safety in the delivery of the metering programme. I am confident that Irish Water is fully compliant with all health and safety legislation. The Health and Safety Authority is an independent government agency with oversight in this regard. If Senators have any specific issues of concern, I urge them to contact either Irish Water or the Health and Safety Authority, which will investigate any issues of concern to Senators or members of the public. I wish to disassociate myself from comments about cowboy operators. We should give due respect to workers who are going out to do a day's work. There is a better way to address the problem of non-compliance, if that is the case. I suspect it is not the case, but if it is, I have outlined ways in which Senators can raise those concerns.

It was stated by some Senators that people are paying for the mess created by the Government. I remind Senators that the Government has for the past four years been working to clean up the mess. This is another legacy of under-investment and a lack of management with regard to the water networks, which has resulted in substandard systems that will not meet the needs of society. This must be addressed.

It is timely to recall that the previous Government also supported a domestic water metering programme. I remind Fianna Fáil Senators that in 2010 the national recovery plan committed to introducing water charges for domestic customers and that customer billing would be made on the basis of metered charges. The plan also stated that the NPRF had agreed in principle to fund the metering programme to the tune of €550 million. Therefore, there is a contradiction between the motion proposed by Fianna Fáil Senators and what the same party adopted as a national recovery plan in 2010.

The Government's revised water charging system reflects the need to provide clarity and simplicity for households. For this reason, households know the charge they will pay until the end of 2018. However, there is the incentive to conserve water under the new water charging regime, which commenced on 1 January. Households whose metered usage is less than the relevant usage under the capped charge, be it a single adult household or a multi-adult household, will pay less than the capped charge. In other words, they will pay only for what they use. If, after a meter is installed, a household's usage for the first year is less than the relevant capped charge, the household will be due a once-off rebate of the difference between the metered usage charge and the capped charge. This incentive is vital in encouraging people to use water more responsibly, to reduce their leakage and to view water as a precious, expensive resource from the outset.

I refer to queries raised by Senator Denis Landy about non-payment by tenants of properties. I assure the Senator that clarity and detail will be provided in forthcoming legislation

which will ensure that the system will be fair and will provide ample opportunity for people to participate in a fair payment plan before any penalties apply. I refer to a query about the taking in charge of estates and the role of Irish Water and the local authority. A protocol has been developed by my Department and circulated to both Irish Water and local authorities. I am happy to correspond with the Senator and to provide further details.

The €100 water conservation grant will be paid to eligible households that register with Irish Water. It will also help households to adopt conservation measures. This issue was debated extensively before Christmas. I remind Senators that expenditure of €100 on minor water conservation interventions can make a significant difference to the use of water in households. My Department, Irish Water and others, will provide information on how small investments in water-saving devices or leak fixing can make a big difference to water usage levels. If this Government were not to take any action, our water systems and water capacity would not meet the demands of our citizens, of society, of business or of agriculture. Therefore, doing nothing is not an option. Future generations would not thank us if we did not intervene now to ensure adequate investment in the water utility.

Good planning, high-quality meters and quality control define the metering programme. Most meters are expected to last considerably longer than the manufacturer's 15-year design life for the product. Experience in the United Kingdom has shown that meters installed there over 20 years ago are still operational. Indeed, since the time such meters were installed, technology, materials and manufacturing have improved. Irish Water has implemented a rigorous testing regime both at the point of meter manufacture and in service, so that it can monitor performance throughout a meter's lifetime. Information from these tests will enable the utility to better determine its maintenance and meter replacement strategy. Contrary to some inaccurate suggestions, there will be no need for a wholesale programme to replace the meters. The devices will be maintained and replaced over a much longer period of time than that of the life design of the meters and at a substantially reduced cost.

The €539 million cost of phase one of the metering programme represents a significant capital investment which covers all the domestic customers of Irish Water whose dwellings can be readily metered. It is important that there is clarity around the €539 million cost of the current programme. The vast majority of the cost of phase one of the programme relates to the construction work in advance of the installation of boundary boxes and meters. This work will not need to be repeated when meters are replaced; therefore replacement costs will be substantially lower than those of the current programme. Maintenance of meters will involve some cost. It is estimated by Irish Water that this will amount to some €5 million per annum, to be funded from its operational budget. To put this in context, Irish Water's current operational budget is approximately €800 million a year - a budget set and examined by the Commission for Energy Regulation. The regulator has demanded a 7% year-on-year reduction in operational spending. Only efficiently incurred costs are being passed on to the customers. I reassure Senators on this point.

Irish Water commissioned a study on possible approaches to metering properties which were not included in the phase one programme, including apartments and properties with shared connections. On the basis of this report, it has been agreed in principle that some 48,000 apartments identified in the report as being easily metered should be included in phase one. The advancement of any future phases will be a matter for consideration by the CER, based on proposals from Irish Water.

It is important to remember that domestic water meters will be as resilient and as high-quality as those used for electricity or gas. As with other utilities, any deficient meters will be detected and replaced under ongoing maintenance programmes; maintenance budgets will be low by overall budgetary levels. Meters will generally be replaced after a long period of use. We need meters to develop a public water system that is defined by conservation and low leakage. That is what the Government is seeking to deliver for the public.

The benefits from meters are already evident. One of the main deficiencies in the public water system is the unacceptably high level of leakage, which I have mentioned, with the national level of unaccounted-for water currently at up to 49% of all water produced. High leakage means higher water production and treatment costs than are necessary, which, *6 o'clock* in turn, means accelerated capital investment in treatment plants. Some 10% of national leakage is on the customer side - that is, within the boundary of a household's property. These leaks can often go undetected as they occur within pipes below a house or between the boundary of a property and a dwelling itself. Without meters neither Irish Water nor the household would know about many customer-side leaks and a significant proportion of national leakage, which all sides of this House and the Dáil agree is unacceptable, would remain untackled. Consider the fact that metering has helped to identify 22 houses that are using over 1 million litres of water a day through leakage under driveways. This is a fact. That volume of water is enough to serve the daily needs of a medium-sized town such as Gorey or Dungarvan.

Consider the fact that Irish Water has identified 78 households in one area of Dublin whose combined usage is 1 million litres of water per day, when that many houses should normally have a combined usage of about 30,000 litres per day. This is purely factual evidence of the amount of leakage that has been occurring and it must be tackled without further delay. Would we be better off with a water charging regime without meters in which such a huge waste of water would go unnoticed? I do not think so and the evidence proves otherwise. That is why these meters are important.

Irish Water has been identifying these customer-side leaks as part of the domestic metering campaign, and the proposed first fix free scheme that Irish Water will implement will help households to address these leaks and conserve water. This Government-funded scheme, which will shortly be piloted before being rolled out nationally, is evidence of the Government's and Irish Water's commitment to supporting households in managing water usage and reducing leakage.

With over 552,000 meters having been installed so far under the metering programme, approximately 1,300 jobs are being sustained and providing much needed economic stimulus throughout the country. In February 2013, the Government announced as a target that 25% of these jobs would go to people from one of three social inclusion categories: those on the live register, those working for SMEs, and apprentices, graduates or school leavers. Today, that target has been well exceeded, with about 84% of those contracted to install meters coming from one of these categories. Some of these workers have experienced horrendous violence in the course of their work. In addition, they have experienced abuse and injury, which is unacceptable. In one case, meter installers were held in a van for more than 12 hours without access to food, water or toilet facilities. I am sure all Senators will agree that that is totally unacceptable. Installers and their families have also experienced cyber-bullying and intimidation through social media.

These incidents have been inflicted by a minority of protestors, but every act should be

condemned by all. While people have every right to protest peacefully, these workers have the right to a safe working environment. They are simply doing their jobs. I acknowledge the difficulties these workers have faced and commend them for their dignity through these testing times.

Not only has the social inclusion target been exceeded, but also the original 2014 metering target provided to the CER of installing 400,000 meters. More than 540,000 meters were installed by the end of 2014, which is about 140,000 more than initially planned. The programme remains on track to see 1.1 million meters installed by the end of 2016. Completion will then pave the way for further phases of the programme, which will focus on installing meters in dwellings that are more technically difficult to meter, with the costs involved to be approved by the CER as part of the consideration of the capital investment plans for the next regulatory cycle.

The Government's water sector reform programme has many parts. It has involved the establishment of a major national utility, as well as the introduction of a new funding model for water services, including the introduction of domestic water charges. It has seen the introduction of independent economic regulation of the sector. Yesterday saw another milestone, with the transfer of ownership of the underground water network from local authorities to Irish Water. In less than two weeks, households will face the date by which they will need to register with Irish Water in order to ensure an accurate first bill.

The domestic metering programme has been a key component of these reforms. The programme that will help to ensure conservation and reduced leakage is at the heart of a reformed public water system. The meters are high-quality and Irish Water has ensured the necessary quality controls are in place. The ambitious programme of installing meters throughout the country is a one-off major capital programme which will not need to be repeated in the future.

We must never lose sight of the fact that these water sector reforms are aimed at addressing the deficiencies within our water system and the legacy of the sub-standard water networks in our country. As I have outlined, these deficiencies include high leakage, poor water quality, inadequate waste water treatment, raw sewage flowing out into water courses, and insufficient water supply capacity, especially in major urban centres. We are working to create a sustainable world-class water system. We want to ensure that all who use these water services receive a quality of service that protects public health and the environment and facilitates a developing and dynamic economy. Metering is a key component of these reforms, the merits of which will far outweigh the costs.

Senator Trevor Ó Clochartaigh: Cuirim fáilte roimh an Aire Stáit. Deputy Paudie Coffey spent a lot of time here before the Christmas recess and I have a funny feeling he will be spending a lot of time here talking about water this year also. Nevertheless, I do welcome him back.

Fianna Fáil's legacy was the HSE, but this particular Administration's legacy will be Irish Water. It seems to be a nightmare that keeps going on with new instalments every week. We can now see more legislation coming down the tracks from the Government to try to fix the sinking ship.

I support the general thrust of this Private Members' motion, but we have sought to amend it in order to express our overall opposition to water charges and metering. They were initially proposed by Fianna Fáil, which has tabled the motion before the House. The motion refers to

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the costs involved. By this stage, any argument that Irish Water represents a saving to the taxpayer has been well and truly dismantled. Irish Water estimated last year that €1.77 billion will be required to deliver on the objectives of its 2014-16 capital investment plan. That included €1.2 billion which had already been made available in 2014, with an additional €200 million voted through supplementary Estimates before Christmas.

Irish Water is proposing to spend €150 million to accelerate leakage reduction. However, as questions from my colleague Deputy Brian Stanley to the Minister revealed, that only matches the total spend on mains rehabilitation over the four-year period up to 2013. Surely the money spent on establishing the monstrosity that is Irish Water might have been better spent addressing that, especially given that the level of waste has risen to just over 50%. The disruption and leaks caused by the metering programme have not helped in that respect either.

It is also worthwhile reminding ourselves that €85 million has gone to consultancy firms, with another €5 million or thereabouts going to legal firms. Further hidden costs include repairs to leaks, which have fallen on local authorities. One might question who picked the consultants concerned, as they must surely be amongst the most incompetent available if Irish Water has been following their advice. Perhaps they should be asked for a refund.

It is estimated that metering will cost €540 million over three years. Some of this will come from the €240 million given by the Exchequer for capital works. Irish Water also received a €540 million loan from the National Pension Reserve Fund. All of this is taxpayers' money which could have been used for other purposes. That is best illustrated by the fact that Irish Water has received subventions of €490 million from local government funds. In effect, the entire proceeds of the local property tax, which went into the local government fund, were handed over to Irish Water. When the local property tax was introduced, it was justified on the basis that it was needed, to quote the former Minister, Phil Hogan, to pay for parks, libraries and public lighting. Instead, however, it is being used to install badly designed water meters which will be used to charge people for a service they have already paid for through general taxation. In effect, households are being penalised twice. First, the water charges must be paid, and second, local services are being run down in order that Irish Water can have the means to install meters. In the light of all that and the fact that almost €2 billion has so far been spent on the corporate monster that is Irish Water, surely the Government ought to cut its losses, abandon the metering programme, scrap water charges and invest whatever money remains towards the proper rehabilitation and reorganisation of a properly run public water service.

We were all gobsmacked to hear yesterday that not only is the monster unwieldy but we now have three boards governing its operation. It is important that we not go any further with this. Unfortunately, yesterday's drinking water remedial action list from the Environmental Protection Agency, EPA, did not surprise us. In County Galway, for example, we have not seen any major improvement in our water systems and if one were to ask the people of Ballinasloe, Ballyconneely, Carraroe, Glenamaddy, Inis Oírr, Kilkerrin-Moylough, Leenane, mid-Galway, Portumna and Williamstown if they were happy with Irish Water supplies, I do not believe they would be.

Senator Cáit Keane: There is a new one in Clifden.

Senator Trevor Ó Clochartaigh: Those I mentioned appeared on yesterday's list from the EPA detailing issues with cryptosporidium, turbidity, trihalomethanes, etc. The people of Connemara, in particular, who were expecting the regional water scheme would be very thank-

ful to the Government for bringing Irish Water on board, because that scheme has been scrapped. We are still drinking water that may contain cryptosporidium in our area, which is a disgrace.

The Minister of State has indicated that we need a metering system to identify where the leaks are. When we debated the three Water Services Bills in this House, we put forward other suggestions that have not been followed up. For example, there is the possibility of using district metering and following water pipes to see where the leaks are. Other options were available to the Government. There is a number of anomalies; I came across one over Christmas which the Minister of State might investigate. A number of estates in County Galway have fallen into NAMA or have seen developers renege on promises to manage estates where all of the houses have not been built. A couple of tenants in such estates are left footing the Bill for the water and sewerage charges for those estates. I was called to an estate over Christmas where sewage was being pumped on to a road. When we contacted Irish Water, we were told it had nothing to do with them because the estate was overseen by a developer and might well be in NAMA. Irish Water had no responsibility, but as there is not a full group of occupants in the estate, the current occupiers cannot afford the cost of getting the treatment plant in the estate sorted out. There are major anomalies such as this in the provision of water and sewage services.

We are supporting the substantive motion, but we have also put forward an amendment calling on the Government to abolish water charges and stop the metering programme with immediate effect. That is what Conor Murphy did when he came into office in the North and my party blocked the imposition of water charges. Tá súil agam go dtógfaidh an tAire Stáit ar bord na moltaí atá déanta againn.

Senator Michael Comiskey: I welcome the Minister of State and thank him for taking the time to discuss this very important issue of water metering. The Water Services (No. 2) Act received lengthy debate both in this and the Lower House prior to Christmas and provided for the necessary implementation of water charges. These are necessary to ensure we can provide the best quality water system for citizens.

As my colleagues have pointed out, most meters are expected to be fit for purpose for much longer than 15 years. Rigorous testing by Irish Water will ensure the performance of meters is monitored to a guaranteed efficiency. Metering is, undoubtedly, the fairest way to determine charges for domestic water supply. It helps household to monitor water usage and it helps Irish Water measure how much water is used, thus lowering consumption and water charges in the long run. Metering also helps Irish Water to identify consumer-side leakage, which accounts for approximately a tenth of the national leakage rate, which is up to 49% of all water treated, as has already been noted. These leaks are being identified during the meter installation programme, and once meters were installed and long before charging commenced, people were more conscious of water usage. The process is already working and it will continue to do so.

Metering has sustained approximately 1,300 jobs, 84% of which are held by people in one of the social inclusion categories - that is, those on the live register, small and medium enterprises, and graduates, apprentices and school leavers. I gave an example from County Sligo in the debate before Christmas. Over the next five years, water engineers have estimated that the cost of dealing with projects identified throughout the county will be €70 million. We must recognise the good work that Sligo and Leitrim have done in the past, and they have no real problem with water services or the quality of water. Irish Water will cover the entire cost in future - meaning there is no cost to the council - and there will be hundreds of jobs in the county for construction workers, engineers and so on. This represents real employment for young graduates from the

likes of the Institute of Technology, Sligo. They will provide a vital utility through our county that will add to growth while at the same time protecting the environment.

We must question why Sinn Féin is not stopping water metering in Northern Ireland.

Senator Trevor Ó Clochartaigh: We did.

Senator Michael Comiskey: There is a serious problem, as many people in Northern Ireland do not have water because of strikes, etc. In order to see what a publicly owned water utility can deliver, we only have to look at Scottish Water. We must support the progress that has been made in setting up the best water utility in the country. I take issue with Senator Gerard P. Craughwell in this respect. A family member travelled to work this morning under very difficult conditions to install water mains and meters, and that company adheres to all health and safety regulations. On the way to work here one morning, I saw a protester sitting on top of a mechanical digger arm; health and safety regulations were certainly being breached in that case. It is very important that we give the people out there who are trying to do their work every chance. In the long term it will be proven that this is the right way to go.

Senator Mary White spoke about the quality of water and said that her business needs clean running water all the time. There are distilleries popping up around the country, including one planned in my neighbouring county of Sligo, which will also need a clean water supply. It is very important that we continue to support Irish Water into the future.

Senator Gerard P. Craughwell: On a point of order, I fully agree with Senator Michael Comiskey that a breach of health and safety on either side is wrong.

An Cathaoirleach: That is not a point of order.

Senator Gerard P. Craughwell: The Minister of State has not addressed who is responsible when there is lead in the water.

An Cathaoirleach: That is not a point of order.

Senator Paschal Mooney: I support the motion primarily because of the Government's history of ineptitude in setting up Irish Water, the concept of water charges and how it has gone about conservation. Many good points could have been sold to an increasingly sceptical public, but that opportunity has been lost in the past 12 months because of the sheer incompetence of this Government in how it addressed this issue. It is not as if it is a new issue; it has been around for a long time. The concept of water charges was not discussed only under the previous Fianna Fáil Administration; it goes back even further to the rainbow coalition. One could be amazed by the spin the Government has put on the argument, as its members are arguing about what Fianna Fáil might or might not have done. There is inaccuracy in many of the statements coming from the Government, and even today people have argued there was a lack of infrastructure.

It was somewhat instructive to hear Senator Michael Comiskey talking about water quality in Sligo and Leitrim. Perhaps he was going in a different direction, but I suggest the main reason for this water quality is the very specific and significant investment by Fianna Fáil Administrations in upgrading water services, particularly in much of rural Ireland. There is an argument and a spin, which came up again today as well as in the debate before Christmas, that somehow this Government has been like a knight in shining armour which suddenly arrived on the landscape and said that those dastardly people in Fianna Fáil did nothing about water

or water infrastructure in all the time they were in government and that it will fix the problem.

Senator Diarmuid Wilson: Now Fine Gael wants to be in government with us and to abandon the Labour Party. It is disgraceful.

Senator Paschal Mooney: For those who did not pick up on that, this question of whether Fianna Fáil and Fine Gael should go into an alliance——

An Cathaoirleach: Will the Senator speak to the motion?

Senator Paschal Mooney: I will but seeing as it was raised, all I will say is that we, in Fianna Fáil, will not dig Fine Gael out of its troubles. I can tell it that. It should not rely on us to do it whatever about getting the Shinnars to do it.

Deputy Paudie Coffey: Fianna Fáil could not dig itself out. It is not going to dig us out.

Senator Paschal Mooney: That is one of the great non-events of all time. It is interesting that it is coming from Ministers. They must be getting very nervous in their constituencies when they start spoofing about the possibility of an alliance-----

An Cathaoirleach: You are eating into your own time.

Senator Paschal Mooney: In the context of this motion, our main concern has been a wastage of public money that started last year when Mr. John Tierney went on national radio and said €50 million had been spent not on water conservation, on metering or on improving the infrastructure but on blooming consultants, if one does not mind. I am still waiting to hear how that money-----

Senator Trevor Ó Clochartaigh: Fianna Fáil would not do that.

Senator Paschal Mooney: Do not suggest for one moment that Sinn Féin would not use consultants because that is definitely taking a spin too far.

Senator Trevor Ó Clochartaigh: Fianna Fáil did plenty of it in government.

Senator Paschal Mooney: I hope the people are not coddled by it.

What I am saying is that the €50 million spent is very questionable and I do not believe it has been fully accounted for in terms of where it was spent and how the procurement process was undertaken.

Deputy Paudie Coffey: It is on the website.

Senator Paschal Mooney: The Minister of State would be one of the first to admit to me that one of the great bugbears in Irish society on an ongoing basis is the use of consultants and the amount of public money spent on same.

I want to reiterate what has been said by my colleagues because it is important to do so. Irrespective of what might have happened, what might have been proposed to happen or what might have been predicted to happen five years ago, the current Fianna Fáil policy is to abolish Irish Water in its present construction because it is not fit for purpose. That is precisely what our policy is and I do not want to hear any more talk about what it might have been, what it was to be or what the predictions were because that is far back in the public mind. The Government

is being called to count in regard to how it managed Irish Water.

The abolition of Irish Water should happen primarily because it is not fit for purpose. That is not to say there should not be some form of public utility, with which even Sinn Féin agrees, to manage the water system. I agree with what Senator Gerard P. Craughwell said that there has been no clarification on the question of contamination from lead piping. My understanding is that under the “first fix free” lead piping will not come into it at all and that it will be left to the household to figure out what it will do about poisonous lead piping.

I think everybody has come around to the view that water is a human right. A friend of mine said to me six months ago when this question first came up that he did not understand why any Government would want to introduce water charges on an island where we have a surplus of water. This is an island nation surrounded by water and we have more lakes per square mile than any other part of Europe. We have an immense amount of water coming from the skies on a regular basis. Why, in the name of goodness, would any Government want to introduce a water charge, because we have an abundance of water? Having said that, I will admit that I am conflicted, to a degree, by the view that there should be some form of metering, as the Minister of State quite correctly said, to identify leaks in the system. I am not against the concept of it.

I remember when the newly-elected Deputy for Roscommon-South Leitrim, or Roscommon-East Galway as it will be, was asked that question when he went on RTE. Much to the surprise of many he said he was not against water metering because, coming from rural Ireland like many of us, he was well used to water metering on group water schemes. I pay tribute to the various water schemes throughout the country which manage their water systems in such an efficient manner. As they are metered, I am conflicted to a degree. However, what I am not conflicted about is the extraordinary amount of money that has gone into Irish Water in 12 months alone. What is being talked about now is that in the next four or five years, several more million euro will be spent on the provision of water meters which will not be used at least until 2019. They are the issues that are of concern to us in Fianna Fáil.

There is a need for a brand new policy and there should be a review of all that has happened in the past 12 months. Suspend the water metering system and get rid of Irish Water and let us start to use the money that is being squandered to ensure there is water conservation.

I think Senator Denis Landy said it was wonderful that members of the general public were responding and were registering in vast numbers. I suggest one of the reasons they are doing so is that if they do not, according to the Government’s proposals, it will cost them €100 more to pay for the water at the end of next year. Why would they not register to save themselves €100 in these straitened times?

Senator John Kelly: I am flabbergasted listening to members of Fianna Fáil and their hypocrisy. It really is the dig out party. Privately, I believe Fianna Fáil supports water charges. Was it not going to introduce them to a greater extent than the Government has done? That was espoused by Councillor Paschal Fitzmaurice on Newstalk the other day. He said what the Government was introducing was fair; therefore, I think Fianna Fáil is all over the shop and is only playing politics on this issue. It is like a blind mongrel that thinks its smells blood and is going for the jugular.

Fianna Fáil is using words like “debacle”. There were problems with the establishment of Irish Water but the Minister, Deputy Alan Kelly, and the Minister of State, Deputy Paudie Cof-

fey, have dealt in a fair way with all of those issues. Senator Cáit Keane said she listened to people being interviewed on RTE yesterday, including people from Boyle in my county, and not one of them mentioned meters and charges but all they mentioned was water quality. As I have said in the House previously, if people get good quality water from their taps, they will be quite prepared to pay for it because they are paying through the nose for water in supermarkets.

We hear Fianna Fáil say money is being wasted. If one goes to Roscommon, one will see that money is not being wasted. Never before has there been investment to deal with our water quality as there is now in towns like Castlerea, Boyle, Ardcarn, Killeglan and in many more areas in County Roscommon. It never happened before. One can say one already pays for one's water in our taxes but we have always paid for a broken water system in our taxes. Now we need investment. We saw the EPA report yesterday about the lead piping and the hundreds of millions of euro required to fix that issue alone. We cannot keep going back to the taxpayer. Everybody has to contribute something to solve this problem.

As was said, 35% of the people in this country already pay for water and they have no issue with that. We see Fianna Fáil being critical of the establishment of Irish Water, but I did not hear it being critical of the monster it created, namely, the HSE, and about its waste of money on e-voting machines which never saw the light of day.

I have been told meters are being put into unfinished housing estates which have not been taken over by the local authorities. Can I have clarity on that matter because it would not be fair? The last thing that the local authorities should be doing is installing meters in unfinished housing estate, seeing as they cannot turn on lights and finish footpaths. It is unfair that they should be putting in water meters.

Senator Sean D. Barrett: I welcome the Minister of State, Deputy Paudie Coffey. I despair when this item comes up for discussion. We, in this House, tried to improve the whole water business but neither the previous two Ministers nor the current two would accept any of the amendments which would have improved the legislation.

The charge of €260 per household is a poll tax, straight from the Mrs. Thatcher school of taxation. This was always financed through direct taxation. As pointed out, at €100,000, one would pay 14 times more tax for a family of four than at €15,000. A sixfold increase in income leads to 14 times more tax. That is progressive taxation. It is way better than the poll tax the House was asked to agree. We used to pay for it through our taxation in a progressive way. That refutes the first fallacy in the Government's approach.

The second fallacy is the idea that we were all wasting water. We found out as this debate went on that 94% of it was wasted by the engineers and 6% of it was wasted by households. What did we do? We hired all the engineers and more to work by transferring them from the local authorities to Irish Water. Despite the evidence of the McLoughlin report, which found that local government in Ireland is seriously over-managed by a factor of between one quarter and one third, a cynical decision was made to shunt all of these staff over to Irish Water. The well-known economist, Dr. John FitzGerald, who is not the most radical man in Irish economics, says that the company has started out with 4,300 people doing the work of 2,400 people. That is why people are so resentful of what has happened.

This way of financing water off the balance sheet is so mysterious that EUROSTAT has not yet agreed to it. The banking committee is investing off-balance sheet transactions. If someone

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offers to sell one a used car off the balance sheet, one should not enter into the deal. I do not know who persuaded the Department of the Environment, Community and Local Government that doing things off the balance sheet has particular merits. It does not have such merits.

The meters were financed from the pension fund. We will not use the meters because there is to be a flat charge of €260. Some €550 million has been taken from people's pensions for no purpose, unless the Government intends after the next general election to switch on the meters and start charging people. The meters perform no function. As Senator Paschal Mooney said, putting a stop to metering is the least that should be done. There is no point to the metering element of this measure now that the Government has chosen to levy a charge of €260 per household.

I suggest the €100 conservation grant will be the least deserving payment to come from the Tánaiste's budget in the Department of Social Protection. It has nothing to do with conservation. One will be able to spend the €100 on bottled water. There will be no restriction on it. One will not have to do anything that is related to conservation. It will be paid to people regardless of income. We will compound the imposition of a charge of €260 per household by indiscriminately giving €100 to anybody who signs up for it.

We were told that the new board would change everything. It was disappointing to see in today's newspapers that eight of the oldies are to be retained. There will be just four new people on the board. We voted on this section of the Bill the last day. We expected a new broom. This must be one of the most unpopular companies in the history of this country. It is remarkable that eight members of the board have been retained in one capacity or another.

We were told that the establishment of a single big organisation would lead to economies of scale. The numbers in the McLoughlin report indicate no such thing. Some small water authorities, like that in County Leitrim, had a relatively low rate of wastage. Some large authorities had a relatively high rate of wastage. If we had not chosen to establish a big monopoly like Irish Water, we would be able to compare the efficiency of the good water authorities with the inefficiency of the bad water authorities. The Department of the Environment, Community and Local Government must be unique in proposing a monopoly as a solution for any way to produce any commodity.

I regret that the Government is somehow in thrall to the water industry, just as the last Government impaled itself on the banking industry. Not many boards are reappointed after drawing 250,000 people onto the streets of this country. I suspect that the cost of this to the Government will be borne at the ballot box. This is a hugely unpopular measure. It came at the end of year after year of austerity. I saw the anti-water charges march in Maynooth. It seemed to me that the vast bulk of the people were on their uppers. They do not have the €260 that will be required to pay for this upfront.

When the water charge is combined with the universal social charge - once one goes over €12,000, this charge is imposed on every penny of income - it is clear that a measure of regressiveness and unfairness has been added to the charging system for public services in Ireland. This was not the case when those services were paid for through income tax, which is much more progressive.

The whole episode has been an exercise in how not to establish a quango. It is a blot on politics and public administration in this country that this company keeps on going, regardless

of how much criticism it receives from this House, the other House or hundreds of thousands of people on the streets. It seems to have a captive hold over the Government. The Government is continuing to promote it even though it is one of the most unpopular things we have had for many hundreds of years here.

Senator Michael Mullins: I thank the Fianna Fáil Senators for tabling this motion. I am amazed that they did so, given that they committed in 2010 to the introduction of domestic water charges on a metered basis.

Senator Paschal Mooney: The Senator should move on. That was a lifetime ago.

Senator Michael Mullins: We need to-----

Senator Paschal Mooney: He should say something innovative or creative for a change.

An Cathaoirleach: Senator Michael Mullins to continue, without interruption.

Senator Paschal Mooney: He should not bore the people by talking about what happened many years ago.

Senator Denis Landy: We will not forget it.

Senator Michael Mullins: They planned to spend €550 million on water meters.

Senator Diarmuid Wilson: Senator Denis Landy's party said they were totally unworkable.

Senator Marc MacSharry: That was back when child benefit was not going to be cut.

An Cathaoirleach: Senator Michael Mullins to continue, without interruption.

Senator Michael Mullins: When Fianna Fáil left office-----

Senator Paschal Mooney: That is a poor start.

Senator Michael Mullins: -----it promised responsible opposition.

Senator Marc MacSharry: The Minister of State, Deputy Kathleen Lynch, is worn out from cleaning up after Fine Gael.

Senator Michael Mullins: Its leader said he would not oppose for opposition's sake and would act in the national interest.

Senator Paschal Mooney: We are not going into coalition with the Senator's party.

Senator Michael Mullins: I am calling on Fianna Fáil to put this into practice by supporting the new Irish Water utility, which will need to raise finance to invest in providing good clean water for all our people and for business and to attract inward investment. It is in all our interests for Irish Water to succeed in order that the water needs of the country can be met into the future. Much rubbish has been written in recent days about the lifespan of water meters. I am sure these meters are like many of the meters we have in our homes. I have had an ESB meter in my house for over 30 years and it has not needed to be replaced.

Senator Diarmuid Wilson: Switch it on.

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Senator Michael Mullins: I am sure that will be the case with many of the water meters that will be installed in houses. I agree with Senator Sean D. Barrett on many things, but I disagree with him when he says water meters are not a good way to go. I think water metering is the fairest way of charging for domestic water.

Senator Gerard P. Craughwell: There will be a fixed charge.

Senator Michael Mullins: It is recognised in many countries and by the OECD. Metering also helps to identify leaks. The Minister of State has given a number of examples today of leaks that have already been identified, resulting in significant savings. The Environmental Protection Agency's 2013 report on drinking water highlights the need for major investment in our water infrastructure. I am pleased to inform Senator Trevor Ó Clochartaigh that there will be good news for the people of Ballinasloe in the near future.

Senator Trevor Ó Clochartaigh: It was not on the list I read.

Senator Michael Mullins: Work will commence in the next two months on improving the water system in the town. There will be a major investment. I am delighted that most people in my new constituency of Roscommon-Galway will come off the boil water notices within the next couple of months. Previous administrations failed to provide for this badly needed investment for several decades.

Senator Paschal Mooney: This is boring.

Senator Michael Mullins: The people of Roscommon will have a water system they will be proud of.

Senator Gerard P. Craughwell: They will be able to make tea for the Senator when he is canvassing.

Senator Paschal Mooney: Will he be able to drink the tea?

Senator Michael Mullins: I want to speak positively about the issues raised by Senator Gerard P. Craughwell. I urge the Minister to impress on Irish Water the need to ensure all contractors are operating to the very highest standards of work, workmanship and safety. We all know that many contractors can take short cuts on occasions. I want to make sure no person is injured or discommoded as a result of any contractor taking short cuts during the installation of these water meters.

Senator Gerard P. Craughwell: Fair play.

Senator Michael Mullins: We have many deficiencies in water systems throughout the country. In 42 urban areas, sewage is discharged into rivers and bathing waters, thereby putting them at risk of pollution. We need significant investment. I hope that the considerable increase in the number of people who have registered with Irish Water in recent days will continue. Irish Water needs to succeed. It needs to raise finance so as to invest in water infrastructure. Every town and village is entitled to an adequate water supply. The charge of €260 per household and the conservation grant of €100 accruing to each registered household have addressed many people's aggravations.

Just as I would condemn poor workmanship, I condemn in the strongest possible way the level of intimidation and abuse that some Irish Water employees have endured while installing

meters. It is unacceptable. I ask those involved in organising protests of and opposition to the water charges to desist from any involvement in the intimidation of employees who are just going about the work for which their employers have been contracted.

I appeal to every Senator to get behind the new utility. The time for politics on this issue is over. The football has been sufficiently kicked around the place. We all need to ensure that Irish Water succeeds. We should encourage people to register in order that they do not lose out on the conservation grant or, most importantly, incur penalties. People who were advised not to register for septic tank charges found themselves paying ten times as much as they would have had they not listened to poor advice. I hope that those responsible for that poor advice will not continue giving it out in this instance.

An Cathaoirleach: I call Senator Terry Brennan. I am sorry. Senator Diarmuid Wilson is next.

Senator Diarmuid Wilson: I will give way to Senator Terry Brennan.

Senator Terry Brennan: Not at all. The Senator knows more about meters than I ever will.

Senator Diarmuid Wilson: I thank the Senator and apologise for any confusion caused. I welcome the Minister of State, Deputy Paudie Coffey, to familiar surroundings. We hope that they will not be his again in the near future.

Senator Marc MacSharry: He might be glad of them.

Senator Diarmuid Wilson: I commend the Minister of State and the Minister, Deputy Alan Kelly, for trying to sort out this unmitigated disaster that they inherited in recent months. It all started when the former Minister for the Environment, Community and Local Government, the now Commissioner, Mr. Hogan, was tasked by the Taoiseach and the Labour Party-Fine Gael coalition Government to get Irish Water established as quickly as possible before people realised what was happening. I have no doubt that the Commissioner was promised he would be in Europe when any difficulty arose. Difficulties began arising before he went, but the Minister of State and the current Minister have been left holding this unmitigated disaster. They have tried their best to sort it out, but the only way to do so is to abolish Irish Water and stop wasting taxpayers' money.

The former Minister, Commissioner Hogan, gave the contract for establishing Irish Water to Bord Gáis Éireann without putting it out for public tender or consultation. He did not even have the courtesy to communicate with the Oireachtas joint committee responsible for the environment. This is a fact. Perhaps if he had not been in such a rush to hoodwink people, we would not be in this mess.

In all of the House's debates on Irish Water, the then Minister received good advice from all sides. He did not get any from the Lower House because it did not have the time. It only had three hours to deal with the establishment of Irish Water. Excellent ideas were put forward from all sides of this House. If the Minister had listened to some of that advice, perhaps we would not be in so great a mess.

Rather than go over everything that has been said in the various debates, I will ask a few questions. Households will pay between €160 and €260 this year. I note from the new legisla-

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tive programme that was published by the Chief Whip last week that the Government intends to publish a further water services Bill this session. The Minister of State did not mention what that Bill would entail. Perhaps he will enlighten the House. The Taoiseach certainly did not seem to know when questioned about it in the Lower House last week.

According to the Minister of State, the €100 water conservation grant will be paid to eligible households that register with Irish Water and will help them to adopt conservation measures in their homes. As it is a grant using taxpayers' money, will the Minister of State outline what auditing process is in place to ensure it is used for the purposes for which it is allegedly intended? How much will administering the so-called conservation grant cost the Department of Social Protection? We have asked this question time and again but we have not received satisfactory answers. Why is it necessary to continue installing meters that will not be used until at least 2020?

We in Fianna Fáil believe Irish Water should be immediately disbanded and all of its responsibilities should be transferred back to the Department of the Environment, Community and Local Government. Given the promise of there being just one company to administer the system, why are three now in place? My colleague, Senator Gerard P. Craughwell, raised serious health and safety issues. I do not agree with him that the people involved in the installation of water meters are gangsters. They are far from that, being ordinary, decent people going about their daily lives and trying to earn a living for themselves and their families. However, the Senator has highlighted what appears to me as a lay person, albeit one with some involvement in workplace health and safety matters, a hazard. He should not be rubbished for raising the issue in the House or anywhere else. He has a legitimate concern in that regard.

I thank the Minister of State once again and welcome him back to the House. I hope he will not be back here as a Senator in the near future.

Senator Terry Brennan: Cuirim fáilte roimh an Aire ar ais go dtí an Seanad. Regarding metering, the lifespan of meters and why it is important to have them installed, most meters are expected to last considerably longer than the manufacturer's 15-year design life rating for the product. Experience in the United Kingdom has shown that meters installed more than 20 years ago are still operating. I could take the Minister of State to meters that had been installed more than 40 years ago. I could take him to ten or 15 houses tomorrow where the installed meters are still recording. The only changes that were required were in households that wanted a bigger input of electricity. It will be the same with water metering. It is by far the fairest approach.

I am concerned over the budget for the maintenance of meters, which I read recently will amount to €5 million per annum out of a total operational budget of €800 million per annum. The maintenance budget is not a significant amount. A national school in my home town, Carlingford, is seeking grant aid of €15,000 to do a specific job. From my experience in the ESB, for which the Minister of State worked for a significant period, I will not say maintenance was a licence to print money but I know what was involved in the maintenance of meters and how often they became faulty or needed to be changed. Irrespective of the cause, the repair was free of charge to the customer. I hope that will be the case with any meters that become faulty under the new water metering system. It is the fairest form of domestic water charging. This has already been said by Senator Michael Mullins and it is recognised by many, including the OECD.

Metering helps householders to monitor their water usage and Irish Water to measure how much water is used. Metering also helps Irish Water to identify customer side leakage, which

accounts for approximately one tenth of the national leakage rate. Some 49% of all water in the system is leaked. The leaks are being identified daily. If we are doing nothing with metering in the interim, we are identifying leaks on a daily basis.

The metering programme is most ambitious in terms of its speed and scale, with almost 700,000 meters having been installed by the end of 2014. We should not forget metering is sustaining approximately 1,300 jobs, as stated by other Senators. The Government has established a single national utility to deliver water services and upgrade the water and wastewater networks, an approach that is more effective than having 31 local authorities providing the same service. With Government subvention, revenue from domestic and non-domestic water charges and an ability to borrow from international capital markets, Irish Water will be able to make the necessary increase in investment. This was done in the company that the Minister of State worked for, the ESB, in the early 1990s when it took on a significant maintenance programme that was required for networks that had been erected 40 or 50 years previously. One can make an analogy between the water system and the electricity system. After 40 or 50 years, major investment is required, and this should be stated. Investment is needed urgently to upgrade the water and wastewater network.

The Environmental Protection Agency's drinking water report 2013, published recently, underlines the need for increased investment in the public water system. The report states that more than 23,000 people, on 20 public supplies, are subject to boil water notices. This is totally unacceptable in 2015. It has been mentioned that 121 supplies out of approximately 1,000 on the Environmental Protection Agency's remedial action list are at risk, affecting almost 950,000 people. My goodness.

There is a need for improvements in the disinfection of water, and there is a need for better management of water treatment and further water quality improvements due to more stringent requirements relating to lead. There is a need for Irish Water to remove the present boil water notices and implement a national lead strategy immediately. Other deficiencies in the water and wastewater system show why we need to increase investment. The deficiencies include inadequate wastewater treatment. The Minister of State will be aware that there are many treatment plants that have never been maintained. No money was ever allocated to maintain the plants in many local authority areas. This is unbelievable and unacceptable in 2015. Without action, an unacceptable number of people will have a water supply at risk from falling standards and the country will continue to have inadequate water supply capacity. Towns and villages will continue to have inadequate wastewater capacity, thus polluting rivers, lakes and coastal waters. The economy needs improved water services and greater security of water supply.

The town I come from, Carlingford, once had a mediaeval sewerage system, with sewage flowing daily into the town's natural harbour. I am thankful that has ceased. The benefits accruing, such as tourism and water sports in the same harbour, are to be commended. I am absolutely delighted with this. This is as it should be in all harbours and river estuaries throughout the country.

Senator Marc MacSharry: I apologise for not having been here for the Minister of State's address as I had to attend to a matter, but I was watching it on the monitor and have been able to check the script.

Certain Senators made very specific reference to Senators on this side of the House. Nobody on this side of the House is bound to repeat or support the mistakes of the past. All I can

say is that it takes a particular class of person, having noted the mistakes of the past, to repeat them yet again.

Senator John Kelly, in particular, mentioned electronic voting machines. In my opening statement, I mentioned the shocking debacle associated with the electronic voting machines, but the water meter debacle makes that pale into insignificance. I mentioned the HSE in my opening address and the problems with which that organisation is associated. Not having learned from the mistakes made in setting up a super-quango such as the HSE says more about the current Administration than anybody in the past. The people adjudicated on the performance of the previous Government and took a decision accordingly. The current Government is now in power and it is the job of the people on this side of the House to hold it to account, regardless of what happened in the past - end of story.

The Minister referred to boil water notices and the need to lift them. Lough Gara in Roscommon is the lake from which the contaminated water is taken. There is cryptosporidium in the water, as we saw on “Prime Time”, and people cannot brush their teeth with it or make tea.

7 o'clock Nothing that has been done by the Government over the past 18 months has helped in this regard. If the Government had given to Roscommon County Council a fraction of the €540 million spent on meters or the €170 million spent on consultants, etc., there would be no boil water notices in that part of the country. There would be no boil water notices in other parts of the country if that approach had been taken and if we used the template we had, based on local authorities nationwide staffed by hard-working engineers and with local expertise. Some €700 million has been spent on Irish Water. Based on its own figures, we would have already finished 30% of the national infrastructure upgrade required had we not decided to say that when all the borrowed money is paid back, we may have circumstances in which Irish Water can pay for itself.

If I was buying a machine I expected to work, I would not be happy with a 15-year lifespan.

The Minister of State said, “Contrary to the inaccurate suggestions of some of the Opposition, there will be no need for a wholesale programme” except, of course, for the ones that no longer work. Who spends €500 million on something which has only a 15-year lifespan? There must be others on the market, and, if there are not, surely we would have been better off spending €540 million on the necessary infrastructure upgrade throughout the country in order that the sewerage to which Senator Terry Brennan referred is not being pumped into harbours all over the country?

I want to know the situation regarding the proposed legislation later in the year. What is in the legislative programme? In my opening remarks, I asked what that was for and I still do not know. Will it address the possibility that the European Union will tell Ireland the level of taxpayer subvention the Government is using is not allowed and, as a result, will we need a supplementary budget to run the quango and pay the large salaries for the three boards which will be set up to administer the biggest joke since the establishment of the HSE? I say this in a personal capacity.

Unfortunately, the questions raised at the beginning still remain. Why have we wasted €700 million? When will we see upgrades? I used local examples, such as Tubbercurry, Strandhill and Grange - there are examples in every county, including that of the Minister of State. He is not in a position to answer any of those questions. In fact, he did not answer any

of them. He simply said, “We are great. Look at the mess we cleaned up after Big Phil went to Brussels. It cost us €700 million. It is all going to be good. There is a good few leaks around the country. We have no money to sort them out, but maybe that is what the legislation is for later in the year.” We had the usual plethora of anti-Fianna Fáil jibes about Governments of the past. Sadly, it seems as though we will have to have another debate about this to find out what the legislation is about, how long the meters will last and from where the money will come for upgrades.

I raised a very serious issue. Before we are six months older, I will be able to wave a letter in the Chamber from the Minister of State or the Minister, Deputy Alan Kelly, saying, “I am sorry. I am not able to comment on the proposed upgrade to sewerage treatment plant X. That is now a matter under the Water Services Act for one of the people down in the quango in Cork, so I have asked them to reply to you directly. Yours sincerely, Minister Whoever.” I bet that will happen, just like it has with the HSE and the unacceptable way Governments in the past and the current Government have subcontracted the people’s services and money to third party organisations which are answerable and responsible to nobody.

An Cathaoirleach: Is amendment No. 2 agreed to?

Senator Fidelma Healy Eames: It is not agreed to.

Amendment put:

The Seanad divided: Tá, 25; Níl, 18.	
Tá	Níl
Bacik, Ivana.	Barrett, Sean D.
Brennan, Terry.	Byrne, Thomas.
Burke, Colm.	Craughwell, Gerard P.
Coghlan, Paul.	Crown, John.
Comiskey, Michael.	Healy Eames, Fidelma.
Conway, Martin.	Heffernan, James.
Cummins, Maurice.	Leyden, Terry.
D’Arcy, Jim.	MacSharry, Marc.
D’Arcy, Michael.	Mooney, Paschal.
Gilroy, John.	Ó Clochartaigh, Trevor.
Hayden, Aideen.	Ó Domhnaill, Brian.
Henry, Imelda.	Ó Murchú, Labhrás.
Keane, Cáit.	O’Brien, Mary Ann.
Kelly, John.	O’Donovan, Denis.
Landy, Denis.	Power, Averil.
Moloney, Marie.	Reilly, Kathryn.
Moran, Mary.	White, Mary M.
Mulcahy, Tony.	Wilson, Diarmuid.
Mullins, Michael.	
Naughton, Hildegarde.	
Noone, Catherine.	

21 January 2015

O'Donnell, Marie-Louise.	
O'Keefe, Susan.	
O'Neill, Pat.	
Sheahan, Tom.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Paschal Mooney and Diarmuid Wilson.

Amendment declared carried.

Amendment No. 1 not moved.

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

The Seanad divided: Tá, 25; Níl, 18.	
Tá	Níl
Bacik, Ivana.	Barrett, Sean D.
Brennan, Terry.	Byrne, Thomas.
Burke, Colm.	Craughwell, Gerard P.
Coghlan, Paul.	Crown, John.
Comiskey, Michael.	Healy Eames, Fidelma.
Conway, Martin.	Heffernan, James.
Cummins, Maurice.	Leyden, Terry.
D'Arcy, Jim.	MacSharry, Marc.
D'Arcy, Michael.	Mooney, Paschal.
Gilroy, John.	Ó Clochartaigh, Trevor.
Hayden, Aideen.	Ó Domhnaill, Brian.
Henry, Imelda.	Ó Murchú, Labhrás.
Keane, Cáit.	O'Brien, Mary Ann.
Kelly, John.	O'Donovan, Denis.
Landy, Denis.	Power, Averil.
Moloney, Marie.	Reilly, Kathryn.
Moran, Mary.	White, Mary M.
Mulcahy, Tony.	Wilson, Diarmuid.
Mullins, Michael.	
Naughton, Hildegard.	
Noone, Catherine.	
O'Donnell, Marie-Louise.	
O'Keefe, Susan.	
O'Neill, Pat.	
Sheahan, Tom.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Paschal Mooney and Diarmuid Wilson.

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Maurice Cummins: At 10.30 a.m. tomorrow.

The Seanad adjourned at 7.20 p.m. until 10.30 a.m. on Thursday, 22 January 2015.