



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 13 Bealtaine 2015

Wednesday, 13 May 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 Health to comment on the proposed use of the HSE building known as Avonree in Kilrush, County Clare by an organisation (details supplied).

I have also received notice from Senator David Cullinane of the following matter:

The need for the Minister for Health to outline his plans for 24-7 cardiology cover at Waterford Regional Hospital and to increase current services.

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

The need for the Minister for Health to provide a rapid response ambulance service in County Roscommon, to outline the total number of ambulances, their location and the personnel available in the county each day and to explain the unsatisfactory response times.

I have also received notice from Senator Tom Sheahan of the following matter:

The need for the Minister for Transport, Tourism and Sport to detail whether he has proposals to make the wearing of high visibility jackets by cyclists and pedestrians compulsory.

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

Commencement Matters

Mental Health Services Provision

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

Senator Martin Conway: I, too, welcome the Minister of State. More than 100,000 Irish people took part in the Darkness into Light walk to raise funds and, much more importantly, to raise awareness of suicide in this country and internationally last Friday night into Saturday morning. This was also the case in County Clare, where six different walks took place. In Ennis, more than 2,000 people took part while in excess of 1,000 people took part in Kilrush in west Clare. More than 600 people took part in the walk in Miltown Malbay, where it was held for the first time this year. There were also walks in Shannon and Killaloe.

Suicide has affected every parish, every region and every county and many people are doing their utmost to deal with it. There are many organisations involved in mental health, all of which bring their own unique perspective, experience, local knowledge base, etc., to the table. All play a pivotal role in raising awareness, preventing suicide and supporting people who have difficulties with mental health. The West Clare Mental Health Association is one of those organisations which has done enormous work in the past few years in supporting people in west Clare with mental health issues. It provides on-the-ground support, intervention support, peer support and financial support and engages in fund-raising - the whole realm of support that, as a society and a state, we have failed to provide. The Minister of State has acknowledged in the past that we have an awful long way to go. Fortunately, we have organisations such as the West Clare Mental Health Association which go some way to providing the necessary supports and filling a very big void in terms of what we should be doing as a state but are not doing. Organisations such as the West Clare Mental Health Association fill that void with honour and do a very good job.

There is a facility in Kilrush which is vacant. As part of its development programme, the organisation is looking to use this vacant facility as a base or a hub to deal with the various services it provides. The facility is vacant and in the ownership of the HSE. A proposal on the use of this premises by the West Clare Mental Health Association has been submitted to the HSE. This would be a natural step forward that would reflect the spirit of partnership between the HSE, the State and mental health associations nationwide. The West Clare Mental Health Association would maintain the facility which would provide the group with a much-needed base to allow it to continue to develop the vital work it is doing on behalf of the community.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I thank the Senator for raising this issue and giving me the opportunity to outline the position. The Senator will appreciate that the Health Service Executive has statutory and operational responsibility for the planning and delivery of services at local level. The mid-west mental health services provide a range of adult mental health services within the specialties of general adult, psychiatry of old age and rehabilitation psychiatry as well as a forensic service. It encompasses various settings such as service user homes, acute inpatient facilities, day hospitals, day centres and supported community residences. The service, which is community based, has a focus on recovery principles in line with A Vision for Change.

The West Clare Mental Health Association is one of four mental health associations funded by the HSE in the Clare area. HSE Mid-West also funds a number of mental health associations in County Limerick and north Tipperary. The West Clare Mental Health Association provides valuable support and services for people with mental illness, including peer support, social interaction and self-care programmes. The HSE and Department value the role of the association

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and are extremely supportive of its work. I also acknowledge the excellent work of 103 local mental health associations and numerous other voluntary groups operating nationwide which are engaged in a wide range of activities and services that promote mental health and support those with mental illness.

Until recently, the Avonree Centre was used to accommodate people with a mild to moderate intellectual disability. However, arising from health and safety concerns and other problems with the building, the HSE had to relocate residents to a more appropriate premises. I understand the HSE has carefully reviewed the proposal for the use of Avonree for west Clare peer support services. However, given the unsuitability of the premises arising from health and safety issues, it is not in a position to agree to the proposal. Substantial capital investment would be required to make the building safe and I regret that the funding required is not available to undertake this work. However, if at any stage another more suitable premises becomes available, the HSE will re-examine the request.

Senator Martin Conway: I fully accept that the last thing that should be done is compromise people by placing them in a building that is not safe or fit for purpose. I welcome the commitment given by the Minister of State and the Health Service Executive on identifying a suitable centre. I hope it will extend to all State agencies in the west Clare area. As the Minister of State correctly noted, the West Clare Mental Health Association does valuable work. It would be a natural progression for the association to acquire a premises as a hub for the provision of peer supports. I thank the Minister of State for coming to the House to address this issue.

Deputy Kathleen Lynch: When mental health was at the bottom of the pile, voluntary organisations such as the West Clare Mental Health Association, Cork Mental Health Foundation and Housing Association and similar organisations elsewhere did the type of community-based support work recommended in A Vision of Change. They are very much a part of the solution and it is in the interests of everyone that their future is secured. This will be an ongoing process.

Hospital Services

Senator David Cullinane: I welcome the Minister of State. The issue I wish to raise is the need to provide 24/7 cardiology services at University Hospital Waterford. Many people in Waterford city and county and across the south-east region have been involved in a long-standing campaign to secure improved cardiology services at the hospital, including the replacement of the current service which operates office hours with a service providing full-time cover. The previous Minister for Health promised to establish such a service as part of the reconfiguration process which involved Waterford and Cork university hospitals amalgamating in a new hospital group. A shift to 24/7 cover in University Hospital Waterford was regarded as a major plank of this configuration process. Unfortunately, the Higgins report did not specifically spell out the delivery of such a commitment and refers simply to enhanced and improved cardiology services in Waterford. On the other hand, the Minister made a clear commitment on 24/7 cover in his public announcements.

Last week I met representatives of the management of University Hospital Waterford who indicated they did not envisage 24/7 cardiology services being delivered at the hospital in the short, medium or long term. They cited a national review of cardiology services which may result in the centralisation of cardiology services through the provision of full 24/7 cardiology cover in larger population centres such as Dublin, Cork and Galway. However, they stated it

was unlikely that other regions, including Waterford, would secure additional cardiologists, support staff or resources to enable them to provide 24/7 cover. I am not being alarmist in this matter as management also defended the current system as safe and indicated that it was acceptable to airlift people to Cork, where necessary, because they can be transported in a timely fashion. This view does not wash with those who living in Waterford who may suffer a cardiac arrest and want assurance that they will be treated as quickly as possible in the nearest hospital. While I accept that specialist services cannot be provided in all locations, University Hospital Waterford is a regional centre providing services to a large population base in counties Kilkenny, Wexford and Tipperary as well as Waterford city and county. A 24/7 cardiology service is needed for the entire region and should be located in Waterford.

Is management at University Hospital Waterford wrong? Is it Government policy to provide 24/7 cardiology cover in Waterford Regional Hospital? If so, when will the service be introduced and the necessary resources provided? What new interventional cardiologist posts, additional resources and capacity will be provided? Will the Minister of State clarify once and for all whether 24/7 cardiology cover will be delivered in University Hospital Waterford? The answer is either “Yes” or “No”. The previous and current Ministers have fudged on this issue by using vague language and giving vague commitments. The Government and the Department should be clear on this issue, one way or another, as the service will or will not be delivered. At least if the Government were honest about the issue, we could consider how to step up the campaign for a full-time cardiology service. I ask the Minister of State to indicate what is the Government’s policy on this matter, what resources will be provided and if she is able to tell people in Waterford and the south east whether they will have 24/7 cardiology services in the future.

Deputy Kathleen Lynch: I thank the Senator for raising this matter. It strikes me that we learn very little from the appalling circumstances in which people find themselves as a result of failures in the health service. The lesson we must learn from recent revelations about maternity services is that services must have continuous throughput and significant volumes if they are to be safe and this is not always the case. Services at the regional cardiac catheterisation laboratory, cath lab, at University Hospital Waterford are led by three consultant interventional cardiologists and their teams. This service is developing in line with best practice and the national clinical programme for acute coronary care. The cath lab at University Hospital Waterford performs approximately 40 invasive cardiovascular procedures each week and offers a comprehensive range of invasive and non-invasive diagnostic services. These include the insertion of stents, pacemakers and implantable defibrillators. Almost 3,000 procedures were carried out in 2014.

Primary percutaneous coronary intervention, PPCI, is done on patients with ST elevation myocardial infarction, STEMI, heart attacks, which account for some 20% of all heart attacks. It is done in a cath lab by an experienced cardiologist. The cath lab in University Hospital Waterford is open five days a week from 8.30 a.m. to 5.30 p.m. Patients who require PPCI outside these hours are transferred to another hospital in the south-south west hospitals group, namely, Cork University Hospital, or to a Dublin hospital. It is important to note, however, that 24/7 consultant medical cover for cardiac patients and all medical patients is provided at University Hospital Waterford. For 24-hour emergency PPCI cover, there is a requirement, as a minimum, for two cath labs on site. It also requires a minimum of six interventional cardiologists.

As for any complex acute hospital service, a key criterion for deciding whether a 24-hour PPCI service should be provided is whether there is a sufficient volume of appropriate patient

activity to ensure the safe provision of the service. Without sufficient volume of patients, staff will not be in a position to maintain their skills and, in those circumstances, it will not be possible to ensure a safe service. That is the most important consideration in all of this. The acute coronary syndrome, ACS, programme was established in order to standardise the treatment of patients with all types of cardiac arrests. The model of care produced by the ACS programme was informed by advice from the principals involved in centres in the United Kingdom and other European countries. The programme was also informed by models of care from the United States and Australia. Experience at national and international level highlights the importance of having sustainable rotas of clinical staff to support the 24/7 requirements of the service.

The designation of PPCI centres outside Dublin is based on the recommendations of the ACS programme report of 2012. These were that Cork University Hospital and University Hospital Galway should provide a 24/7 service, with University Hospital Waterford providing a 9 a.m. to 5 p.m. service. University Hospital Waterford is committed to the progressive extension of the current PPCI service and will be pursuing this in the context of service planning for 2016. An extension to the service would require three additional consultant cardiologists, extra support staff and a second cath lab. This would have a significant capital cost of €1.9 million and an even greater revenue cost of €2.7 million. Another factor to consider is that international best practice indicates a requirement for one PPCI centre per 500,000 to 1 million population.

University Hospital Waterford is a constituent hospital of the south-south west hospitals group. It will, therefore, be necessary for the latter, in the first instance, to consider the issue from a group perspective and plan for the cardiology needs of its group population accordingly.

Senator David Cullinane: The Minister of State indicated that the acute coronary syndrome programme report of 2012 recommended that outside Dublin, full 24/7 coverage should be provided at Cork University Hospital and University Hospital Galway, with University Hospital Waterford to continue to provide a 9 a.m. to 5 p.m. service. The report identified additional costs in extending the service at Waterford and the requirement for additional interventional cardiologists, support staff and so on. Reference was also made to importance of having a critical population base. I agree that any service must be safe for citizens, but there is a critical mass of almost 500,000 people living in the south east. One of the concerns expressed by people in the region was that once the new hospital groups were in place, patients in Kilkenny or Wexford who were now grouped with hospitals in Dublin would no longer be seen as being in the catchment area of University Hospital Waterford. I hope what is happening here is not the first step in that direction and we do not end up with the hospital no longer performing the regional service it formerly provided.

Why did the previous Minister for Health give a clear commitment to the provision of full 24/7 cardiology care at University Hospital Waterford but we are now being told it cannot happen because of resources and because we do not have the critical mass? In fact, the numbers seem to be right, as set out in the ACS programme report. Will the Minister of State confirm it is the Government's view that it is unlikely 24/7 cardiology cover will be extended to University Hospital Waterford?

Deputy Kathleen Lynch: To say it is "unlikely" is not to give a clear answer. It is not a "Yes" or "No". What I am saying is the people running the service in Waterford have indicated that it is a safe service, there is access for patients and they are still pursuing the possibility of extending and enhancing the cardiac service at University Hospital Waterford under the 2016 programme. It is an ongoing process. While I never answer for other people, I would make the

point that the only way we should ever deliver health services is on the basis of evidence-based research, not by way of promises at a particular time.

Ambulance Service Provision

Senator Terry Leyden: I welcome the Minister of State, Deputy Kathleen Lynch. I would have preferred to have seen her here last week when I tabled urgent questions regarding mental health services.

Deputy Kathleen Lynch: As the Senator knows, I could not be here.

Senator Terry Leyden: I accept that. However, in this instance, I had really hoped to see the Minister, Deputy Leo Varadkar, because the issue relates directly to his responsibilities. I have been in the Minister of State's position and understand it, but this is a critical issue.

Deputy Kathleen Lynch: I do not mean to take up the Senator's time, but it might be helpful to him to note that it is possible to defer this matter until such time as the Minister can deal with it.

Senator Terry Leyden: The issue is very urgent and I am anxious to hear the response from the Department. I take the Minister of State's point, but I will proceed. Perhaps the Leader will examine the issue generally of which Ministers or Ministers of State come to the House to take particular Commencement matters.

My question relates to the need for a rapid response ambulance service in County Roscommon, asks specifically about the total number of ambulances, their location and personnel, that are available in the county each day, and seeks an explanation for the unsatisfactory response times. The current situation is totally inadequate and unacceptable to the people of Roscommon and surrounding areas who have had no accident and emergency service at Roscommon County Hospital since 2011 when it was closed by the Fine Gael-Labour Party Government which falsely promised a rapid response ambulance service. The HSE has failed to deliver that service in the four years since the wrongful closure of the accident and emergency department.

The Sunday Times on 10 May included an exclusive story by Eoin Young-Murphy, an investigative journalist with the *Roscommon People*. Mr. Young-Murphy unearthed an e-mail from Liam McMullen, consultant surgeon at Roscommon County Hospital, criticising the HSE's failure to deliver an ambulance service to the county following the closure of the accident and emergency department four years ago. In correspondence between Mr. McMullen and the Minister for Health, which was obtained under freedom of information, the surgeon claimed the hospital's patients had been "thrown to the wolves".

Mr. McMullen e-mailed the Minister on 13 January after watching an RTE "Prime Time" report of a leaked study which claimed Ireland is too rural to meet recommended ambulance response times. Mr. McMullen wrote: "You wonder why I, a long-time Fine Gael supporter, will now be voting for local independent candidates." He said there was no longer any way to justify to the public the closure of the accident and emergency unit:

It was hard enough to try to explain why you were closing Roscommon A&E department and to put some kind of honest medical, surgical reasoning behind the decision. That reasoning was based on the promise of an adequate rapid response ambulance service. This

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is manifestly not in place nor apparently will it ever be.

According to guidelines drawn up by the Health Information and Quality Authority, HIQA, in 80% of cases, an ambulance should arrive at the scene of a life-threatening incident within 90 minutes. According to the national ambulance service figures for last November, this target was met in only 50% of cases in counties Roscommon, Mayo and Galway.

Mr. McMullen was also critical in his e-mail of the HSE decision to commission a UK consultancy firm, Lightfoot Solutions, to undertake a review of the ambulance service. He urged the Minister:

Stop listening to the HSE management. They would not know a patient if they fell over one. Their only goal is to advance up their own management ladder. This means parking their problems with yet another management consultants' firm from England at huge cost.

11 o'clock

He went on to criticise the HSE's inability to make decisions: "On no account will they take a decision about anything other than to make sure that no trouble lands on their boss's plate, so that their own future advancement is secure." Mr. McMullen advised the Minister not to cut himself off from what is happening in hospitals. He wrote: "You are quite happy to cocoon yourself in and to be unquestionably reassured by ... management blather and deceitfulness... You have lost all sense of judgment and analysis."

This document was secured under freedom of information, as I said. Mr. McMullen's words are particularly striking, given that he was among those who justified the closure of the accident and emergency unit in Roscommon at the time on the basis of the promise from Government of the provision of a rapid response ambulance service. That did not materialise, of course, and it is due to the diligent work of Mr. Young-Murphy that this correspondence has come to light. It is a fairly dramatic development. The people of Roscommon are very aggrieved that the Taoiseach and previous Minister for Health, Deputy James Reilly, as Opposition Deputies, gave written commitments before the 2011 general election that the accident and emergency department would be open on a 24-7 basis, 365 days per year. There has been an absolute betrayal of that undertaking to the people of Roscommon. The e-mail from Mr. McMullen to the Minister, Deputy Leo Varadkar, is quite explosive.

Deputy Kathleen Lynch: I apologise to the Senator for not being here last week. My absence was due to unforeseen circumstances. I hope he will agree that I generally make myself very available to Senators.

Senator Terry Leyden: I accept that. However, it is a very sensitive issue.

Deputy Kathleen Lynch: I am pleased to have an opportunity to inform the House of current developments in pre-hospital services, both nationally and in the Roscommon area. The National Ambulance Service is working to ensure the provision of high-quality and timely emergency pre-hospital care services, using all available resources as effectively and efficiently as possible. As with any pre-hospital service, development and modernisation is an ongoing process, as technology and clinical standards change. A significant reform programme has been under way in recent years. As part of this, additional funding of €5.4 million was provided this year to improve technology and clinical audit and address gaps in service, especially in the west.

It is important to acknowledge that progress is being made. The single national control system, which is now almost fully operational, is improving our control and dispatch performance. We continue to develop the intermediate care service, ICS, which transports patients between facilities, allowing emergency vehicles to focus on emergency calls. The ICS now carries three quarters of the non-emergency workload. We are also moving to more efficient on-duty rostering and developing a national rostering system. Fifty additional paramedics are being allocated in the west this year as part of that process.

Services in the Roscommon area have been enhanced significantly since 2011. Emergency cover in Roscommon town is provided by three ambulances during the day and two at night. In addition, a rapid response vehicle, crewed by an advanced paramedic, provides cover on a 24-7 basis. It is important to note that we are changing the model of service delivery from one where services are provided to a local area from a fixed ambulance base located in that area to a model of strategic deployment. The general area of Roscommon can be supported from the north by services from Boyle and Carrick-on-Shannon, to the east by crews in Longford and Mullingar, and to the south from Athlone. In addition, services are now coming on stream at Tuam and Mulranny stations which will enhance the coverage across the region of north Galway, west Roscommon and east Mayo. Refurbishment of the former Garda station at Loughglynn which is intended to provide dispatch services is now complete and discussions are under way on staffing the facility.

We have also seen the establishment of the emergency aeromedical service, EAS, which is operated from Athlone by the Air Corps and staffed by NAS advanced paramedics. The EAS provides swift transfers of seriously ill or injured patients to appropriate hospitals and almost 1,000 missions have been completed since June 2012. Roscommon and Mayo are the two counties which have benefited most from the availability of the EAS.

These are all significant achievements, but we intend to drive further improvements to the service. This year, for example, we expect to receive the report of an independent capacity review to determine current and future service needs. Among the areas being examined are staff numbers and skills mix, as well as resource deployment locations. I am confident these reforms and reviews will lead to improvements in our pre-hospital emergency care services to the benefit of the people of Roscommon and the rest of the country. I hope my reply has addressed some of the issues raised in the e-mail to which the Senator referred.

Senator Terry Leyden: I understand the Minister of State's situation regarding commitments and the difficulty in getting to the Chamber. She has been most responsible to this House and made herself available on almost every occasion she was requested. I hope she is aware of the deep concerns in Roscommon regarding psychiatric services, as I outlined last week. I urge her to take a hands-on approach, come to Roscommon and see what is happening in Castlerea and elsewhere. Her direct involvement would be of help. I have begun to avoid attending any HSE briefings. To be frank, I have no faith or confidence in the management of the psychiatric service in Roscommon. I do not trust the people involved and what they are doing. There is a total contradiction between what we are being told in the Dáil and the Seanad and what is happening on the ground.

An Leas-Chathaoirleach: Does the Senator have a question on the matter we are discussing?

Senator Terry Leyden: Regarding the ambulance service, I will convey the Minister of

State's response to Mr. McMullen.

Deputy Kathleen Lynch: The Senator raised a matter that was discussed in the House last week. There are several issues to address concerning mental health services in County Roscommon. I am in the process of compiling a list of the more than 50 new posts we have put in place there. I am gathering both names and locations because I am constantly being told these appointments were not made. When that information is available to me, which will be in the very near future, I will supply it to the Senator and everyone else. Senator John Kelly also raised the issue with me.

I will be bringing in the people who are saying this is not happening and, if needs be, I also will bring in the more than 50 additional staff we have put in post. The only further comment I will make is that sometimes a service is used to achieve other aims. Senator Terry Leyden should know that more than most because he has seen it happening for long enough. Sometimes, too, we politicians allow ourselves to be used. I have been there myself and am not placing that blame on anyone's door. It is necessary to put this matter to bed once and for all. Equally, it is necessary to reassure people who are in need of the service that both management and the staff who deliver the service are competent and capable people working for the good of patients, not for the good of other agendas.

Road Safety

Senator Tom Sheahan: I welcome the Minister of State, Deputy Michael Ring. I have repeatedly raised this particular issue in the past three years, but perhaps now is an opportune time to have a proper debate. It is the question of whether the wearing of high visibility jackets should be compulsory for cyclists and pedestrians, especially in rural areas and where there is no footpath or street lighting. The percentage of road fatalities that are made up of cyclists and pedestrians presents a frightening figure. We can get all the statistics and facts, but I want to open up a debate on this. I have said to people that I was going to raise this issue and they said I would be accused of creating a nanny state but so be it if we create a nanny state if it is going to save lives. If the Minister of States checks the record, he will see that within three days of my raising this issue on the last occasion, two pedestrians were killed at night in my own county. I will keep raising this issue until something is done.

There are no footpaths or lit-up areas in rural areas, in particular. The term used is "vulnerable road users", and these are said to be pedestrians and cyclists. I do not agree with this. The most vulnerable person on the road is the motorist. The motorist must deal with the rules of the road and needs to have everything right with the car, have it taxed and insured and have seat-belts, airbags and everything else. Drivers are going about their business and yet people will not adhere to the simple requirement that they would wear a high-visibility jacket, in particular on dark evenings in winter. This is why something more strenuous has to be put in place.

To give a piece of anecdotal evidence, two years ago I met a neighbour of mine who had a grá for the drink and who has sadly passed away. It was before Christmas and I said to him: "Don't let me see you back in the village without a high visibility jacket on you." He said he would not, but when I met him four or five nights later, he had no high visibility jacket on him. When I said I would drop one over to his house in the morning, he replied: "Don't bother. I have three of them at home."

In fairness, the Road Safety Authority, FBD Insurance and the IFA and other farming bodies are constantly giving out high visibility jackets and there is a great programme whereby the high visibility jackets are made available to schoolchildren. That is all well and good. However, we have to insist on this. There is no point having people act like the man I have just mentioned, who had three of these jackets at home but was walking back from the village in the pitch dark. There is no good having high visibility jackets at home if pedestrians and cyclists are not wearing them.

I will await the Minister of State's reply. I intend to keep raising this issue because I believe it will save lives.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): I thank the Senator for raising this very important matter. The Minister, Deputy Paschal Donohoe, the Department, the Road Safety Authority, any right-minded person and I should be gravely concerned at the number of pedestrians and cyclists who are being killed and injured on the roads. To date in 2015, ten pedestrians and one pedal cyclist have been killed in collisions with motor vehicles. While I am not aware of the individual circumstances behind each and every one of these awful tragedies, I would expect that anything that could attract a driver's earlier attention to the presence of a pedestrian, pedal cyclist or other vulnerable road user may have resulted in a different outcome in these cases.

As of yesterday, Tuesday, 12 May, there were 16 fewer deaths as a result of road collisions than in the same period last year. While it is too early to say whether this trend in 2015 will be sustained, I am confident that the implementation of the actions set out in the Road Safety Strategy 2013 to 2020 will, over time, lead to a reduction in road traffic collisions, fatalities and injuries.

Vulnerable road users, in particular cyclists and pedestrians, are a focus of concern and action for the RSA in the authority's current promotional campaigns. The RSA is continuously engaged in publicity drives involving radio and television advertisements on national and local media. The RSA puts huge effort into educating all road users to the dangers on any road and to instill a sense of personal responsibility into all of us. Specifically, it has devoted significant resources to get the message across to all road users about the dangers for walkers and cyclists on or near roadways. Its high visibility vests and other road safety apparel are in evidence everywhere we look. If we step outside these four walls, we will see the RSA-supplied high visibility vests with its logo and slogan, "Be Safe, Be Seen", on hundreds of cyclists, runners, delivery persons and walkers, among others. I understand that up to 5 million various items bearing reflective material have been distributed to members of the public in recent years. These include the high visibility vests mentioned by the Senator, as well as Sam Browne belts, ruck-sack covers, bicycle clips, torches and other novelty items, all with a road safety theme to them.

The aim of the RSA is to ensure all road users develop safe behaviours and appropriate attitudes to be used on the roads. To do this, it looks to impart knowledge and the appropriate skills to road users as they move through life. The RSA's current policy is to deliver road user education and awareness in a combined approach up to third level education. Educational resources have been developed from preschool all the way up to third level and right into the heart of local communities. These resources are delivered in schools and communities throughout the country on a continuous basis.

While the wearing of high visibility equipment is a part of keeping safe on the roads, there

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are other safe behaviours to be practised when using roads and these are of equal value. In circumstances where people are negotiating unlit or poorly lit roadways, it is the responsibility of all us - cyclists, pedestrians and drivers - to take extreme care. However, no matter how much effort the RSA puts into its campaigns, there has to be an element of personal responsibility in all of this. Road safety awareness campaigns by the RSA that promote personal protection equipment for pedestrian and cyclists and which support a shift to healthier forms of mobility such as walking and cycling are included in the Government's Road Safety Strategy 2013 to 2020. The supply of high visibility equipment was also provided for under the previous Road Safety Strategy 2007 to 2012. Even now, these items are available free of charge and can be ordered by telephone, e-mail or online directly from the RSA ordering system. The RSA also has a number of sponsorships each year that include a partnership with the ESB on its Back to School campaign and with the *Irish Farmers Journal* for the ploughing championships.

I am not aware of any country that makes the wearing of high visibility material by walkers and cyclists compulsory. A difficulty with such an approach would be in what circumstances walkers and cyclists would be required to wear such high visibility material, in what weather conditions and at what times of the year, and so on. While I understand the Senator's concern, and we are all convinced of the usefulness of high visibility vests, I understand the Minister believes the current promotional approach to high-visibility material is the correct one and the Minister has no plans to make their use a compulsory legal requirement.

Senator Tom Sheahan: I must compliment the Minister of State on a very comprehensive reply. He is stating more or less what I am stating myself. As I said, it is not that there is a lack of supply. I forgot to mention the ploughing championships, which are very good in this regard, but I referred to the schools initiative and so on. Nonetheless, the gent I spoke to had three high visibility vests at home. The Minister of State spoke about personal responsibility but this is where it lies. The point is how we highlight this issue.

Again, the term "vulnerable user" is used to refer to a cyclist or pedestrian. However, I believe the motorist is the most vulnerable person on the road now because, God forbid it should happen, but if a driver is unlucky enough, in the dark of night, to hit a pedestrian who does not have a high visibility vest, one can be sure it will be fatal if the car's speed is over 25 mph. The point I want to stress about the vulnerable road user is that the person driving the car will have to live with that for the rest of his or her life.

I understand that by making it compulsory, we would be accused of making this a nanny state. However, anything that saves lives should be done. The resources, in particular the high visibility jackets, are available and there is no question mark in that regard. However, is there anything we can do to make people wear them? I have been told by gardaí that they often hand them out to pedestrians when they are on the beat.

An Cathaoirleach: The Senator is over time.

Senator Tom Sheahan: I will conclude. I thank the Minister of State for his very comprehensive response. I continue to believe that anything that saves lives is worthwhile. We have to develop a stronger strategy. Education has worked, to a point, but as the Minister of State said, it comes down to personal responsibility.

Deputy Michael Ring: I thank the Senator for raising this very important issue. There are thousands more people cycling and walking now than in the past. People are more health-

conscious, as one sees every day in the city. The Senator is quite correct to raise this issue and refer to personal responsibility. In terms of the law on road users, it is the same for those on bicycles as those driving cars. Everybody has to obey the rules of the road. Every day one sees people on bicycles driving through lights.

The time has come to examine the issue. The Road Safety Authority has made a major effort in terms of schools and educating people. As the Senator said, he raised the issue with his neighbour. What more can one do? One cannot put it on for people in the evening and again in the morning. At the same time, there needs to be personal responsibility. While driving around the country, one sees people walking late at night wearing black jackets. Such people have to take responsibility for themselves.

The Senator is quite correct; if there is an accident, the people involved are affected. If a person is killed, that has an effect on families. The Road Safety Authority and the Department are examining the issue. At the current time, they do not consider it is something that should be compulsory because it would be very difficult to implement such a law.

Sitting suspended at 11.25 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, statements on early child care, to be taken at 12.45 p.m. and conclude not later than 2.45 p.m., with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes and the Minister to be called on to reply not later than 2.40 p.m.; No. 2, Legal Services Regulation Bill 2011 - Second Stage, to be taken at 3 p.m. and adjourned not later than 5.30 p.m., if not previously concluded, with the contributions of group spokespersons not to exceed ten minutes and those of all other Senators not to exceed seven minutes; and No. 61, Private Members' business, non-Government motion No. 15 re cultural institutions, to be taken at 5.30 p.m., with the time allocated for the debate not to exceed two hours.

Senator Darragh O'Brien: I wish to ask the Leader about the arrangements for next week. I understand the Dáil is sitting on Tuesday. I take it, therefore, that the Seanad is also sitting next Tuesday. It is our view that the Seanad should sit as there is legislation we can deal with, but I wish to know what the position is on sitting next week.

I ask about the review of the local property tax, LPT, overseen by Dr. Don Thornhill? My party and I am sure others made detailed submissions on how we believe the local property tax could be made fairer. We proposed a number of legislative measures which were defeated by the Government, by way of amendment, such that the revaluation date would be frozen. We have also said all homes with pyrite ratings of 1, 2 and 3 should receive a full exemption from the LPT, that those living in managed estates who are paying management fees and are effectively paying on the double should be allowed a partial exemption from the local property tax and that the interest rate on LPT liability should be reduced to 2%. We made quite a detailed submission involving a number of items. I understand the process for the review of the LPT is

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that a report will be published in June or July - no set date has been given - and that the Government would then act on what it sees fit by way of the Finance Bill later this year. I ask that a commitment be given that when Dr. Don Thornhill produces the report, it will be debated in the House. I am aware that many good submissions and ideas have gone into it. Before the Government produces legislation, should it wish to do so, to amend the local property tax and try to make it fair, it would be useful if we had a debate on this issue here.

Yesterday, the Minister for Health was in the House to discuss specific matters relating to alcohol. That is unquestionably important, but every week the health service is falling deeper into a crisis from which I believe it will be very difficult to extricate itself. A record number of over 400,000 people are on waiting lists. Nurses are going abroad and we cannot fill psychiatric nursing posts. The Minister of State, Deputy Kathleen Lynch, who was speaking in the House earlier, apparently cannot spend the money she has been given for adult mental health services. There has been a total failure in that area and across the health service by the Government. This must be debated properly. We must find out from the Minister for Health, Deputy Leo Varadkar, what he is doing. He is very good with the sound bites but people are getting tired of that and want action.

Fianna Fáil has produced a detailed plan on what we would do about health, such as bringing back the National Treatment Purchase Fund which the Government abolished. It would ensure nobody would wait any longer than three months for an operation. That is gone now and over 400,000 people are waiting more than 12 months for surgery. The health system cannot function anymore. The Minister must come to the House, even if it is to say there are three things he intends to do. The fair deal scheme is still not properly funded and it still takes 12 weeks, at a minimum, for applications-----

Senator Colm Burke: That is not true.

Senator Darragh O'Brien: It is true and the Senator knows it.

Senator Colm Burke: It is not correct.

An Cathaoirleach: Senator Darragh O'Brien to continue, without interruption.

Senator Darragh O'Brien: I am not aware that the Senator has been appointed a Minister yet. I prefer to hear from the Minister, Deputy Leo Varadkar, than from Minister Burke in this instance. For that reason I am proposing an amendment to the Order of Business, that the Minister for Health come to the House for a debate on health and some of the examples I have given. Then, perhaps, Minister Burke on the other side of the House might like to join in and try to defend Government policy in this area.

An Cathaoirleach: The Senator is over time.

Senator Jim D'Arcy: He does not know the facts.

Senator Darragh O'Brien: Let us have a proper debate on the issue.

An Cathaoirleach: We are not having the debate now.

Senator Darragh O'Brien: If they want that, they should invite the Minister to the House. I am proposing that he come to the House today to tell us how he will deal with the crisis in the health system which is getting worse by the day.

Senator Ivana Bacik: The tragic news of another baby's death, this time in Cavan General Hospital, is very distressing for everybody and I am sure all Senators would wish to join me in extending sympathy to the family concerned. I renew my call on the Leader to schedule a general debate on maternity services and particularly on the need to ensure sufficient specialisation in maternity services to provide for the safe delivery of service across maternity units in Ireland.

I commend the Heritage Council for the excellent briefing it is conducting today. I visited it earlier and other colleagues will be visiting it during the day. It is on all day today in Buswells Hotel. The Heritage Council briefing conveys the huge amount of work it does in supporting communities with different heritage projects across Ireland. An amazing range of initiatives is supported from Bere Island to Dublin, via the Burren and the Burrenbeo Trust. A huge amount of work is being done on a very reduced budget. The Heritage Council deserves great praise for its work, but I ask the Leader to arrange for a debate on a national cultural policy and national landscape strategy to ensure there is a measure of forward planning so the Heritage Council and the organisations it supports are not left wondering each year what funding will be available to invest in different projects. For me, the huge issue from the briefing was the need to ensure the preservation of our cultural heritage and the benefits it can bring, not only the abstract benefit but also the practical benefits in terms of local employment, tourism and so forth. The Labour Party has tabled a Private Members' motion on national cultural institutions for debate tonight with the Minister for Arts, Heritage and the Gaeltacht, but this is a different debate which we should have on support for the Heritage Council and a national cultural policy.

I echo the requests made by Members yesterday for a debate on sentencing and penal reform. We should focus on a report published yesterday by the Irish Penal Reform Trust, "Turnaround Youth: Young Adults (aged 18 - 24) in the Criminal Justice System". This report presents important evidence on the need for differential treatment of young people. We are all aware that younger adults are particularly at risk of becoming engaged in criminal behaviour, more so than older adults, and there are a number of risk factors which may lead to increased risks for particular groups of vulnerable young adults, including those with a history of homelessness and so forth. The report presents the evidence on this in a clear way and it would help us, when debating sentencing and penal reform, to consider the need to ensure that crime prevention measures and juvenile diversion measures are supported to reduce the levels of offending in this cohort of the population.

Senator Denis O'Donovan: I second the amendment proposed by Senator Darragh O'Brien. I do not wish to repeat what I said yesterday, but there is a serious crisis throughout the health service and it is worthy of an urgent debate in the House.

It is also welcome that the Legal Services Regulation Bill, after a delay of almost three years, will be debated on Second Stage today. As somebody with a practising certificate, I hope this legislation will become law during the lifetime of the Government. I wish to bury the myth that the Law Society wants self-regulation and is against independent regulation. That is not the case. It wants independent regulation but not Government regulation. That is the key issue. However, I look forward to having time to debate that issue later.

I have previously sought a debate on the persecution of Christians in different parts of the world. I was delighted to see that debate taking place in the Joint Committee on Foreign Affairs and Trade this morning. I welcome this, although I am not a member of the committee. However, I still believe it is worthy of debate in this House. We believe in freedom of religion, freedom to practise religion and freedom of views but, unfortunately, in huge areas of the world

if one is a Christian of any denomination, be it Church of Ireland, Protestant, Catholic or Anglican, persecution is rife. I hope, before the summer recess, the Leader will allocate two or three hours to debate that issue with the Minister for Foreign Affairs and Trade. It would be a worthwhile debate for this Chamber.

Senator Paul Coghlan: I strongly agree with Senator Ivana Bacik in commending the Heritage Council on its work. Its briefing is well worth a visit for all of the reasons the Senator outlined. It dealt with a very important issue which I have spoken about previously, the extension of the burning date to 15 April. We are out of line with the North and our colleagues across the water and we should make strong representations to the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys, in this regard. Members will be aware that there were serious fires in Killarney which wiped out many mountain tops and so forth. We were lucky the national park was not invaded by fire. Fires must be controlled through local knowledge and notification. Please God that will happen, but we must have the burning date extended.

Senator Denis O'Donovan referred to the Legal Services Regulation Bill. It is welcome that it will be debated today. I accept that there has been a huge delay with it but much good work has taken place in the past four years. The Bar Council worked very constructively with the Department and the Minister for Justice and Equality, Deputy Frances Fitzgerald, has been very good in dealing with the legislation also. I wish it well today as it is very much in the public interest.

Senator Aideen Hayden: I welcome the report published today by the National Economic and Social Council senior advisers to the Taoiseach recommending that a number of actions be taken in respect of the rental sector, primarily that rent regulation be introduced, in other words, regulating the extent of rent increases. Rent increases are out of control. They have also proposed indefinite security of tenure and other measures that would make rented housing secure for families in this country.

We are all aware that a document will go to the Cabinet today on the issue of mortgage arrears. A number of Members of this House have taken a keen interest in this issue. The only thing we have to go on is the newspaper reports which suggest the bank veto issue will be addressed. It seems that the question of independent expert advice for people in mortgage arrears will also be addressed. I understand the insolvency term will also be coming up for review. I ask the Leader for a debate on these measures in early course. While some people would dispute that a tsunami of repossessions is coming down the track, I have no doubt that this is going to happen. Some equitable solution needs to be reached in the interests of the people as a matter of urgency.

Senator Colm Burke: It is important to respond to what has been said about the health services. I would welcome a debate on the matter. All information on health services needs to be available. I ask the House to understand what the Government inherited. I have gone through the Portlaoise hospital report. In fairness, some patients were not given adequate care. Certainly, the treatment provided for them was not at all consistent with the proper manner in which they should have been looked after. I think the report deals comprehensively with that issue. I remind Senator Darragh O'Brien that during his party's term in office, the number of deliveries in Portlaoise hospital increased from slightly over 1,000 to approximately 2,300 without any increase in staffing levels. That is the reality. We are now dealing with that issue.

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

Senator Colm Burke: I am.

Senator Darragh O'Brien: Perhaps the Senator might support my amendment to the Order of Business.

Senator Colm Burke: I remind the Senator that according to the 2003 Hanly report on maternity services, there were 93 obstetrics and gynaecology consultants in HSE hospitals at the time. The report recommended that there should be 190 people in such roles by 2012, but the reality is that there was no real change in the period from 2003 to 2011. The number of births increased from 61,500 in 2003 to 75,500 in 2009 without any increase in staffing levels in maternity hospitals. We are now having to deal with that issue. It is important for the future that we immediately start to engage in long-term planning, which is one of the things that is lacking in the health service. I would certainly welcome a debate on the matter.

Senator Marie Moloney: I condemn in the strongest possible terms the abuse to which a young man, Jack Grealish, has been subjected in the past couple of hours simply because he had not agreed to sign up with the Irish team. It just goes to show how dangerous social media can be. It really needs to be regulated. The use of false names and pictures on Twitter, in particular, by people who do what they like could destroy this young man's confidence and career. It could destroy whatever chance there is of his playing for Ireland. I suggest, for want of a better pun, that we should put the boot on the other foot. If this was happening the other way around, and the English authorities wanted a young man who was born and raised in Ireland to play for their team, how would Irish people feel if English people were subjecting him to this abuse? We would be up in arms over it. I strongly condemn the abuse that Jack Grealish is receiving.

I agree with Senator Darragh O'Brien that we need a debate on the health service. I suggest we focus particularly on the crisis in the nursing sector. The Senator and I know well that we can call for the Minister to come in, but it is obvious that he will not be available at short notice. While I will not be supporting the Senator's amendment today, I support his call for a debate. For once, the shortage of nurses, which is a feature of the current nursing crisis, is not a matter of funding. That is particularly true in the psychiatric services. We should do whatever we can to encourage and entice young nurses to come back to the country and work here. I know of an Irish woman who has come back to live here, having trained as a nurse in America and spent 12 years working in a hospital there but is unable to register with An Bord Altranais. Given that she is 40 years of age, it is scandalous that she needs to do four more years in college. We should be helping people like her to get them into the workforce.

Senator Hildegard Naughton: I met representatives of the volunteer centre in Galway this morning as part of a briefing on National Volunteering Week 2015. They outlined the progress they have made. Ireland ranks very highly with regard to voluntarism. Approximately 20% of people in this country do not volunteer because they do not know where to access volunteering opportunities or how to get involved in the process. Those involved in National Volunteering Week will outline how people can access voluntary services and get involved in their local communities. Their partnership with LinkedIn will allow them to connect with 1.2 million members to advertise volunteering roles. This significant asset will benefit people who want to apply their skills to local charity groups and organisations, as well as improving their own employability prospects and their professional experience. There is a demand for people with skills in information technology, customer service, event management and education and training. Volunteer Ireland intends to launch a volunteer finder system that will enable charities and organisations to find volunteers with specific skills to help them. Volunteer Ireland is to be

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commended on this initiative. I wish it every success.

Senator Cáit Keane: The volunteer issue raised by Senator Hildegard Naughton is an important one. As politicians, we would not be anywhere without the volunteers we have. When I was the mayor of South Dublin County Council, I created the South Dublin volunteer mayoralty award. I commend Senator Naughton on recognising all the people who work in volunteer offices in each county.

I look forward to some positive news on behalf of mortgage holders. Many Senators have spoken on this issue. We await the good news in this regard. It is badly needed.

I would like to bring to the attention of customers everywhere in Ireland this morning's report that Toyota and Nissan are withdrawing 5 million cars with defective airbags. Some of those cars are in Ireland. Toyota Ireland is withdrawing 27,000 cars that it manufactured. I want to publicise this news which has just been released. Toyota Ireland will be contacting the 27,000 people in Ireland who have Yaris, Corolla and Avensis Verso models that were produced between April 2004 and 2007. If one has a model that was manufactured outside those years, one does not need to worry. Toyota has stated people can contact its office. It wants to bring to the attention of the public that this recall pertains to the driver-side airbag. I am using this forum to do so. We all know that Toyota and Nissan cars, including the Yaris, are very safe. The fact that they are recalling them is a plus on their side because there is no national legislation saying they should do so or must do so. It is right to bring this to the attention of anyone who is driving one of these cars manufactured between 2004 and 2007. I will not mention the names of the models again. The other one is the Yaris that was produced between 2003 and November 2005.

Senator Maurice Cummins: Senator Darragh O'Brien asked about the arrangements for next week. The House will not be sitting next week. As the Senator mentioned, the Dáil will be sitting on Tuesday, but this House will not. It will sit the following week.

The local property tax will be reviewed in June and July. We will certainly consider the Thornhill report for debate if it is published before it goes to the Government. The HSE national service plan was debated at length in the House in the presence of the Minister. The Senator seems to be trying to whip up a frenzy in relation to health services. I am glad that Fianna Fáil has produced a health policy after spending four years pontificating on what it might include in it and rehashing failed policies.

Senator Darragh O'Brien: I remember what was said about universal health care.

Senator Maurice Cummins: I assure the Senator that I have made a request to the Minister to come to the House to discuss nursing and maternity services in hospitals. I hope he will accede to that request in early course.

12 o'clock

On that matter, yesterday Senator Ivana Bacik raised the question of maternity services, as did other Senators. I have made the request to the Minister.

Senators Ivana Bacik and Paul Coghlan spoke about the briefing by the Heritage Council which I attended this morning. It was an excellent briefing by everybody involved. One would not know the amount of work people in the council do. It is well worth a visit by those Mem-

bers who have not yet attended.

Senator Ivana Bacik also spoke about the report of the Irish Penal Reform Trust on youth crime. I have requested the Minister for Justice and Equality to come to the House to deal with several items on which Members have requested debates. The Minister has brought forward quite an amount of legislation in the past couple of months and will be here again today to take the Legal Services Regulation Bill 2011 which is a substantial Bill and which Senators Denis O'Donovan and Paul Coghlan mentioned. It is imperative that it receive the scrutiny it deserves and be enacted as soon as possible.

Senator Denis O'Donovan, among others, spoke about the persecution of Christians worldwide. I do not like to duplicate the work of committees. The Oireachtas Joint Committee on Foreign Affairs and Trade is discussing that matter today. I will discuss it with the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan.

Senator Aideen Hayden welcomed the report of the National Economic and Social Council on landlords and what was mentioned in the newspapers today. She also mentioned that mortgage arrears and other matters would be discussed by the Cabinet today. The Minister for the Environment, Community and Local Government has said that when the Government's proposals are announced, he will come to the House to discuss these matters with us.

Senator Colm Burke spoke about health matters and the Hanly report, especially the need for more consultants. The report was published in 2003 and there was very little response on the matter until 2011.

Senator Marie Moloney spoke about the dangers of social media and attacks on individuals by people who would not give their own names. They are nothing but cowards, spewing out vile and dreadful abuse. It is absolutely unacceptable. Senator Lorraine Higgins is producing a Bill to deal with some of these matters. Some of the stuff put out is absolutely disgraceful, not alone on social media but by anonymous individuals attacking people in public life, the sports world and many other areas. Something has to be done to deal with these cowards. On Friday last I received a telephone call in my own home from water protesters and the vile abuse spewed out to me was absolutely disgraceful. The people concerned should be dealt with.

Senator Hildegard Naughton spoke about national volunteer week and wished Volunteer Ireland every success. The country has been blessed with many volunteers in all areas. Long may this continue.

Senator Cáit Keane spoke about the recall of cars that might have defective airbags. Everyone will take note of this and the matter will be publicised.

I do not propose to accept the amendment proposed to the Order of Business.

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 crisis in the health service be taken today." Is the amendment being pressed?

Senator Darragh O'Brien: Yes.

Amendment put:

The Seanad divided: Tá, 11; Níl, 18.

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Tá	Níl
Bradford, Paul.	Bacik, Ivana.
Byrne, Thomas.	Brennan, Terry.
Craughwell, Gerard P.	Burke, Colm.
Heffernan, James.	Coghlan, Paul.
Leyden, Terry.	Conway, Martin.
Mooney, Paschal.	Cummins, Maurice.
Ó Murchú, Labhrás.	D'Arcy, Jim.
O'Brien, Darragh.	Gilroy, John.
O'Donovan, Denis.	Hayden, Aideen.
Power, Averil.	Higgins, Lorraine.
Wilson, Diarmuid.	Keane, Cáit.
	Kelly, John.
	Moloney, Marie.
	Mullins, Michael.
	Naughton, Hildegard.
	Noone, Catherine.
	O'Neill, Pat.
	Sheahan, Tom.

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

Amendment declared lost.

Order of Business agreed to.

Sitting suspended at 12.15 p.m. and resumed at 12.50 p.m.

Early Child Care: Statements

An Leas-Chathaoirleach: I welcome the Minister for Children and Youth Affairs, Deputy James Reilly.

Minister for Children and Youth Affairs (Deputy James Reilly): I am pleased to come to the House today to outline my Department's position on a wide range of issues relating to early childhood care and education. High quality and well structured investment in the early years of a child's life is now widely recognised as being one of the most strategic investments we can make with public funding. Children are at a critical stage of development in their early

years, and we have a golden opportunity to set children on the right path for their futures - in a very real way, for all our futures - if we invest wisely in them at this stage. For example, the benefits of participation in high quality early childhood care and education have been widely evaluated over a considerable period, and a strong consensus exists that all children benefit significantly from participating in this kind of provision, while the greatest benefits are reaped by children from disadvantaged backgrounds. As Minister for Children and Youth Affairs, I am very concerned about the rate of child poverty in Ireland and know it is this kind of investment in children that will make a real impact in tackling that problem.

Of course, children are not the only beneficiaries because when children are given real opportunities to develop to the fullest of their potential, we all benefit - parents, families, communities and the wider society and economy. It is because the Government recognises the critical importance of investment in children's early years that we worked so hard to protect expenditure in this area, despite the dire economic circumstances the Government inherited. The Department of Children and Youth Affairs invests more than a quarter of a billion euro in early childhood care and education each year - and that is before spending on children by other Departments is taken into consideration. With many parents and practitioners working with young children, I would like that figure to be higher. We are well aware that Ireland's investment in this area is lower than in many other OECD countries. Currently, the Government is constrained in its ability to significantly increase that investment, as the recovery in public finances is not yet complete and resources remain limited. Furthermore, as Minister for Children and Youth Affairs, I am committed to ensuring that every euro we invest in children is invested wisely. Today, I would like to outline some of the work we are undertaking to realise that goal.

Better Outcomes, Brighter Futures, the national policy framework for children and young people, commits us to developing an early years strategy to create an innovative and dynamic blueprint for improving the lives of children in their early years, from birth to six years of age. The early years strategy will address a range of issues affecting children in their first years of life such as child health and well-being, parenting and family support, learning and development and play. The strategy will also address the future development of the early years sector. Considerable work has already been undertaken on the development of the strategy. The work of the expert advisory group, Right from the Start, has greatly informed progress to date. In the interim, the Government has continued to progress policy initiatives for children in their early years. I have welcomed, for example, the introduction of free GP care for all children under six recently announced by my colleague, the Minister for Health. I have signalled my intention to conduct focused consultations with relevant parties across the early years sector before concluding my own deliberations on the strategy. I am also mindful of the importance of other work that is being undertaken in parallel in respect of the future investment priorities in early childhood care and education. Taking account of these developments, I expect to be in a position to publish the early years strategy once my own consultations have concluded in the coming months.

I would like now to discuss in more detail current developments in child care. As I mentioned, the Department of Children and Youth Affairs makes a considerable investment in child care provision, at approximately €260 million per annum. This investment supports more than 100,000 children and their families. Most of the funding is directed towards three national child care programmes: the early childhood care and education programme, otherwise known as the free preschool year, or ECCE; the community child care subvention programme; and the training and employment child care programmes. The early childhood care and education

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programme is universal and provides for a free preschool year for all children in the year before they start primary school. Approximately 67,000 children avail of the programme each year in more than 4,300 services nationwide. Currently, the cost of the programme is approximately €175 million per annum which translates to an annual reduction in child care costs for parents of approximately €2,300 per child.

In Better Outcomes, Brighter Futures, the national policy framework for the period 2014 to 2020, the Government made a commitment to introduce a second free preschool year within the lifetime of that framework. To realise this goal, we need not only to secure the considerable resources required, but also to ensure that the service offered is of sufficiently high quality to achieve the outcomes we want for our children. That is a critically important point. Very often we spend money with the best of intentions without realising that it is not delivering the outcomes we require because we have not assessed it or carried out an evidence-based study. I know that is a point that is well understood by child care providers, and it is the reason work on the early years quality agenda - involving a range of actions on which I will speak in more detail later - is so important.

The community childcare subvention programme funds community-based not-for-profit child care services to enable them to provide high quality child care at reduced rates for parents on low incomes. For example, parents qualifying for the higher subvention have their child care costs reduced by €95 per week. Each year, more than 25,000 children benefit from the support of the programme. To ensure that access to subvention funding is not a disincentive for parents to return to employment, the programme allows parents in receipt of the higher level of support and who secure employment following initial enrolment to retain that level of funding support until the end of the school year in the same service and also to have a reduced level of funding support for one further school year.

A range of initiatives provided under the training and employment child care programmes support parents who are returning to training, education or the paid workforce. These include the child care education and training support programme which provides child care places for qualifying SOLAS or education and training board trainees or students for the duration of their courses. This programme provides €145 per week towards the cost of full day child care, with *pro rata* rates for parents who receive a reduced level of service.

The after-school child care programme provides after-school care for primary school children for certain categories of working parents for a once-off period of 52 weeks. This programme provides €40 per week for after-school care, or €80 per week where a pick-up service is provided, and €105 per week for full-day child care during the holiday period. *Pro rata* rates apply for parents who require support over a shorter weekly period.

The community employment child care programme provides up to €80 a week to support qualifying parents who are participating in a community employment scheme.

1 o'clock

Following a number of enhancements to this programme, part-time care is now provided for children up to the age of 13 years whose parents are participating in the scheme. The upper age limit was previously five years. A further enhancement to this programme includes an after-school option which enables qualifying parents of primary school children to obtain after-school care at a weekly cost of €15.

The Department is looking at ways to improve this investment in early childhood care and education. We are also placing an increasing emphasis on improving the quality of early years services. For example, we are working to improve the early years regulatory and inspection regime. The current inspection regime is being strengthened because quality is so important for children, parents and practitioners. Children deserve this, parents demand it, and for practitioners, a robust regulatory and inspection regime is critical to maintaining confidence in one of the most important investments we can make in a person, high quality early childhood care and education.

A new registration system is being introduced that requires early years child care providers to register with Tusla's early years inspectorate before they open. The inspectorate will inspect services before registration is granted, and there will be ongoing inspections of all aspects of early childhood care and education once the service is operating and children are attending. This early years inspectorate is now managed by Tusla on a national basis and inspectors are working to common standards. The inspection tools and the report format have been reviewed, and new inspection arrangements will accompany the new regulations later this year.

Importantly, these new regulations will also be accompanied by new national standards for early years services, against which services will be inspected and reported upon. The aim is that services will be supported to work towards higher quality standards, based on clearer criteria for measuring levels of compliance. The aim of this strengthened regulatory regime is to ensure that every child, in every service, can benefit from high quality early years provision. In addition to this work, the inspectorate of the Department of Education and Skills is, at the request of the Department of Children and Youth Affairs, leading focussed inspections of the quality of educational provision in the free preschool year provided under the Early Childhood Care and Education Programme.

These education-focused inspections aim to improve educational provision for preschool children because as we all know, quality educational provision in the early years pays multiple dividends for children. These inspections are intended to have a developmental focus, examining how we can support the quality of children's learning experiences and achievements, whether that be how the service is managed, the curriculum and learning environment, through interactions between children and adults, and of course, by using play-based approaches to learning.

Early years practitioners will have an opportunity to engage in professional dialogue with inspectors who have expertise in early childhood education. This professional dialogue, together with the publication of reports, will, I hope, provide valuable advice to practitioners on how to improve the quality of learning experiences for the children. The Public Appointments Service will shortly begin the recruitment process for the early years inspectors, who are to be drawn from practitioners and experts in the early years sector. It is welcome that the Department of Education and Skills will soon begin an intensive consultation with the early years sector about these inspections.

The Department of Children and Youth Affairs and the Department of Education and Skills are very much committed to ensuring that these inspection systems work closely together and complement each other. We are conscious of the need to avoid unnecessary administrative burdens, while ensuring appropriate levels of transparency and accountability in everything we do and to minimise disruption to the valuable work early years services do.

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As a step in this direction I have provided up to €350,000 to fund the development of an information and communications technology, ICT, infrastructure to support inspection work carried out by Tusla's early years inspectorate. This will be hosted on the same platform as the inspectorate of the Department of Education and Skills. I have also drawn these stakeholders together under one working group to strengthen collaboration and engagement. This improved system of regulation and inspection, while important, is just one part of a multifaceted agenda led by my Department to improve quality.

The early years quality agenda also includes workforce development and a range of quality supports. For example, and as part of the strengthened inspection regime, we are demanding higher quality through the introduction of a minimum qualification requirement for all early years practitioners. In the new regulations, all staff will be required to have a minimum level 5 qualification on the national qualifications framework in early years care and education, or an equivalent qualification. In addition, preschool leaders delivering the free preschool year will be required to have a minimum level 6 qualification, or equivalent, by September this year. To support early years staff to meet these new qualification requirements, the Department of Children and Youth Affairs established a learner fund which allocated €3 million in 2014 and 2015 to almost 2,500 early years staff who have upskilled or are in the process of doing so. My colleague, the Minister for Education and Skills, Deputy Jan O'Sullivan, is working to improve the professional training system for early years practitioners while my Department is incentivising higher qualifications by specifically directing additional funding, through a higher rate of capitation, towards early years services that employ higher qualified staff benefiting more than 1,400 services in the school year 2013-14.

There are several other ways in which we are supporting providers in meeting the challenge of continually improving the quality and standards of early years services throughout the country. For example, we provide substantial capital funding, on an annual basis, to early years services. I recently announced that €7 million of funding will be provided under the Early Years Capital Programme for 2015. The establishment of Better Start, the national early years quality support service which is fully funded by my Department, also demonstrates the Government's commitment to excellence in early years services. The aim of Better Start is to provide a nationally coherent continuum of support to providers to help them improve quality. It incorporates the work of city and county child care committees and the national voluntary child care organisations, who receive annual funding of €13 million from my Department. This funding supports the valuable work of these bodies in supporting early years services around the country, through training, continuing professional development programmes, networking and cluster-type support groups. Critically, Better Start also incorporates the work of a new early years specialist service, which has recruited and trained 30 graduates in early childhood care and education to work directly with services in a mentoring capacity to improve quality, including assisting services in the implementation of the Síolta framework and the Aistear curriculum.

I mentioned that my Department was considering ways to improve investment in early childhood care and education. This is largely being driven by the work of the interdepartmental group on future investment in early years and school-age care and education, which is being led by my Department. I established this group earlier this year to allow us develop a coherent, whole-of-government approach to future investment in early years and after-school care and education. Membership includes representation from across government, including the Departments of Education and Skills, Health, Social Protection, Justice and Equality, and Jobs

and Innovation, as well as the Departments of Public Expenditure and Reform, Finance and the Taoiseach. The group is tasked with developing a series of options for future investment and is required to report to the Government by June this year.

To help the group develop the strongest set of options, its work is informed by research and evidence of best practice, as well as current policy commitments. I was also keen to ensure we consulted at an early stage on policy development with all relevant stakeholders. On 31 March, my Department hosted an open policy debate attended by some 40 invited representatives, including parents, providers, academics, child care committees and non-governmental organisations, NGOs. A range of views on future policy directions were expressed and a range of options for future investment were examined and discussed.

Two separate online consultation processes, one with the early years sector and one with parents and guardians have also taken place and my Department is analysing approximately 400 submissions received from the early years sector and almost 1,000 submissions received from parents and guardians. Reports on these consultations are being compiled and will be published in due course.

While the focus of the work of the group is on all children, I have also asked it to consider children with special needs. Access to the free preschool year for children with special needs concerns many parents and it concerns me greatly as a parent. I have very personal experience of it. The Department of Children and Youth Affairs recognises this problem and several measures are already in place to ensure the free preschool year is more accessible to these children. They include an exemption from the upper age limit where a child would benefit from starting primary school at a later age.

In addition, children with special needs can apply to have the preschool year split over two years on a *pro rata* basis - for example, availing of the programme for two days a week in the first year and three days a week in the second year. The HSE, where possible, provides additional supports to children with special needs to enable them to avail of preschool services in mainstream preschool settings. Previous groups, chaired by the office of the Minister of State with responsibility for disability and the Department of Health, agreed that the best approach to meeting the needs of children with disabilities at preschool age was through mainstream preschool services, but no agreement was reached on what the model of provision would be or who would lead in developing this. The Secretary General of my Department has recently agreed with his counterparts in the Departments of Health and Education and Skills that my Department will seek to gain agreement, in a relatively short timeframe, between the three sectors - children, education and health - on the most appropriate workable model for supports to preschool children with special needs. This will be followed by close co-operation between the sectors in defining and developing the model and in making an agreed cross-departmental proposal for the resources required to implement it. It is my intention that a proposal will be available in time for the Estimates process.

There will be several challenges to agreeing an appropriate and workable model, including reviewing existing resources in the system to determine how they can best meet children's needs and accessing the additional investment needed. My Department has committed to leading this process, and, as I stated, we intend to have a proposal available in time for the Estimates process.

Senator Terry Leyden: I welcome the Minister for Children and Youth Affairs, Deputy

James Reilly.

Fianna Fáil has put forward a range of fully costed measures that will lead to significant quality improvements and additional capacity in the child care sector and the inspection regime. Once these improvements in the sector are made, we are committed to expanding the ECCE scheme to a second free preschool year. However, these quality improvements will take at least two years to implement properly, as most interest groups have recognised, and as a result it is necessary in the interim period to introduce additional measures such as our child care tax credit, which would ease the cost burden of child care on working families in the immediate term.

Fine Gael and the Labour Party have substantially under-invested in child care and early education, resulting in crippling child care costs for families. Failing to invest in early child care short-changes children, families and taxpayers, because the return on investment is greater than for almost all other economic development policies. Fianna Fáil's investment in child care will serve a multidimensional function in ensuring the well-being and development of children from an early age, as well as encouraging labour force participation of men and women and reducing the cost of child care for working families. It should be recognised that Fianna Fáil in government, in coalition with other parties, provided extremely good child care facilities throughout the country. Under former Ministers of State, Deputy Brendan Smith, former Deputy Barry Andrews and the late Deputy Brian Lenihan Jnr., there was tremendous development of community child care facilities in rural areas, towns and cities. It is something that should be recognised, but it has not been.

The free preschool year which was implemented by a Fianna Fáil Government has been very successful. Many families have availed of this facility. It is worthwhile. It is very much appreciated by families with young children. It provides a great start in life for young children. Of course, the ideal is the lovely opportunity for the child to be at home, particularly with one of his or her parents. It is a great start, but that is not always possible due to demands and commitments. The cost of child care is very high. Indeed, the cost of living has increased dramatically, and it is difficult for young families, single parents and others to maintain themselves and pay all the debts that are coming in. Unfortunately, with water charges and other charges that arise, these are increasing by the week and month. The ideal is not always the case. Many of us, probably including the Minister, were at home with our mothers and fathers, as I was, and had a great start in life. It is ideal, but not necessary or practical in this day and age.

In the European Union, child care costs on average approximately 12% of a family's income, while in Ireland it accounts for 35%. Preschool care for two children - on average €400 per week - is not manageable for many working families. The average annual cost of full-time child care for a two-child family is €16,500, according to national research. These costs have a disproportionate impact on working mothers, forcing many to manage their working hours to reduce their child care bills or opt out of labour market altogether. This has a knock-on effect on their pay and career progression and is reflected in the low labour market participation rates for mothers with preschool-aged children. Child care for those under three years in Ireland remains among the most expensive in Europe and the OECD, amounting to more than 50% of the net income of some families with two children.

While child care costs are high in most member states across the European Union, they are offset by similarly high child care benefits. However, this is not the case in Ireland, where most families with children under three years receive no financial assistance with child care costs, other than child benefit, which has been cut significantly in recent years. During the significant

gap between the cessation of paid maternity leave at 26 weeks and the commencement of the free preschool year, which applies at three years and two months at the earliest, there is no tax incentive or cost relief available to help working parents meet child care costs.

Child care in Ireland encompasses a mixed model of provision, with services delivered through the family, the community, and the private and public sectors. There is a wide diversity of child care arrangements in Ireland. The predominant form of child care is care by the parents themselves, at 58%. For parents who engage in some form of child care, grandparents or close relatives are the predominant form of non-parental care, at 59%, with 25% being cared for by childminders and 25% using a crèche. However, non-parental child care is important for working parents, with 68% of couples with preschool children using such care where both work full-time. In the case of lone parents who work full time, 60% use non-parental child care. The proportion of preschool children in formal centre-based child care is small by international comparison. This is especially true of the zero-to-three cohort, for whom the predominant form of care is by a relative or childminder outside a centre-based setting. However, informal child care, particularly by grandparents, who provide care for 49% of children aged four and under, also tends to be relied upon for the three-to-four year age group, who have the highest rate of participation in centre-based child care due to the State-funded preschool ECCE year. Hence, even where there is direct public provision of child care, informal care is relied upon by parents who work full-time because suitable formal care is not available for enough hours or is too costly for the hours that parents work.

On early childhood education and care, or preschool, severe under-investment in early childhood has led to a lack of sustainability in preschool sector. Providers are stretched to the pin of their collars in terms of the resources they receive to operate the ECCE scheme, which has been cut significantly in recent years. During the past four years, preschools have experienced reduced capitation levels, an inspection system that is not fit for purpose, increasing administration and compliance responsibilities, and high commercial rates.

On Monday evening last, the Fianna Fáil Parliamentary Party was in the constituency of Carlow-Kilkenny, where we met a group of participants in preschools who had deep concerns. They are really under pressure. I appreciate that the Minister is under pressure financially. I hope he will get an opportunity, if he visits Kilkenny, to meet some of the parents and families and particularly the carers to assist them in their work. Their submission was extremely good. My party's spokesman is Deputy Robert Troy. He has put forward a good policy document, at which the Minister should look but not steal from us at this stage because we need it for our manifesto to get back into government on the next occasion.

Deputy James Reilly: There is no fear of either happening.

Senator Terry Leyden: The Minister will steal our clothes.

Senator Cáit Keane: I welcome the Minister with the most important portfolio in the Government. If we get it right, like the foundation of a house, it will stand strong. According to Dr. Maria Montessori, "It is the child who makes the man, and no man exists who was not made by the child he once was." If we take that and go from there, every Minister will be diverting a little of his or her budget to the Minister for Children and Youth Affairs, Deputy James Reilly's budget.

Senator Terry Leyden: Hope springs eternal.

Senator Cáit Keane: Hope springs eternal, but when they hear what I have to say about how they would save their own budget in the long run, they will be running to his door with a few bob to ensure this is put in place and that good quality child care is provided. Child care provision in Ireland was one of the eight specific recommendations of the European Council's 2014 national reform programme. When the European Union was delivering a Council opinion on Ireland's 2014 stability programme, it asked Ireland to tackle low work intensity households and address the poverty risk of children, facilitate female labour market participation and improve access to more affordable full-time child care, particularly for low income families. I would put the provision of high quality early childhood care and education first and provision for the labour market second. I want to ensure that in meeting this objective, we do not lose the debate on the child. Provision for the labour market is very important, but the child itself should come first, particularly to prevent under-privileged children from getting lost in the fray.

The services provided should be of high quality, affordable and accessible. By balancing parental responsibilities with work, it is easier for families to achieve a work life balance. I will say more on parents because they are most important in a child's life, as we all know. Bricks and mortar are not the only important things. We could have a poor building with very highly qualified staff providing very good outcomes. Capital expenditure is important but bricks and mortar are not all that are needed.

High quality must be defined. In 1999, Gillian Pugh quoted the following as an indicator of quality: "clearly defined aims and objectives and serious consideration of what we want for children as the starting point of how to achieve that." I refer to the expert report of 2014 on the issue of quality which stated that there is little data on quality of preschool early education services in Ireland today and that those indications we have raise concerns.

I compliment the many child care facilities that provide very good quality care but there are some concerns about variable quality. According to the expert report from 2014, levels of professional development and training have begun to improve recently but from a low base and it remains low by international standards.

The Minister mentioned quality analysis and he is very well versed in that regard. I invited him to a child care meeting in Tallaght and many people spoke of his knowledge and interest, particularly in the preschool and the special needs sectors, on which I compliment him.

It has been proved scientifically that the first years - from nought to three and from three to six years - of a child's life are particularly important. As a trained Montessori teacher, I know that Dr. Maria Montessori stated the first three years were a sensitive period for laying down a child's foundation. In those years, we are laying a foundation for cognitive functioning, behaviour, education, physical health and so on and yet many children face various stresses during these years which can impair their healthy development. Early childhood intervention programmes are designed to mitigate factors that place children at risk of poor outcomes. Such programmes provide support for parents, which is so important for the children and the family as a whole. There are many reports, particularly from outside the country. We have only very recently begun the research here. I mention two reports. The Rand longitudinal study in America and the Perry preschool project, which provided 35 years of study of what preschool can do. A total of 20 were evaluated over 20 years and of the 20, 19 proved that quality and training of staff were so important. After 35 years, the intervention was proved to be long lasting and to deliver substantial gains and outcomes.

We will save money in the long run if we invest in child care. I know Governments in the past had very short outcomes for budgetary processes with the five-year term. However, the Government has stated it is looking at the long term. We had consultation on budgetary processes to make them more long term. It is a false economy to put in a few bob here and there in the short term, although it might be politically advantageous. For the country as a whole and the outcomes, it would be better to do it right.

Programmes with better trained care givers are sometimes more effective where the head teacher has a college degree, although not always, at levels six and seven. Suitably trained home nurse visitors or teacher visitors from age nought to three require the Department of Health and the Department of Education and Skills to work together. Suitable qualification must be mandatory and I understand work is under way to continue developing a training framework to support implementation of Children First. This is the first time any Government has put key elements of the Children First guidelines on a statutory footing since they were first published in 1999.

It is only in the last two years that we have had seen any recognition of continuous professional development. The Minister has made a start, as did the previous Minister, Deputy Frances Fitzgerald. We must expand the eligibility criteria for accessing the learner fund. Budget 2014 included an allocation of €1.5 million to support training staff, although I will not repeat what the Minister has covered. I recommend having a national continuous professional development training day as it would give certainty to staff that they will not be working on a wing and a prayer.

We have three hours left but there are only a few speakers. I just want to say a few things because it is so important-----

An Leas-Chathaoirleach: The Leader allocated time and I cannot break that rule, otherwise somebody will complain.

Senator Cáit Keane: I will skip the economic returns to society. The Departments of Justice and Equality, Education and Skills and Social Protection would gain so much by providing €1,400 per child per Department. It would cost €240,000 to keep one person out of jail and crime - that is what we will gain. Children would be better prepared for school. There is less special education in countries where high quality analysis and research is done and there are better high school graduation rates and fewer criminal arrests; therefore, investing in child care is cost-effective as a social element.

As regards inspections, the Minister mentioned co-ordination between the Department of Education and Skills and Tusla. Inspection is so important and we do not want it going in one ear and out the other. The Minister mentioned there is currently no requirement for inspectors be qualified in early childhood care and education. That must be corrected. With the extra workload on child care staff and the poor pay they receive, we cannot expect good outcomes. We must recognise all the work they put in with all the regulations they are given.

The child care providers are self-employed and we are always talking about the need to help the self-employed. The people who go into child care are very caring but they must be helped in the same way as any business. The Government should provide money, through Enterprise Ireland, for child care. The Minister should get Enterprise Ireland to go to the Department to ask: "Where is the money for that business?" We need big money because we will save it in

the long run.

I will not go into paid parental leave. I know the Minister is looking at something in that regard. According to Tusla, grandparents are being used to mind children because, as was said, child care is so expensive that parents cannot afford it. Grandparents do the work very willingly but they do not want to do it 24 hours per day. Increasing participation in the workforce should not depend on abuse of the elderly. This is volunteers' week and grandparents are volunteers. In 1997 President Clinton declared November as a national family caregiver month, which is what we should do here.

An Leas-Chathaoirleach: I was very lenient with Senator Cáit Keane. I would like to speak on the Legal Services Regulation Bill for half an hour or more later today, but I get ten minutes. I have to stick to the rules. I am sorry as the Senator is very passionate about the issue. If different rules are applied to different people, it will create problems for the Chair.

Senator Cáit Keane: I understand.

Senator Katherine Zappone: I welcome the Minister, Deputy James Reilly, and his officials to debate this important aspect of social and economic policy. The Minister's statement laid out very comprehensively what is being done in this area and the rationale behind it. I am aware of the research and expert views that underlie these policy considerations, and it is great to have this overview. I am delighted the interdepartmental group is exploring ways in which our investment in early years education and care can deliver better outcomes for all children. In particular, I look forward to the publication of an early years strategy in June. The interdepartmental group has consulted widely with stakeholders, including parents, in the course of its work. In fact, the Minister extended the original time given for the consultation process, which was very welcome and was reflected in the number of submissions received.

I submitted a proposal to the working group in collaboration with Deputy Stephen S. Donnelly in which we made several recommendations which, if implemented, would bring early years education and care provision in Ireland more into line with international best practice. I acknowledge that this also is the Minister's intention. We recommended in particular that the group look to Finland as an example of a country where family policy is viewed as an essential part of economic and social strategy and where educational outcomes for all children are some of the best in the world. Like Finland, we need to change the narrative on this issue from having a focus solely on social policy to a broader discussion that is inclusive of economic strategy. The Minister touched on this when he referred to investment in early years education. In 2015, he indicated, our investment in this area will be €260 million, which is less than 2% of GDP. In 2013, by contrast, it was around 2%. One of the reasons for this decrease is a good reason, namely, that our GDP is rising. However, we need to be attentive to that. Given that the Department of Finance is forecasting a GDP of €198 billion in 2015, we would need to invest €396.55 million this year, or some €129 million more than the Minister is proposing, in order to keep the provision at 2.2% of GDP. That percentage measure is the means by which we can compare ourselves with other countries in order to determine best practice.

Senator Cáit Keane spoke about the large return on investment in early childhood care and education. The benefits to be availed of certainly do require investment, but investment alone will not guarantee success. We need a long-term vision for what success actually looks like. I understand the Department is considering an action plan to achieve that vision. It requires a consideration of what is best for children in each year of their life and the provision of services

and supports to promote the best educational, social and health outcomes regardless of individual family and socioeconomic circumstances.

Some of the recommendations Deputy Stephen S. Donnelly and I put forward were also endorsed by the expert advisory group on the early years strategy, which was established by the previous Minister at the Department of Children and Youth Affairs, Deputy Frances Fitzgerald. The Minister, Deputy James Reilly, indicated that the report of that expert group was informing the work of the interdepartmental group he had established. I hope the earlier report does have a significant influence on where the Minister is going with the current group and that we see progress towards an implementation plan.

It is widely accepted by leading experts in the field that children benefit from parental care during the first year of life. Sensitive and responsive parent-child relationships are associated with stronger cognitive skills and social competence and linked to better work skills. Senator Cáit Keane referred to parental leave and proposals for extending it beyond the current six-month entitlement to a provision of 12 months. That is what we recommended and it is also the recommendation of UNICEF. We recommend, too, that the role of fathers be recognised as part of a progressive family policy. International evidence shows that paternity leave can promote women's participation in the labour force, boost male participation in household responsibilities and improve father-child relationships and bonding. Most men who have children would be very supportive of this. I welcome the recent indication by the Tánaiste and Minister for Social Protection, Deputy Joan Burton, that consideration is being given to how we might realise those aims.

As children grow, their needs change. The evidence shows that from age two years and beyond, children do better in high-quality early years education and care services than if they remain at home. In particular, as shown from the extensive and excellent work done in this area by organisations such as Early Childhood Ireland, Start Strong and the Tallaght West Childhood Development Initiative, vulnerable children in families experiencing high levels of disadvantage or with complex needs benefit from entering the early childhood care and education services at a younger age. The Minister's comments regarding children with special needs was well articulated and I look forward to his recommendations in that regard.

More generally, we need to extend entitlements to early childhood care and education services to all children from three years of age onwards and for 48 weeks per year. Simultaneously, we must make sure early childhood care and education is of a high quality. The current programme should be improved by investing in the professionalisation of the sector and all that goes with it. We must look carefully at how to prioritise aspects of that investment to improve professional standards and ensure our professionals are supported. That includes increasing investment so that staff can be paid for non-contact time, receive holiday pay and avail of continued professional development.

Another excellent recommendation from the expert advisory group was to strengthen child and family support services by establishing a dedicated service led by child and family public health nurses. This would provide integrated support for parents and children spanning the antenatal period and through the early years. I could say a lot more about this but my time is up. I look forward to further engagement with the Minister as we move towards the publication of the early years strategy.

An Leas-Chathaoirleach: Senator Katherine Zappone's timekeeping is impeccable.

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Senator Mary Moran: I welcome the Minister, Deputy James Reilly, back to the House and thank him for his comprehensive statement. One message that is clear from all the contributions today is that if we invest in children, our future will be safe. As Senator Cáit Keane said, we must make sure the foundations are very strong when we are building the house. There is plenty of room for improvement in the early childhood education and care sector, as the Minister would acknowledge. This is recognised by parents, grandparents, politicians, service providers and the early child care sector as a whole. We have made strides, to be sure, but we are falling down on the hugely burdensome cost for families. There are thousands of situations in which both parents must work and where a large chunk of one salary is going towards the cost of child care. Parents should not have to work in order to afford child care, which is something we are hearing more and more often. Likewise, parents should not be excluded from work due to the prohibitive costs of child care. A recent study highlighted that many mothers are leaving the workforce each year due to the cost of child care or seeking a different job when they return in order to secure more flexible hours.

We had a debate in January with the Minister for Education and Skills, Deputy Jan O'Sullivan, on the closely related topic of improving the quality of early years education. The Minister very clearly and publicly outlined areas of particular focus in her portfolio, which include increasing investment and making early years education a priority in the education system. The Minister, Deputy James Reilly, referred to the importance of cross-departmental co-operation in getting this right. Work in this area has already begun with the introduction of preschool inspections and an allocation of €600,000 in budget 2015 for the immediate recruitment of a new team of early childhood education inspectors. I would like to note that while I take on board the issues raised by Early Childhood Ireland regarding the inspection process, the inspections carried out should be consistent and complement each other, not create further work and duplication for the service provider. Further work has also begun with 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 an advisory group for early years education with a range of stakeholders represented. It is good to see so many submissions and people participating actively in it. In budget 2015, Tusla also received a welcome additional €26 million.

At a local level, I am aware of excellent work being carried out by the Genesis programme in Louth. We can discuss the money and systems in place, but when one sees something working, one has proof that things are working. Those involved in the Genesis programme were very grateful that the Minister went to Dundalk for the launch to witness the excellent work which is ongoing. The programme delivers the Incredible Years programmes to disadvantaged areas in Dundalk and Drogheda. The Genesis programme officially commenced on 1 December 2014 and is already making a significant impact locally due to the dedication and extensive planning of local stakeholders, including parents, primary school principals, community leaders and HSE representatives. I acknowledge the work done above and beyond the call of duty by all the stakeholders. I cannot single out any particular area, but the principals and teachers of the schools involved had a love for the programme. One sees true educators who are dedicated to the profession and have given young people opportunities. We have all seen the statistics and know how much money we can save if we invest in the early years. We have statistics which show that giving children the right start prevents them getting into trouble later on. I say this as a teacher of older children.

The Genesis programme targets children from birth to six years old and aims to promote and

enhance the cognitive, social and emotional well-being of the child at an early stage in life. As mentioned, the programme is already providing an effective service locally for children from birth to six years of age. This age range is crucial in children's development. There is plenty of evidence from the United States to show that investment in our children at a young age reaps rewards later in life such as better test scores, grade retention, graduation, reduced criminal activity and better labour market outcomes, to name an important few.

Children from all backgrounds deserve quality education and care at an early stage and this includes children with all levels of ability. I welcome the Minister's reference to children with special needs. A matter that has often been raised in the run-up to a budget announcement is accessibility for children with additional needs in the preschool or early years setting. Early Childhood Ireland has identified 48% of early childhood settings with at least one child with a diagnosed additional need and 70% of these settings have at least one child with either a diagnosed or undiagnosed additional need.

I know from experience and through meeting parents of children with additional needs that an assessment of the child usually happens just prior to going to primary school, if they are lucky. If we are going to provide the best opportunities early on, we need to provide the necessary services for children with additional needs in early child care settings. For example, psychological assessments are necessary and children should be afforded the opportunity to get special help. We need to have services in place, something which is lacking and which I have mentioned many times.

I know from many years of teaching experience that it is true for children of all abilities that when a child falls behind at an early age, it can be very difficult to gain back the ground that has been lost. Sometimes it can be done, but it proves at times more costly and difficult. We have stated today that the early years such as two and three years of age are the key years. This needs to be an area of priority.

I welcome the Minister's statement on qualifications. They are important and people need to have them. Qualifications for people with expertise in dealing with children with special needs is something on which I am working in the area of special needs assistants and teachers working in special schools. We refer to FETAC and different levels of qualification, which I welcome, but there needs to be specific modules in the area of special needs.

I have a 17 year old and when he started in a mainstream school, I was and I still am grateful to it for taking him for a preschool year. He started at the age of three years and it was brilliant to see him in the same uniform as the other four children and all of them heading off to primary school together. However, I got a shock when I saw that the other children in the preschool classroom were all sitting in a circle, while he was barricaded by a desk in a corner with an assistant. That stigmatised the child and such things happened in subsequent years. It broke my heart to wonder if this was the way things would be for him in the future. I welcome the strides we have made and that things are more inclusive. The person involved with my son had no qualifications, did not know what to do and decided it was best to keep him away from the others in the class. We cannot focus highly enough on such difficulties.

We need to plan for a sustainable and affordable child care structure for families into the future. I know countless child care services throughout the country are providing an excellent service in difficult circumstances. We need to initiate a change of pace in this sector in order that children are provided with the best possible opportunities early in life and parents can

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choose to return to work for reasons not associated with the cost of child care but because it is what they deem is best for them and their family. An investment early in life will yield invaluable returns for thousands of children throughout the country.

Senator Jillian van Turnhout: I start with a declaration of interest. I am chair of Early Childhood Ireland, but it is a governance role. The Minister is very welcome to the House to discuss this issue. I applaud him for the work he is doing in setting up an interdepartmental group on future investment in child care. It is very encouraging to see the Minister for Children and Youth Affairs taking ownership of and showing leadership in the area.

I was surprised recently when I saw a map of the State, Department and agencies involvement developed by Mr. Thomas Walsh of NUI Maynooth. The list was large and I wonder about resources and costs, purely on the State side. That issue needs to be re-examined to ensure the system is streamlined. The map is an exemplar of the role of the Department of Children and Youth Affairs, for which I applaud it. The role of the Minister is to co-ordinate and bring people together and to fulfil the missions of the strategy of the Government in Better Outcomes, Brighter Futures.

I hope the template will give us all an agreed map in order that we can declare where we need to go to. Difficult choices will have to be made, but at least we can agree at last what needs to happen. Parallel to this, as the Minister will be aware, the Joint Committee on Health and Children is having hearings on this issue. Deputy Sandra McLellan is our rapporteur, under the excellent chairmanship of Deputy Jerry Buttimer. The hearings have started and last week Early Childhood Ireland, Start Strong, the NWCI and the Children's Rights Alliance came before the committee to set the scene for the issue. We have already had a good debate.

I want to discuss special needs and additional needs, which came up at the hearings last week. I mentioned the fact that the Department of Education and Skills provided more than 6,500 SNAs in primary schools, yet, apart from some local resources, none is allocated to children in early years education. I know that very often the focus is, correctly, on a child with needs, but we all know and it was stated in the hearings last week that the importance of inclusion and mainstreaming for all children in a setting cannot be overestimated. What came out of it was that perhaps the special needs assistant model is not the right model; therefore, I hope the Minister is examining other models. It was about how they could access resources to support children in order that they were included in the settings and about adequately resourcing the preschool setting to include and mainstream the child rather than having a shadow with the child. I advise the Minister to examine some of the answers we received from the organisations at that hearing.

What also came out very strongly from each of the organisations that presented was the importance of the first year of the child's life, and that we must do everything we can to ensure this first year is at home. This came from all the organisations and it is something I ask the Minister to bring into his consideration. Perhaps over time, as we are trying to be ambitious, the Minister could look at how we ensure we have maternity and paternity leave. In Sweden either parent must take three months of the leave and it is up to them to work out how it is done. We need to look more inventively at this issue.

I strongly urge the Minister to ensure any money allowed goes into investment and not into cash transfers. We do not have to look too far back in history in this regard. The early child care supplement was withdrawn by the former Minister for Finance, the late Deputy Brian Lenihan,

and the free preschool year was started at the beginning of the recession. I am hugely surprised to see that Fianna Fáil has gone back to tax credits in its plans. For me it is about investment. I urge the Minister to examine this issue.

Senator Terry Leyden: We are going for a second year.

Senator Jillian van Turnhout: I have read the plan and Fianna Fáil is looking at tax credits.

Senator Terry Leyden: No, we are going for a second year.

Senator Jillian van Turnhout: There are three points in it. There is the first year, tax credits and the second year. It wants it all. I urge the Minister to look at investment and encourage investment, whether in the first, second or additional years.

I am also concerned about the development of the sector. Who is working to identify the capital investment needs of the children and their families? The Department of Education and Skills has a very clear process, but I do not see the process in this sector. It is a role for the child care committees, which could feed up nationally. We are seeing unplanned expansion, over-supply in some areas and not enough supply in others. Pobal estimates there are 31,500 vacant spaces in the country. We need to ensure we link with local authorities on planning permission. Where does capital investment go? All of these areas need to be examined.

The Minister is very good to have met individuals at the Early Childhood Ireland conference and to have spoken about issues such as being laid off for 14 weeks in the year. In what other profession would we allow this to happen? It is a gender-specific issue. We hear someone earns more cleaning or working in a chipper than educating young children.

With regard to increased investment, the Minister spoke about workforce development. We need to reward, encourage and incentivise people to have qualifications. There are people with these qualifications and I know that the Minister is convinced, but we must do more. We need to ensure more access to the community schemes for struggling working parents. We need to ensure supports are available, as the Minister stated, in order that we meet the additional needs of children. All too often I hear an assessment will come for a child in the months leading up to starting primary school because it is seen as a need for primary school. We need to ensure children with needs are assessed earlier. Some of the outlier peripheral issues include childminders being very unregulated and after-school services, which we are beginning to see being developed. It needs regulation and guidance if we want to be consistent. There is also the issue of au pairs, as we are seeing increase and I am working on this issue to see what we can do in the area.

As the Minister can guess, I could say much more on this issue. I wish him every success and encourage everyone to get involved in the work he is doing with the group. I look forward to seeing the plan. We will have difficult decisions, but I say a huge well done for doing this. It is real leadership and is exactly what has been needed for a long time in the sector. I look forward to seeing what comes out.

Senator Hildegard Naughton: I welcome the Minister for this important debate on early child care. A recent newspaper report indicated one third of women in this country could not avail of work if they wished to due to the cost of child care. Several reports highlight the issues of the quality and cost of child care. The 2012 starting well index, published by *The Economist* intelligence unit, attempts to rate the quality, affordability and accessibility of early childhood

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education services. Finland, Sweden and Norway receive the top three scores in the world. Ireland comes well down the ranking in 18th place, between the Czech Republic and Hong Kong.

The 2008 UNICEF report card set ten international standards for high quality, accessible early childhood services. Of the 25 countries studied, Ireland came joint bottom of the league table, with only one out of ten standards met, although some progress has been made since 2008. Sweden came top, meeting all ten standards, while Denmark, Finland and Norway followed close behind, meeting eight standards each.

We all realise there are serious issues to be dealt with. What we need to discuss is how they are tackled. As I will not have time to go into every issue in detail, I will devote my time to a few major concerns. In doing so I reiterate there is no one-size-fits-all solution to this problem and the issue must be tackled holistically. One of the proposals is some form of increased child care tax credit, an issue Senator Jillian van Turnhout has addressed. I do not think this is the answer for a number of reasons. Research from the OECD shows the best way to make child care affordable and of a high quality is to directly subsidise places in early years services and tie this funding to quality. We need to learn from other countries and not repeat their mistakes. Providing a tax credit will benefit those who need it least more than those who need it most. Someone on the minimum wage would get very little relief while someone earning €100,000 a year would get substantial relief. In this light I impress upon the Minister that the Nordic countries, which have the most accessible and affordable child care systems, use a method of subvention and not tax relief. It is a much fairer system and it works. Tax credits for child care can lead to costs increasing, as has happened in other countries where they have been introduced.

While recent public debate has focused on tax credits as a way of tackling child care costs, they can and have had exactly the opposite effect elsewhere in recent years. When the Netherlands and Australia moved to child care tax credits during the 2000s, both subsequently saw the rise in child care costs outstripping inflation and negating the financial benefit of the tax credits for parents. Child care costs more than doubled in Australia between 1996 and 2007, even though a child care tax rebate was introduced during that period.

Another issue is investment. The OECD average investment in child care is 0.8%. In Ireland our spend is approximately 0.2%. The simple fact is that quality services cost money. As a general point, if we as a country want these services accessible and affordable, our tax take must reflect this. It is not possible in a small country such as ours to have very high-quality public services and low taxation. It is simply the case that we do not expend sufficient tax revenue in areas that would lead to a greater supply and quality of child care. The free preschool year has been a great success. Many of the parents and child care providers in Galway to whom I have spoken say they would rather have the first year extended, should parents wish to avail of it, than a second free preschool year. In his future considerations the Minister might examine ways of making the free preschool year as flexible as possible for parents.

Quality is another issue. Much has been said in recent years about the cost of child care. This is very true, but there is no point in providing affordable child care that does not meet a child's developmental needs. In this light I note the provision of high quality services is central to the Nordic model of early care and education and after-school services. The quality of these services rests above all on the skills and experience of staff. Those working in early care and education and after-school care are recognised as professionals, with high levels of qualifications. Quality standards are high in services for children throughout the age range from one to 12 years. The proportion of contact staff in early years services who have a three-year gradu-

ate qualification ranges from 30% in Finland to 60% in Denmark. In Denmark and Sweden, after-school services are staffed by pedagogues who have three to three and a half years' tertiary qualification.

While there are moves to improve the qualifications of staff involved in the Irish system, I will make a few points in this regard.

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If we are to insist that child care staff are educated to degree level, retraining supports must be put in place for those in the system as without them the system will be drained of personnel.

Degrees are not the be all and end all. Many of those working in the child care system provide sterling services without a third level qualification. For this reason, a balance must be struck between ensuring a suitable degree of formal education and the practical and often long-term experience of child care workers in the system.

I am pleased the House is debating this issue. It is important that we seek to provide accessible, affordable and high quality child care services. The Minister is committed to reform. Child care costs are second only to mortgage costs in terms of the financial headache they create for many households.

Minister for Children and Youth Affairs (Deputy James Reilly): I thank Senators for their contributions and comments, to which I will respond by making some general points.

I fully concur with Senator Cáit Keane that the future of the country lies in our children and we must invest in them. The earlier in life money is invested in children, the greater the return on investment not only in euro but also in terms of its wider value. During the Celtic tiger years, people knew the price of everything but forgot the value of many other things. True value lies in families, children and communities.

We all share the goal of improving outcomes for children and there is now a greater realisation that we need evidence-based services to achieve such outcomes. We must reform, invest, learn and reform again because this issue is not static. Life is changing, as are the lives of children and the challenges and demands facing families. We must continually evolve to meet these challenges.

I will not respond to the issues raised by Senators in any particular order. I fully subscribe to the idea that we should consider investing in child care in a manner that allows the Government to have a say in standards and quality and affords the parents the widest degree of choice. While I do not believe the introduction of tax credits would achieve this objective, I will await the outcome of the deliberations of the interdepartmental group as I do not propose to prejudge a deliberative process that will add value to our ability to make policy and stand us in good stead in the years ahead. The way forward is to ensure the Government has before it a menu of options that has been properly analysed and costed and from which it will make decisions. To this end, the interdepartmental group will report in June. The early years strategy, which is the subject of further consultations, will be completed in the coming months. The interdepartmental group process is running in parallel with the early years strategy but is being fast-tracked to allow for consideration in the context of the Estimates process. Both processes will be informed by the expert advisory group's report.

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It is important to emphasise that during the worst of the financial crisis, the Government protected the early childhood care and education, ECCE, programme. We can be proud of this achievement, which demonstrates our commitment to children. While there is no disagreement on the value or importance of the provision, the question is what is the best and most strategic platform for a process for further investment over time. Quality is central to what we do and is of great importance in terms of outcomes.

I cannot over-emphasise the importance of the role played by parents. In speaking to parents, whether in my current or previous ministerial roles or my previous position as a doctor, I have always pointed out that while some people are experts in particular fields, parents are experts on their children and experts need to listen as well as advise.

The links with health and well-being and the role of public health in the early years are important areas, particularly in the light of the recent OECD report. These links will be a key feature in the early years strategy. The strong cross-over between Healthy Ireland and Better Outcomes, Brighter Futures will continue. I will work closely on this matter with the Minister for Health, Deputy Leo Varadkar, and all my fellow Ministers. We are taking a cross-government approach to Healthy Ireland. One of the nicest photographs of the Cabinet features all its members holding a copy of the Healthy Ireland document. The commitment to its implementation extends across the Government.

Several Senators noted that I had mentioned a model for children with additional needs. I have an open mind on how this will be best achieved. While we seek to achieve uniformity of approach, I also accept that one size does not fit all. I also recognise the need to ensure there is robust planning for current unmet and future demand for services. It is critical that we establish a system of needs assessment that is linked to local planning processes, as has been done in the case of schools.

Senators raised the gender issue and issues related to laying off child care workers for 14 weeks each year. I do not have reason to disagree with the sentiments expressed in this regard. I also agree that remuneration should reflect training.

I wish to continue to discuss with the Minister of State, Deputy Kathleen Lynch, the issue of assessing children area for special needs. We can discuss the issue of au pairs at a future date.

I wish to correct a point made by a number of Deputies.

Senator Cáit Keane: Senators.

Deputy James Reilly: I beg the Senators' pardon. I hope the tone I hear does not mean that Senators do not wish to become Deputies.

Acting Chairman (Senator Diarmuid Wilson): This is the Upper House. Senators do not have an ambition to become Members of the Lower House.

Senator Cáit Keane: I am sure if we leave that decision to the people, the electorate will recognise quality.

Deputy James Reilly: I am sure it will.

Senator Hildegard Naughton made some interesting points on Australia and New Zealand and the use of tax credits. The early childhood education programme has been a major success.

To dispel any doubts anyone may have in this regard, people vote with their feet and it speaks volumes that 95% of the cohort of children who are entitled to avail of the scheme do so.

I will correct a misapprehension because speakers who refer to the OECD figures are comparing apples and oranges. The average OECD rate of investment in child care is 0.8% of GDP as compared with 0.2% here. However, the 0.2% figure refers to investment by the Department and does not include investment made by other Departments. The State invests closer to 0.45% of GDP in children, which is still not good enough. I concur with Senator Cáit Keane's view that more resources should be invested in early childhood education because we cannot correct the matter at a later stage. Children have but one chance at childhood. When we speak of children and our future, we need to remember that children are experiencing childhood now and we must ensure this time of their lives is not only safe and one in which they can develop but also one on which they will look back with fond memories. Sadly, this has not been the case for many in this country. It is our job, as legislators, to ensure it will be the case in the future.

Sitting suspended at 2.10 p.m. and resumed at 3.10 p.m.

Legal Services Regulation Bill 2011: Second Stage

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

Minister for Justice and Equality (Deputy Frances Fitzgerald): I am pleased to be before the Seanad to present the Legal Services Regulation Bill 2011 which completed its Dáil Stages on 22 April. The Bill has come a long way since its publication in 2011 when it began its life as a structural reform under the EU-IMF-ECB troika programme. The Bill is now the subject of a country-specific recommendation under the EU semester process which has succeeded the troika. The Commission will continue to monitor the progress of the Bill as an ongoing deliverable under the semester process. The Government's continued commitment to the Bill's wide-reaching structural reforms is also reflected in the fact that the Bill is a key component of the Action Plan for Jobs, the medium-term economic strategy 2014 to 2020 and the national reform plan.

In our consideration of the Bill before the House we have a unique opportunity to ensure that the Bill's structural reforms are firmly put in place with an appropriate balance between the interests of legal practitioners and those of their clients alike. This will provide a basis for sustained national recovery and competitiveness in the provision of legal services in the years ahead. As a platform for modernisation and reform, the Legal Services Regulation Bill has been much enhanced during its consideration before and passage through the Dáil. I have no doubt this will apply in the Seanad also.

The Bill, as amended and enhanced during its passage through the Dáil, now comprises 158 sections spread over 13 Parts, which makes it a very large Bill. It provides four main levers of change. First, the Bill provides for a new, independent, legal services regulatory authority with responsibility for oversight of both solicitors and barristers. While the Law Society of Ireland has successfully discharged the function of statutory regulator under the Solicitors Acts up to now, barristers have not been subject to similar legislation. As I will set out in further detail, an array of amendments have been made to ensure the independence of the new authority in both

its appointment and in its functions.

Second, the Bill provides for an independent complaints system to deal with public complaints, including those relating to professional misconduct. There will also be an independent legal practitioners' disciplinary tribunal to deal with both legal professions, thereby replacing the two separately operated tribunals that exist at the moment. The public will now make their complaints directly to the new authority and not through the professional bodies. In addition to formal misconduct procedures, provision has been made for the informal resolution of more minor and consumer-type complaints such as those about inadequate services, which is a useful approach. Third, the Bill provides for a new and enhanced legal costs regime that will bring greater transparency to legal costs and will apply to barristers as well as to solicitors. The Bill sets out for the first time in legislation a set of legal costs principles at Schedule 1. The Bill also provides that a new Office of the Legal Costs Adjudicator will replace the existing Taxing Master to deal with disputes about legal costs, will prepare guidelines and maintain a public register of determinations. A range of technical enhancements have been made to the legal costs provisions of the Bill taking account of expert views received.

Fourth, the Bill provides for a framework for alternative business models. It facilitates new forms of legal services provision such as legal partnerships and multidisciplinary practices that take account of the emergent new business models in other common law jurisdictions and the huge advances made in business technology. It does not seek to impose the new models on legal practitioners, rather the intention is that the new models will operate successfully alongside the existing modes of business used by legal practitioners, including small solicitors' firms and, for barristers, the Law Library. The new models will facilitate legal practitioners by removing current restrictions on the way they deliver their services, it will facilitate consumers by providing more choice, better access and, in due course, lower costs, and will facilitate the removal of barriers to competition in the legal services market which were identified by the Competition Authority nine years ago. I introduced a number of key amendments on Report Stage in the Dáil relating to these new business models which further enhance their regulation and governance. Part 8 of the Bill refers.

I will go through each section briefly. Obviously I cannot give a comprehensive account of the Bill in all its detail, but I hope to highlight the key issues.

Part 1 of the Bill headed "Preliminary and General" comprises five sections dealing with the Short Title and commencement; interpretation and construction, regulations and orders, expenses and repeals, respectively. There will be ongoing development of this part of the Bill before the Seanad when, for example, key definitions will come to be settled. In addition, the commencement dates for a number of the Bill's key provisions will be settled under section 1.

Part 2 of the Bill headed "Legal Services Regulatory Authority" deals with the establishment and functions of that new body. This Part of the Bill also sets out the powers of the authority in terms of codes of practice and professional codes and makes provision for its chief executive and staffing, its accountability structures, the powers of inspectors and the prosecution of offences.

There will be 11 members of the new legal services regulatory authority, six of whom will be lay persons and five of whom will be nominees of the legal professional bodies. The authority will have a lay chairperson. The members of the authority will be nominated by independent nominating bodies reflecting the authority's remit. Members will be appointed after a

resolution approving such appointment has been passed by both Houses. Provision is made to ensure gender balance in nominations for the regulatory authority and its appointment will be staggered to ensure continuity.

Additional safeguards now apply to the possible removal of a member of the authority including a requirement for a resolution before both Houses with the added safeguard of the High Court; therefore, the independence is locked in by these various provisions. The ban on public comment by the chief executive officer of the authority on policy has also been removed. These numerous safeguards are underpinned by the affirmation under the terms of the Bill in section 12(3) that the new legal services regulatory authority “shall be independent in the performance of its functions”. It should also be noted that there will no longer be any ministerial role in the processing or approval of professional codes of practice. Those changes have been made since publication of the Bill.

This is also the Part of the Bill that enables the new regulatory authority to conduct a series of public consultations on such matters as the education and training of legal practitioners in the State, the possible unification of the solicitor and barrister professions, the creation of a new profession of conveyancer and possible other matters. This is a range of issues under which the authority could have consultations. Provision is also made for interim reporting. I draw the attention of the House to section 33 of the Bill which sets out these matters and the reporting periods that will apply. I have changed some of those reporting periods. All in all, I think Senators will agree, upon consideration of the Bill as it now stands, that the new Legal Services Regulatory Authority, as now set out in Part 2 of the Bill, is robustly independent.

Part 2 of the Bill is also important because it balances the interests of lawyers and clients in a fair and more transparent way. Section 12 sets out six objectives to which the new Legal Services Regulatory Authority must have regard in performing its functions. Three of these are in the public-consumer interest - protecting and promoting the public interest, protecting and promoting the interests of consumers relating to the provision of legal services, and promoting competition in the provision of legal services in the State. The remaining three objectives support high standards in the provision of legal services, including supporting the proper and effective administration of justice, encouraging an independent, strong and effective legal profession, and promoting and maintaining adherence to the professional principles. These are the broad high level objectives which fit very effectively for the work of the authority.

The Bill also gives clear statutory expression to the core professional principles under which legal practitioners must act, namely, with independence and integrity, in the best interests of their clients, and by maintaining proper standards of work. They must also comply with the duties that are rightfully owed to the court and, they must, subject to professional obligations, keep the affairs of their clients confidential. These objectives and core principles will provide the policy bedrock for regulation and operation of the legal services market as we go forward with this new legislation. The professional and client interests at play in the provision of legal services are being mutually upheld under Part 2 of the Bill. This balance informs the entire Bill.

Part 3 of the Bill, as reflected in its Title, consists of section 36 which makes provision for the holding of clients' moneys. The holding of such moneys is, under existing law and regulation, confined to solicitors. It should be noted, however, that elsewhere in the Bill, that is, under section 104 of Part 8, this may change in the future. Provision is made under section 104 for the holding of public consultations on certain issues relating to barristers.

Part 4 of the Bill entitled “Matters Relating to Protection of Clients of Legal Practitioners”, which are under ongoing consideration, provide for the making of regulations in relation to interest on clients’ moneys as well as on professional indemnity insurance, respectively, while also setting out the parameters of the limitation of a legal practitioner’s liability by contract.

Parts 5 and 6 deal with the new and independent framework being set up to deal with public complaints about legal practitioners. Part 5 deals with the informal resolution of complaints relating to inadequate legal services and charging of excessive fees as its title denotes. Covering sections 40 to 46, inclusive, this Part of the Bill allows for the processing of consumer-type complaints which would not amount to misconduct as such and, therefore, lend themselves to more informal resolution. This is an important provision and it avoids putting every single complaint received through the more formal and costly misconduct procedures where an informal resolution can be more appropriate and proportionate to the case involved. It should be noted, however, that more serious overcharging of fees by a legal practitioner, that is to say where those fees are grossly excessive, will amount to the type of serious misconduct that will be dealt with under the more stringent procedures of Part 6 of the Bill.

Part 6 sets out the Bill’s regime for dealing with professional misconduct by a legal practitioner whether a solicitor or a barrister. I draw attention to section 47 which sets out where an act or omission by a legal practitioner may be considered as constituting misconduct. Chapter 1 of Part 6 also includes provision for the making of regulations in regard to the processing of complaints, for the admissibility of complaints and for the possible resolution of a complaint by mediation. Chapter 2 of Part 6 provides for the establishment of a complaints committee and sets out the modalities for the investigation of complaints. It also provides for the publication of reports by the new regulatory authority in relation to these functions. Chapter 3 of this Part sets out the terms of establishment and membership and functions of the new legal practitioners disciplinary tribunal. This single tribunal which will deal with solicitors and barristers will replace the two tribunals operated by the Law Society and the Bar Council respectively. This chapter also sets out, in section 70, the sanctions that may be imposed by the tribunal where misconduct has been determined. Provision is also made for appeal to the High Court as well as to the Supreme Court under the terms set out in the sections concerned.

Part 7 of the Bill sets out the terms of the levy which will be imposed on those legal practitioners who will be regulated by the new Bill under sections 80 to 83, inclusive. Following amendment during its passage through the Dáil, this part of the Bill now distinguishes, for the purposes of collecting the levy, between solicitors practising under the Law Society regime, barristers practising in the Law Library under the Bar Council regime, and those barristers who choose to practice outside the Law Library but are now to be regulated by the new legal services regulatory authority. The provisions of this part of the Bill have been refined to ensure that non-practising legal practitioners are not levied.

There have been important amendments made to the Bill since its publication on the proposed alternative business structures for the provision of legal services. Part 8 of the Bill now provides that legal partnerships and multi-disciplinary practices will be more effectively regulated, each in its own right. At the same time, section 86 of the Bill allows direct professional access to a barrister on non-contentious issues. This means that, in such cases, a client need not necessarily engage a barrister through a solicitor as generally happens.

The changes I introduced on Report Stage in the Dáil to the new legal business models have three main elements now embedded in the Bill. A series of new provisions will strengthen the

regulatory powers of the new authority and make additional prudential provision for any future participation in legal partnerships and multidisciplinary practices. These business models will also be subject to periodic review. Legal partnerships, that is to say partnerships between barristers and solicitors or between barristers themselves, will be subject to a public consultation process to be completed within six months of the establishment of the new regulatory authority, and are then to be introduced within six months of those consultations being completed. Multidisciplinary practices, that is to say practices in which legal practitioners provide their services alongside other non-legal service providers, will now be supported by detailed research. This will focus on the likely effects their introduction may have on competition, on the legal services market and on the legal professions. The findings of this research on multi-disciplinary practices will then inform the six-month public consultation process already envisaged under the Bill and will also be laid before the Houses. The commencement of the provisions governing multi-disciplinary practices will then become a matter for the Minister following these processes and on foot of their outcomes and recommendations.

Under Part 8 of the Bill, as it now stands, legal partnerships and multi-disciplinary practices will have to notify the new legal services regulatory authority when they commence or cease operations. Both will require professional indemnity insurance cover and a public register will be maintained. The managing legal practitioner in a multidisciplinary practice must now be an actual partner and not merely an employee. A letter of engagement will have to be provided to clients specifying the services to be provided by the multidisciplinary practice concerned and distinguishing which of these services are other than legal services. Refinements have also been made on who may participate in a multidisciplinary practice without placing undue restrictions on the participation of legitimate business interests. While it may be allowed at a future date when the new legal services regulatory authority has been firmly established, corporate participation or investment in a multidisciplinary practice is prohibited at this time. Taken together, these enhancements to the roll-out of multidisciplinary practices are intended to obviate the need for any further primary legislation that might otherwise arise.

Multidisciplinary practices do not only concern those legal practitioners who may choose whether or not to opt into them. They also have to be considered from the point of view of consumers and the protection of their interests or moneys. I want the new framework to facilitate a public consideration of the concerns of all sides and stakeholders in these practices, while nonetheless holding fast to the core deliverables of the Government's structural reform process. I am confident the measures now in place can combine to ensure the new legal business models being facilitated by the Bill can be better informed, better established, better operated, better regulated, better for customers and enterprise and better for the economy.

Part 9 of the Bill sets out the regime for the roll of practising barristers which will be maintained by the new legal services regulatory authority under sections 106 to 110, inclusive. As I have said, a distinction is now made between Law Library and non-Law Library practising barristers for that purpose.

We now come to the provisions of the Bill on legal costs. The Bill makes extensive provision, in Part 10, for a new and enhanced legal costs regime that will bring greater transparency to how legal costs are charged. Legal practitioners, whether solicitors or barristers, will be obliged to provide more detailed information about legal costs from the outset of their dealings with their clients. A cooling-off period is to be allowed for the consideration of costs by the client. When there are any significant developments in a case which give rise to further costs, the Bill provides that a client must be duly updated and given the option of whether to proceed

with the case in question. In addition, the Bill sets out that it will not be permissible for legal practitioners to set fees as a specified percentage or proportion of damages payable to a client from contentious business and that it will no longer be permissible for barristers to charge junior counsel fees as a specified percentage or proportion of senior counsel fees.

Under the Legal Services Regulation Bill the current functions of the Taxing Master will be taken over by the new office of the legal costs adjudicator and the establishment, governance and modernised functions of this office are now set out. The Bill also sets out, for the first time in legislation, a series of legal costs principles, which are contained in section 1. They enumerate the various matters that may be taken into account in the adjudication of disputed legal costs. The Bill also provides for the establishment of a public register of determinations which will disclose the outcomes and reasons for decisions made by the legal costs adjudicator. The Bill seeks to achieve greater flexibility in the legal services market along with more competition and improved access to justice, and will pave the way for the introduction of new business structures for legal practitioners, including in partnership with non-legal service providers.

Part 11 of the Bill contains two additional provisions on legal costs including the upholding of the principle that costs follow the event.

Part 12 of the Bill sets out the framework for the application, grant or revocation of a patent of precedence, that is to say, the conferral of the status of senior counsel to a solicitor or a barrister.

Part 13 of the Bill contains a number of miscellaneous provisions including provision that a barrister in employment may provide legal services to his or her employer; the regulation of movement between the professions of barrister and solicitor; and the regulation of the advertising of legal services under section 158.

We are at a very important point in the development of this legislation. I consider the Legal Services Regulation Bill to be at a very advanced stage of development, having taken on board a range of concerns and observations received in the light of current Government policy. This has included our responses to those fundamental concerns which had been initially expressed about the independence of the new regulatory regime.

I also consider, particularly in the light of the latest amendments made, that the new regime for new legal business models is very well balanced in terms of their regulated and considered introduction. The range of legal business options that will be offered by the Bill upon enactment must be openly facilitated and received. Legal practitioners will be able to choose the model through which they practice, whether that is the Law Library, the traditional solicitors' firm, the new legal partnerships or, in due course, multi-disciplinary practices. The new and existing legal services models will complement each other, as has been the case in other countries where these structures have been introduced. Equally importantly, consumers of legal services will have greater choice and access to justice. We are dealing with a more competitive cost structure.

We will have discussions in the Seanad and I anticipate that further amendments will arise on matters such as the inspections and complaints regime which needs further refinement. I will table further amendments on the operation of the legal practitioners' disciplinary tribunal. I look forward to further discussions with the Law Society on the interface between its retained compensation fund functions and the independent operation of the new professional conduct

regime that will cover solicitors and barristers. I also intend to bring forward provisions to allow limited liability partnerships, as well as provisions to allow barristers to sue for their fees. These are both matters the legal and other aspects of which are under ongoing detailed consideration.

As I have confirmed in the other House, I will continue to negotiate the staffing of the new regulatory authority, with the Minister for Public Expenditure and Reform, with the firm intention of resolving the issue of those existing staff of the legal professional bodies who deal with public complaints. I will also be enhancing the provisions of the Bill dealing with advertising by legal partnerships, including in terms of compliance with the EU services directive. In response to concerns raised, further attention will be given to the Bill's disclosure provisions, including as they may impact on client privilege and confidentiality. Other intended amendments will relate to pre-action protocols for medical negligence cases and e-filing in the courts. Extensive work is also being done on repeals and transitional provisions, and further technical amendments can be anticipated. This is a very large and complex Bill and we have further work to do on it. The key terms of interpretation contained in Part 1 of the Bill will be settled in the completion of the relevant Parts concerned.

Subject to its ongoing consideration before this House, it is my intention that the Legal Services Regulation Bill be completed in order that the new legal services regulatory authority can come into operation without delay this year. An allocation of €500,000 has been made available under the justice Vote to support the establishment of the authority. This will be provided on a recoupable basis as the new regulatory framework is to be self-funding by means of a levy on the legal practitioners concerned.

Work on the Bill is ongoing in conjunction with the Offices of the Attorney General and the Parliamentary Counsel and this will be reflected in the relevant amendments that I will be bringing before the Seanad. I thank the Attorney General and the Parliamentary Counsel for the detailed work in which we have been involved in recent weeks and during the course of the passage of this legislation through the Dáil. Needless to say, I will be consulting further the various stakeholders concerned in order that the Bill can be brought to finality.

I commend the Bill to the House and look forward to hearing the views and exchanges of Senators on its provisions.

Senator Denis O'Donovan: I welcome the Minister. Fianna Fáil accepts the broad thrust of the Bill. It is a long time in the making. It is like a slow Christmas cake in that it has been going on for some time. I understand there were various difficulties, but I must acknowledge that the last time the area of solicitors' partnerships and so on was seriously looked at was the 1890 Act, which was a Victorian piece of legislation from 130 years ago. I have some concerns about the Bill - if I did not, I would not be doing my job - but I broadly welcome it.

I am speaking as a solicitor, as I still have a practising certificate. Solicitors and the Law Society have totally bought into the idea of independent regulation. There is no way out of that - it is a must. However, while I accept the notion of independent regulation, it must be totally independent and must be independent of government, regardless of who is in government. Otherwise, it may not be worthwhile.

One of the things the troika mentioned was solicitors' costs. From my experience in a small rural practice in west Cork, which would be typical of rural Ireland, if one takes out the four or

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five big practices that charge €450 an hour or so, in my home town and in many of the towns in Mayo and Clare, one would be lucky to get €125. It is the big heavyweights in the business who dictate the pace and the costs. Many of the small solicitors' offices are struggling. I met a man in Dublin last year or the year before who was a qualified solicitor but who drove a taxi part-time to survive because he was struggling. That is something that must be dealt with, because if one is dealing with the question of costs, hit the big sharks that are making massive money, but be careful not to destroy the small practices that are struggling to survive. In many of them, including those in Kerry or Donegal, there are three, four or five solicitors in the practice. The Minister should be very cúramach not to damage those. Otherwise, the Government will have done terrible damage to rural Ireland once more because of centralisation and so on.

Regarding multidisciplinary partnership, where solicitors might be in partnership with accountants, estate agents, actuaries or whatever, we have all had to contribute to the compensation element of the Law Society which has had to bail out rogue solicitors for years. It is important that this sort of funding be ring-fenced to cover solicitors only. I am not sure of the mechanics of it, but there is no point having a solicitors' fund that bails out an auctioneer or an accountant in a multidisciplinary practice. It is a difficult one to concoct, but I want to fire a warning shot in this regard.

I agree fully with the whole area of professional conduct. We must have the highest standards. I came back from England in April 1981 and opened up a small sole practice in Bantry. I was one of the first rural solicitors and on the advice of the Law Society - I cannot even remember who the general secretary was - it cost me £750 to take out professional indemnity insurance. It is now a must, but it is a headache for many offices as it is quite dear - probably around €3,000 per solicitor now. It has to be there, but we must find a way of making it fair across the system.

Another issue that the Law Society has probably discussed and which we must deal with in this Bill - there is no point in saying we will deal with it in another Bill - is the area of limited liability partnership for solicitors and limited liability company structures for solicitors. It is a long time in the making. I cannot speak for the Bar Association, although I met both groups. The Law Society has done a great deal of negotiating, both with the current Minister and with her predecessor, and its view on this, which I hear from my local bar association, is that a negotiated process with the Minister, her officials and the Department is better than amendments tabled by the likes of me or my colleagues in the Dáil, which the Minister may not accept. Some areas are still to be sorted out. We might deal with that by way of amendments. I hope the Minister will, during the passage of this Bill through the House, deal with amendments that we submit in good faith. At the end of the day, it is now the Minister's Bill. She will be rewarded or condemned on the eventual result of the Bill, which is important.

I will mention another aspect which, while it may not directly concern the Bill, certainly concerns the legal practices. The troika came in and said that legal expenses in Ireland are very severe. That is grand for the big firms in the cities. One of the things that happened was that free legal aid was reduced by 33%, the second day in court was brought down to €50 or €60 and travel expenses were reduced from 48 cent to 24 cent. In my area, five courts, in places such as Castletownbere, which is two hours from Cork city, Schull, Dunmanway, Kinsale and Glengarriff, have been closed. The least well off are being hit the hardest by these cuts. A friend of mine from another firm said that if a solicitor goes on a day out to Cork for a free legal aid case, just 24 cent a mile is given to him or her in travel expenses. Most of the day is gone, as one has up two hours driving each way from some areas and must pay for parking, so the solicitor

will be at a loss. It was a knee-jerk reaction to cut this down to keep the troika happy. That is only fiddling at the edges. They are not the real costs at all. That will have to be recognised, because the people who get free legal aid are the most disadvantaged in society. We must not lose sight of that. It is critical.

Matters relating to the protection of clients of legal practitioners are mentioned in the Bill. It is, of course, extremely important that clients and their moneys are protected. In the second page of the Minister's speech, she mentions the six objectives. I have no difficulty with "protecting and promoting the public interest", and most would not. I would go along with "protecting and promoting the interests of consumers relating to the provision of legal services", subject to the point I made already about being careful not to wipe out the smaller fry - that is, solicitors in partnerships of two or three in rural areas. The Minister then stated the remaining three objectives supported high standards in the provision of legal services, the first of which was "supporting the proper and effective administration of justice". I have no bother with this. It is good, and we should strive to emulate the highest standards in this regard. The second, "encouraging an independent, strong and effective legal profession", is not a bother. That is also important, as is "promoting and maintaining adherence to the professional principles." In my 35 years of experience as a practising solicitor, the vast majority of lawyers, both solicitors and barristers, strive to maintain the highest principles. Unfortunately, a few rotten apples have given us a bad name, and there were serious cases of fraud. It should be recognised that most solicitors give good service, and they seek to maintain the highest possible standards for the profession, which we must maintain and achieve.

Earlier I mentioned multidisciplinary partnerships, which are dealt with in sections 15 to 17, inclusive. Northern Ireland and Great Britain, Canada, the United States, Australia and all the Commonwealth countries have that type of limited partnership set-up. Ireland is the only country that does not and it is important that we row in behind it. I am not saying we should be using that to get out of our responsibilities and diminish the standards that we should have for the public. In the case, for example, of a ten-person partnership in which, unknown to the others, a crooked solicitor brings down the ship, there should be some system to protect the other nine if they are innocent. There was one famous such case here in Dublin, in which the solicitor is not in the country. I will not name names. In that case, there were staff working with that person who were totally innocent and unaware of the mischief that was going on. That is something of which we must be careful.

The other point I will make in my limited time is that the Minister is setting up a new disciplinary tribunal. I do not really have a problem with that, but we must be careful that the outcome of the Bill is not the setting up of another quango or two that create problems. Obviously, we need discipline, independent monitoring and an independent regulatory body, but I would be afraid of ending up with a glorified quango.

I will give great credit to the Minister's predecessor, although sometimes I have been critical, in trying move this forward. It is substantial legislation. It is a brave step. Although it has been talked about for 20 or 30 years, it is the first time a Government came along, grasped the nettle, took the bull by the horns and took on the Law Society and the barristers' association. For many years, it was the tail wagging the dog. I appreciate that. Even though I might be a member of the Law Society, I have no qualms about saying mistakes have been made. For decades, the powers that be within those bodies resisted change. They wanted things to go on as they were.

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I hope the Bill will be passed into law before the year is out. The Minister stated that she hoped it would be up and running. It is such a substantial piece of legislation that we should be given adequate time on Committee and Report Stages. There is yet a long summer to the recess in the middle of July and I would not like Committee Stage to be taken next week and Report Stage the following week. Without prolonging it, there should surely be a two-week gap in between to allow us to submit amendments and discuss them. The Minister also stated that she was amenable to amendments. It is important that the Bill, when finally cooked, is the best that the Oireachtas can produce. I wish the Minister well with it.

Senator Martin Conway: I, too, welcome the Minister to put through what is extremely important and, in many ways, historic legislation.

I agree with practically all of what Senator Denis O'Donovan said. I certainly echo his concerns about rural areas. I defer to his 35 years of on-the-ground practising experience, which is worth a lot. The Senator's input into this Bill here in the Seanad will be important. I agree with his request that appropriate time be given between Committee and Report Stages and I will be conveying that view to the Leader because it is the first time a Government has tackled and tried to reform the legal professions.

As has been pointed out, the first step was the publication of the Bill in 2011, when there was war. We can all remember the lobbying that went on and the phone calls, the meetings, the briefings, etc. That was because some resisted change. Human nature being what it is, change is something that makes one uncomfortable and uneasy. When it involves an organisation that, by and large, has served the country well, as the vast majority of solicitors and barristers have served their profession and the country well, there is a natural resistance to change that percolates from institutions which have not really changed.

There have been bad eggs, bad apples or bad oranges - whatever one wants to call them - on both sides. There have been individuals who have made vast amounts of money from an unregulated sector, particularly barristers. It is quite correct to state there seems to be a gulf between what those at the top in the profession are making and what those on the ground are making. Certainly, I am aware of solicitors - I am sure Senator Denis O'Donovan and others know them also - who will write a letter and are not even in a position to charge for it because they know the client has not got it. There are few senior counsel who will write a letter or give a legal opinion without getting paid. There are hundreds of barristers at the bottom who are trying to establish themselves who are on less than the minimum wage, and I suppose that is where the unfairness comes in. That can be mirrored in many other professions where those at the bottom rung of the ladder starting out are struggling. Certainly, for the past few years, with the downturn in the economy, this has been the case with young barristers, with many of them having to seek alternative employment. Indeed, many young solicitors who qualified during the years of the Celtic tiger and who were earning reasonably good money during those years found themselves unemployed and having to retrain and find alternative work. One would hope that some of those will be able to go back into a profession that will get its confidence back and that, when we see an upturn in the economic fortunes of the country, there will be business for those many qualified solicitors who have had to either emigrate or retrain for different lines of work.

No sector or profession can be self-regulating, and any fair-minded person would have to accept that. What is being proposed as a regulatory authority is reasonable. Of course, there are concerns about the independence of it. It is extremely important, and goes to the bedrock of the Constitution, that the legal profession and politics should be separate. The Minister has gone a

long way to ensure the regulatory authority will be independent, both in the structure proposed in the Bill and in the make-up, including the chairperson, those who will be nominated from the legal professions and the others who will be nominated.

4 o'clock

In terms of gender balance, every box has been ticked to ensure it is fair, transparent, open, balanced and, most importantly, workable. Members of this House in the legal profession have raised the issue of the Taxing Master and the fact that they and solicitors have waited years for a judgment on fees. People who are struggling in their own professions and businesses have had cases with the Taxing Master for years, which is totally unacceptable. The new proposal that the Minister has outlined is very welcome as part of the regulatory authority.

I also suggest that once a claim is lodged with the cost adjudicator, there should be a period of so many weeks, months, or whatever is appropriate, within which a decision should be made, unless there is a very good reason not to. Nobody should be left waiting years to get paid. We introduced legislation over the years to ensure that the State would pay companies within a specific period for services rendered. The principle and perhaps the timeline in that legislation should prevail with this cost adjudicator when there is a dispute about fees.

The complaints structure that has been outlined is certainly reflective of what people would want. No fair-minded person could expect a member of the public to contact the profession to make a complaint about one of its members. I have no doubt it worked very well in many cases, but we are now living in an era in which openness, transparency and independence are valued principles. It is appropriate that this process be independent and that a member of the public be able to make a complaint through the authority as opposed to through the professions. I know this caused a lot of debate back in 2011 and 2012 when the legislation was first published. What is proposed is appropriate and fair. I hope that over the years we will see a reduction in the number of complaints that should occur when a profession is properly regulated and there are codes of practice and conduct - for example, in the areas of costing and charges. This legislation is trying to deal with the issue of costs for the first time and is making a fair and reasonable proposition in terms of dealing with costs. It is imperative that there be a robust and effective means of complaint which is fair to both sides.

I take on board Senator Denis O'Donovan's points about the free legal aid scenario. I was not aware that travel expenses had been cut to that level; 24 cent per mile does seem very low. Knowing west Cork as I do, or even some parts of County Clare, that would not even fill the tank, let alone pay for parking and all that goes with it. I would like to think these are also issues the regulatory authority can consider in a dispassionate and fair way.

As I said at the beginning of my remarks, this legislation is groundbreaking and is going to bring the profession into the 21st century and beyond. It is going to reflect modern best international practice and is taking the best from all spheres to produce something that everybody can stand over and be proud of. There is no reason our system cannot be the best in Europe and the best in the world. I am looking forward to a robust debate. There are many people in this House with a lot of legal experience who have a significant amount to offer. I sincerely hope the House will play a meaningful part in ensuring that the final product is the best that this Oireachtas can produce.

Senator Jillian van Turnhout: I warmly welcome the Bill, in principle, which is intended

to deliver greater speed and transparency and easier access, as well as to tackle excessive legal fees. It represents the most comprehensive reform of our legal structures and legal services industry in the history of the State.

We have a great responsibility as legislators to deliver this reform responsibly. I want to sound a loud note of caution at this stage about putting on a statutory footing any rules that are incompatible with competition law and in particular any rules that have already been ruled by the Supreme Court to be non-judicable and therefore not legally binding. For instance, in 2005 the Supreme Court ruled that the code of conduct of the Bar Council of Ireland is non-judicable. The reform provided for by this Bill is crucial and long overdue. We must devise an appropriate balance between the right of the public to access justice by way of recourse to a well-functioning legal profession at a fair cost, and the needs of legal practitioners to carry out their work in an appropriate and professional environment for reasonable remuneration.

We must also acknowledge that action in this regard was a prerequisite of the EU-IMF-ECB troika programme and the enactment and delivery of the Bill remain the subject of a country-specific recommendation under the EU semester process which has succeeded the troika programme. The European Commission will, therefore, continue to monitor the Bill's progress closely.

In developing the Bill, both the Minister for Justice and Equality, Deputy Frances Fitzgerald, and her predecessor, Deputy Alan Shatter, have dealt with many of the most complex and significant issues in our democratic system. These include the constitutional independence of the legal professions and the role of the professions in enabling citizens to access justice and in its fair administration. I cannot emphasise too strongly the importance of access to justice. I will raise two issues at this juncture, the first of which concerns costs. Access to justice for all regardless of income or background is a core democratic value, yet it has long been known that legal costs in Ireland are prohibitive for low-income families. Ireland shares with the United Kingdom the dubious honour of charging the highest legal costs in Europe. The Bill purports to deliver a new and enhanced legal costs regime that will bring greater transparency to legal costs and will apply to both barristers and solicitors.

The high legal costs regime in Ireland is caused by severe restrictions on access to lawyers. There are hundreds of barristers who are available and willing to act directly for consumers but are prevented from doing so by the Bar Council in so-called contentious matters and many other matters. A sum of €1,000 to €1,500 would get a meeting with a solicitor and an opinion from a barrister on a routine matter. That is a significant amount of money for the vast majority of people in Ireland. Many will think of it as a monthly mortgage payment, a month's rent or a month of child care. The courts are awash with lay litigants who simply cannot afford to pay for formal legal representation. I am reliably informed that many barristers would be only too happy to act directly for those lay litigants for modest fees. For them, some work and some payment is better than none. However, there is an issue concerning direct access to barristers. On closer inspection, direct access is permissible only in non-contentious cases, which represent a mere 2% of barristers' work. The response that contentious work involves handling client money does not add up, as not all contentious work involves this. Of course, there must be rules around handling client funds. Such rules already exist in the Solicitors Act and could very easily be applied to barristers. Instead of seeing barristers leave the profession in large numbers, as happened particularly during the recession, they should be let stay and earn a living providing excellent, good value and lower-cost services on a direct professional access basis. There is no legislation on the Statute Book preventing this.

We need to exercise extreme care in putting the prevailing anti-competitive restrictions concerning barristers onto the Statute Book. As the Bar Council is not a statutory but a private body, I wonder why it is being put on a statutory footing at all. I remain unclear on this and perhaps the Minister can clarify it.

The second issue I wish to raise concerns the restrictions on advertising and commercial communications by lawyers. The Irish Competition Authority's report on the competitive practices of barristers and solicitors in 2006 concluded that the legal profession was in need of substantial reform and was permeated with unnecessary and disproportionate restrictions on competition, the overall effect of which limited access, choice and value for money for those purchasing legal services. It recommended:

for both barrister and solicitor advertising that:

...the existing rules should be reformed. Truthful and objective advertising gives clients useful information and helps them to choose among competing lawyers. Advertising should be controlled in a more pro-consumer manner by way of rules that focus on preventing factually inaccurate advertising or advertising which would bring the administration of justice into disrepute.

Despite a target date of 2008 for the implementation of the Competition Authority reforms and despite the initiation of an infringement procedure against Ireland by the European Commission in November 2013 for continuing to allow the Bar Council to maintain the restrictions it has on advertising, and a letter of formal notice in late 2014, what we see before us in the Bill, namely, in section 158, still does not comply with Article 24 of the services directive, Regulation No. 25 of SI 533/2010 or the Charter of Fundamental Rights.

I am very concerned that the State's course of action in failing to address the deficiencies and in resisting the Commission's case since 2013 is building up a liability for the Irish taxpayer. I acknowledge the commitment by the Minister, Deputy Frances Fitzgerald, in the Dáil, specifically in response to an amendment tabled by Deputy Catherine Murphy, that she would table an amendment in this regard on Committee Stage in the Seanad. I look forward to considering that amendment. I note with slight concern that the Minister spoke of finding the appropriate balance between the exigencies of the services and those of Government policy. Ireland is required to comply with the requirements of an EU directive.

I will engage on Committee and Remaining Stages, but I wanted to outline the two areas which I believe need greater attention.

Senator Ivana Bacik: I welcome the Minister and the opportunity to speak on Second Stage of the Bill. As we know, the Bill has been a long period in genesis and commenced Second Stage in the Dáil three and a half years ago in December 2011. Nonetheless, it has been improved and enhanced greatly during the process and I am very glad to hear the Minister say further amendments will be made in the Seanad and that she will be taking those amendments. It makes our debate much better in the Seanad generally when there is that concession at the beginning. I also welcome the visitors to the Visitors Gallery, as I know they have a particular interest in the Bill.

I should declare my own interest as a former practising barrister and former member of the Bar Council. However, I should say that I also have an interest in terms of reform generally of legal practice and of the legal professions and as the co-author of a 2003 report into gender

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discrimination in the legal professions in Ireland, which was entitled, Gender InJustice. In that report, which was the first of its kind and an update of which is being worked on by the Irish Women Lawyers Association, we made some 50 recommendations on how different aspects of legal practice could be improved upon and reformed in terms of encouraging greater gender balance. We have since seen quite a number of women in very prominent positions in legal practice and in the Courts Service and the Government but nonetheless, many of the reforms we recommended still remain relevant.

The Bill will see some improvement in terms of gender balance, in particular in Part 12, which deals with the provisions around senior counsel. One of the points we made in our report was in regard to the very low number of women who had become senior counsel but again, things have improved a little. One of our key findings in regard to both the solicitor and barrister professions was the need for transparent criteria for promotion to senior counsel or to partnerships in solicitors firms. I am very glad that in Part 12, we see a much clearer statement of the way in which people can become senior counsel as I believe this will help to increase gender balance, apart from being good in itself.

I am also conscious, from what others have said, of the huge imperative to ensure more transparency in the costs process. It is in Part 10 and Schedule 1 that we see clear criteria listed on legal costs principles, which is welcome. As others have said, however, it is also true to say there are very many solicitors and barristers at the lower end who earn very little and who are not perhaps reflected in the high level of fees that has often been publicised. There is also a great number of legal practitioners who work *pro bono*, as we are all aware. Just last week, we initiated a new research project across Trinity College Dublin and the DIT called CICL, or Changing Ireland, Changing Law, where we are looking at the impact of public interest litigation on social change. At our first seminar last week on women and legal change, we heard about some very important cases that were taken on a *pro bono* basis by the legal teams concerned and it is important to acknowledge this.

Turning to the content of the Bill, we had a hearing at the Joint Committee on Justice, Defence and Equality in March 2012 at which stakeholders like the Law Society and Bar Council made submissions; therefore, we were very well briefed on the Bill at that stage. Of course, the Bill has since been changed and very welcome amendments have been made.

The Minister spoke of four main levers of change across the 158 sections of the Bill and I want to address the first two of those levers. She mentioned amendments would be needed to Part 1 on interpretation. I note there may need to be some technical changes to the definition of “Complaints Committee”, which is described as being “established pursuant to section 51”, whereas I understand it is now section 58. The definition of “complainant” is also referred to in Part 5, so perhaps that should also be reflected in the definitions section. I accept these are minor technical points.

Looking at the first of the Minister’s levers for change, the Bill provides for a new, independent legal services regulatory authority to be established under Part 2. This is extremely welcome and, as the Minister said, all of us in the House would agree on the need for robust independence and on the greatly improved provisions in the Bill.

I very much welcome section 8 which provides for gender balance among the members on the authority. Moreover, of the 11 members, a majority must be lay members, which we welcome. I also welcome the fact one of the practitioners is to be nominated from the Legal Aid

Board as it is important the board is represented on this authority. On the reporting mechanism, as a member of the Joint Committee on Justice, Defence and Equality, I am delighted to see the committee has a specific role in section 19 in that reports are made not just to the Minister but to the committee.

Section 21 deals with the powers of the authority in regard to professional codes. The Minister pointed out there is no longer any ministerial role in that regard, which again is very welcome. Section 21 refers to what the authority is to have regard to in drawing up codes. I wonder whether reference should be made to section 12(5) and the criteria therein as well as to section 12(4). Section 12(5) refers to professional principles to which legal professionals should adhere. It seems to me those are important and should be referenced specifically in the code.

The Minister has pointed out there will be amendments to the powers and role of the inspector. I wonder whether in section 30 more criteria should be specified as to who should become an inspector of the authority. However, I know we will hear more from the Minister on that issue.

On section 32, it is very important that admissions policies will be spelled out and that there is oversight of them. Again, something we found in our 2003 report is that admissions policies are critical in terms of both professional bodies.

On section 33, I very much welcome the provisions for public consultation and the issues of education and training and on the very thorny issue of unification of the two professions. I note the Minister has changed the time limits and we will now see a report on education and training two years from the establishment day. Again, I know from my role as an academic, there is a great deal of interest among academic institutions across the State as to how that will transpire. It will be very important that the institutions have a role in the consultation, which I know they will. Similarly, with regard to the unification of the professions, I welcome the fact that has a four-year timeframe.

Turning to the second lever of change in the Bill, the independent complaints system, I believe we would all very much welcome this and the fact there is direct access by members of the public. I also welcome the idea of the minor complaints process in Part 5 of the Bill, as it is important that we see complaints being demarcated between the more minor and the more serious.

Having looked at the definition of inadequate services at sections 40 and 47, it is a very difficult measure for anyone to make between what is a substantially inadequate service and what is just reasonably inadequate. I can imagine there will be a lot of wrestling with that question. I speak as one who practised at the criminal Bar. Will there be any specific provision for the criminal Bar? I am conscious that our professional indemnity insurance as criminal practitioners was much less than for barristers who conducted practice on the civil side. There is an issue around what is inadequate performance at the criminal Bar. If one's client is convicted, does that warrant the making of a complaint? I imagine there may be issues to be teased out a little further in this regard.

Section 58 specifies that there will be 27 people on the complaints committee. Should that section contain more detail on the appointment of lay persons? It seems to be much less specific than the very detailed provisions pertaining to the proposed legal services regulatory authority in Part 2. The same thing applies to the disciplinary tribunal. Should the more seri-

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ous complaints sections in Part 6 contain more detail on who should be appointed? I note that ministerial nominations will be made in the case of the disciplinary tribunal. It is interesting to note that section 64 provides that the chair of the tribunal may be a lawyer, but the chairs of the divisional tribunals must be laypersons. I wonder about this.

I would like to speak briefly on the points made by the Minister about the other two key headings. I welcome the decision to provide for more transparent criteria around costs. The question of the costs following the event, which is addressed in section 142, came up during our work on public interest litigation. I appreciate that the Bill simply enshrines current practice, but that practice has a hugely chilling impact on public interest litigation in this country. I wonder whether we can look at this. If someone is genuinely taking litigation in the public interest, the courts have the discretion not to award costs against the litigant. In some cases, the litigant is awarded costs, even though the litigation was not successful. I know there is a difficulty for practitioners in terms of the criteria the courts apply to that. I am speaking from experience when I say it is very difficult to advise a client on whether a costs order will ultimately be made against him or her if he or she loses in a public interest case. That is a key issue.

I would like to make a point about section 123, which imposes an obligation on legal practitioners to address clients as to what their bill of costs is likely to be. That obligation may be straightforward in some areas of practice, but I wonder how it is to be addressed in criminal practice, where the majority of clients are on legal aid. There are particular issues in this regard in public interest litigation also.

I suppose I could speak about a range of other issues. I agree with the points made by Senator Jillian van Turnhout about advertising. We need to look at section 158 in more detail. We need to be careful to ensure these provisions make for greater diversity and greater public access to legal practitioners. We might look at some provisions again on Committee Stage. I refer, for example, to section 106, which relates to barristers. Perhaps we should consider giving recognition to barristers who are working part-time or are on maternity leave. The Bar Council has introduced much better provisions in this regard, as indeed the Law Society has done since we made our report.

I expect we will be able to tease out these points on Committee Stage. I know that the Minister, Deputy Frances Fitzgerald, will provide adequate time for Committee Stage in order that we can table and discuss amendments. I am sure adequate time will also be provided for between Committee and Report Stages. We need co-operation and support from all stakeholders to ensure we get a strong and effective Bill that provides us with effective and robust regulation of legal practice in the interests of clients and the administration of justice.

Senator Feargal Quinn: I welcome the Minister of State. I think he is getting very fond of us. He seems to be coming here a little more often than he did previously. I feel a little shy about speaking after listening to such expertise among those who have spoken up to now. That expertise has come from different areas. Senator Denis O'Donovan reminded us of what happens in a smaller solicitors' office in a smaller town. Senator Ivana Bacik spoke about the basis of her experience at the Bar Council and elsewhere. It has been very interesting. However, I should say I am not that shy. I am sure the Minister of State was not born when I defended a case that went to the Supreme Court. I won in the Supreme Court on the basis of something I had learned when I was studying constitutional law at university, which is that the Irish language takes precedence over the English language if there is a doubt about a word. The relevant word in my case was "discrimination". I discovered that the Irish-language word was "idir-

healú”, which means “distinguish between”. I won it on that basis in 1971, which I expect was long before the Minister of State was born.

Deputy Dara Murphy: It was two years after I was born.

Senator Feargal Quinn: Okay. The Bill before the House is worthy of support. It has taken a long time to get this far. I hope this legislation comes from the perspective of putting more regulation on the legal profession. It sounds from everything I have heard today that this is needed. It has been argued that this kind of regulation is necessary because the legal profession has not adequately regulated itself.

One of the other big arguments in favour of this Bill is that it will reduce customer costs. We are all well aware of the massive legal costs in this country. We heard today that Ireland and Britain had the highest legal costs in Europe. While the Government argues that costs will come down, some people in the legal profession argue that this legislation will not affect this aspect of the matter. I would like the Minister of State to tell us whether any cost analysis has been done to get exact figures on the savings the customer is likely to get. Such analyses are the norm in business. If this argument is to be supported, I would like to get some concrete figures on the savings. I would be interested if the Minister could provide such figures at this stage or later. I am asking for a general view on the likely savings for the customer.

I proposed the Construction Contracts Bill 2010, which subsequently became law as the Construction Contracts Act 2013, to reduce legal costs and the costs associated with going to court. It has not yet been enacted but it is very close to it. The adjudication process provided for in that legislation will mean that disputes among construction contractors can be resolved without lengthy and costly court processes. However, this Bill has still not been brought into operation. I suggest this is a clear example of something we can do to reduce the need to engage in legal proceedings. It presents a clear alternative dispute resolution mechanism. I hope the Construction Contracts Act can be enacted as soon as possible.

I would like to mention an idea that could be included in this Bill and would help to reduce the cost of legal proceedings. According to the World Bank, the introduction of electronic court filing platforms has been one of the commonest features of contract enforcement reform throughout the world over the past year. It claims:

These enable litigants to file initial complaints electronically - increasing transparency, expediting the filing and the service of process, limiting opportunities for corruption and preventing the loss, destruction or concealment of court records. In Singapore the judiciary launched an electronic litigation system designed to streamline the litigation process and improve access to justice. The system allows litigants to file their cases online - and it enables courts to keep litigants and lawyers informed about their cases through e-mail, text messages and text alerts; to manage hearing dates; and even to hold certain hearings through videoconference.

The benefits of electronic courts, or e-courts, include cost and space savings, increased security, greater transparency and expanded access to justice. The availability of 24-hour filing and remote access allows people to file documents without having to go to a particular building. The savings from the implementation of an e-court system could be substantial. I am reminded of the massive reduction in the use of paper that would be possible if companies could file contract complaints online. I have often spoken in this House about the use of paper when, in many

cases, we could do without it.

The electronic filing of initial contract enforcement complaints has been introduced in other EU countries, including Greece and Lithuania, in the past year. Given that this Bill aims to improve the efficiency of the legal profession, which I am sure it will achieve, would the Minister be open to this particular measure which would help businesses? The introduction of e-courts, like the enactment of the Construction Contracts Act 2013, would help to speed up the resolution of disputes and give more protection to business. Crucially, it would also mean we would modernise the legal profession even further, which is a very clear aim of the Bill before the House. I would be very interested to hear whether we will be able to achieve this. I do not expect to get those answers today, but I certainly believe we will be able to develop these themes on Committee and Report Stages. I encourage the Minister of State to develop what we are achieving. I know that his heart is in the right place.

Senator Catherine Noone: I welcome the Minister. I also welcome Mr. Ken Murphy, director general of the Law Society. Mr. Kevin O’Higgins, the current president of the Law Society, was here until a few minutes ago. There are others who have an interest in the legislation.

The Government remains committed to the completion of the Bill in order to allow the new legal services regulatory authority become fully operational as soon as possible. The Bill brings about four primary changes, including the establishment of a new independent legal services regulatory authority, an independent complaints system, a new legal costs regime, and a framework for alternative business models. Change is difficult in general and people struggle with change. In all professions there is discourse about change, but a radical amount of change is suggested in this legislation. Communication and consultation with the professions is a must, and I am glad to hear what the Minister said about further potential amendments to the legislation.

The intention of the legal costs regime is to bring greater transparency to legal costs as they apply to barristers and solicitors. For the first time, the Bill sets out in legislation a set of legal cost principles. I should declare an interest. One is nobody around here unless one declares an interest. As a practising solicitor, I am aware that solicitors have been up to speed with costs and the detailed itemisation of costs for a number of years. It has long been recognised as standard practice in the firms in which I have worked. Among colleagues, it is well recognised. As a relatively recently qualified solicitor, I remember trying to track down a junior counsel, who will remain unnamed, for weeks for his fee, because I wanted to get the bill out. Eventually I got a piece of paper with the person’s name and address and the words “Two thirds senior”. We have come a long way, as have the barristers. That is what brought us to this point - the idea that a professional could request two thirds of the amount a senior counsel would get, without going to the trouble of finding out whether it was two thirds of €5,000, €10,000 or €2. That was remarkable, and we must welcome change on that front.

The Competition Authority has found the legal profession in need of substantial reform, which we all acknowledge. It believed the profession had many unnecessary and disproportionate restrictions on competition, as referred to by an earlier speaker, and that these needed to be reformed so that consumers could benefit from greater competition in legal services. The European Commission has urged the speedy implementation of these reforms. However, some concerns have been outlined by those in the profession about the proposal to allow for the creation of multidisciplinary partnerships, whereby solicitors, barristers, accountants and other professionals work together and can set up joint businesses for their services. When discussing

the multidisciplinary partnership model, it is important to note these concerns and ensure that a fair balance is struck.

I concur with what Senator Denis O'Donovan said about costs. There is a perception that all solicitors are creaming it. Having been a part of a practice for a number of years, I agree with the point about rural solicitors. It can be very tough for them, but many urban solicitors are perceived, being in the city, to be doing extremely well. Many of them have done well to keep their heads above water in the past ten years. In many instances they are working hard to keep people paid, and this needs to be acknowledged. It is nice for me to have the opportunity to do so.

The Bill facilitates new forms of legal services provision such as legal partnerships and multidisciplinary practices, which simply take account of the emergent new business models in other common law jurisdictions and the huge advances made in business technology. This is an aspect of the Bill that the European Commission is keen on seeing implemented.

It is important to note that the Bill does not seek to impose or force these new models on legal practitioners. Rather, the intention is that the new models will operate successfully alongside the existing structures of business used by legal practitioners, including small solicitors' firms and, for barristers, the Law Library.

The new models will facilitate legal practitioners by removing current restrictions on the way they deliver their services. They will facilitate consumers by providing more choice, better access and, in due course, lower costs, and will facilitate the removal of barriers to competition in the legal services market identified by the Competition Authority. These reforms have been a long time coming and, for the most part, apply in other common law jurisdictions. The Minister for Justice and Equality, Deputy Frances Fitzgerald, introduced a number of key amendments on Report Stage in the Dáil, having listened to the concerns about these new business models. These amendments to the new business models will further enhance their regulation and governance.

Disciplinary procedures, in theory, will work in quite a straightforward fashion, and citizens will be able to submit concerns. These measures, when looked at together, are a sensible package of updates to the existing structures. We must implement much of what both the European Commission and the Competition Authority have asked to see while taking into account the concerns of the legal profession. The funding for these measures includes a budget allocation of €500,000, which will support the start-up of the new regulatory authority. This will be recoupable under the statutory levy to fund the operation of the new authority. The statutory levy seems reasonable and will not be a burden.

I welcome the Bill, as I feel it allows for modernisation of a number of aspects of our legal system. I am keen to ensure recommendations are taken on board and, where possible, a number of suggestions were. I am pleased to hear the Minister's remarks about accepting further amendments. Not everybody will be 100% happy with the Bill, but it is a reasonable compromise and one the Government can stand over.

Senator Trevor Ó Clochartaigh: Cuirim fáilte roimh an Aire Stáit. Táim sásta go bhfuil deis labhartha agam ar an mBille an-tábhachtach seo. Tá sé fíor-thábhachtach go mbeadh plé againn ar an ról atá ag na aturnaetha ar fad agus ar an bhforbheithniú agus an mhaoirsiú a dhéantar ar an obair a dhéanann siad agus mar sin de.

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Sinn Féin welcomes this legislation. We have been calling for regulation of the legal profession for some time, with the aim of bringing it into line with best practice elsewhere in the European Union. Unfortunately, a number of areas of the Bill must be worked on to bring it up to standard. We welcome the establishment of an independent authority to oversee the legal profession.

The perception amongst the general public is that the legal profession is almost a law unto itself and exempt from any oversight. Public representatives dealing with people who come into their offices are aware of the large number of constituency cases concerning legal scenarios and things that went wrong. In some cases these can be small matters, but they can have devastating effects. In the case of a family in my locality, a mistake was made in not registering the transfer of a right of way, and it has caused a major split in the family, with some members of the family not talking to others. There was a botch-up by someone who did not do the job properly. The solicitor went out of business and the files were passed on, and when members of the family went back after the death of a parent and tried to sort out the right of way issue, there was a row in the family about who had right of way. It is an ongoing row and has been has not been resolved. Matters that may seem inconsequential can have devastating effects on families.

It is extremely important to have oversight. People make complaints to the Law Society and in many cases they are not happy with its findings. There is a perception that the legal profession closes ranks when one of its own is accused of something. For the good of the profession and the Law Society, it is important that any oversight mechanism be independent in order that there is no sense of wrongdoing not being righted and people not getting due process in the system.

There is a lack of clarity about legal expenses. Members of the House are eminently qualified legal people and *au fait* with the system. In talking to people in the constituency in which I live I have found that they lack knowledge of the system and the cost structure. They are unsure how long a case will take, whether it will go to court, if they will need to pay for a solicitor's letter or pay to go to court, whether to make settlement or go to mediation. This is an area about which ordinary citizens are very unclear. Clarification as to the costs of services is very important.

Sinn Féin is of the view that the move to multidisciplinary practices is not a good idea and is not in the best interests of transparency and accountability. We are looking at a corporatisation of legal services which will create some very big legal firms who will potentially suck up the best and the brightest in the legal profession and make it very difficult for other people to access them. Costs will become an issue and a barrier to people using those services.

I note that multidisciplinary practice was the brain child of the former Minister for Justice and Equality, Deputy Alan Shatter. I am concerned that it is still part of the Bill. I am also perplexed as to the need for such practices. Where is the demand for this type of model? My colleague, Deputy Pádraig Mac Lochlainn, has raised this issue in the Dáil and we remain to be convinced. Sinn Féin is of the view that the proposed model deviates from international best practice where solicitors operate separately from barristers. I again refer to the issue that multidisciplinary practices will attract the best and brightest of the legal profession. As highlighted previously, this could have a significant impact in rural areas and provincial towns because it will result in a centralisation of specialised legal services in Dublin so anyone living in Tipperary, Galway, Cork or Donegal will be significantly disadvantaged and they will probably be forced to come to Dublin to avail of them. This is not satisfactory or desirable. It will make it

more difficult for the ordinary people to engage with legal services. I urge the Minister to scrap the multidisciplinary model in the interest of best practice.

I note also the issues to do with membership of the board of the proposed authority and in particular the comments and submission by FLAC about the type of board and authority that should be established. In the opinion of FLAC, the authority should consist of two persons nominated by the Bar Council, two persons nominated by the Law Society of Ireland, two persons nominated by the deans of law or heads of all the law schools, one person to represent the independent law centres - all which are not-for-profit organisations - one person to represent FLAC, one person to represent business interests, one person to represent consumer interests, one person representing the community and voluntary sector, and one person representing the Minister. I suggest this recommendation be considered. It is important that FLAC be represented on the new authority.

The Irish language must also be taken into consideration in the formation of the board. The Referendum Commission, for example, has been unable to provide a neutral spokesperson to speak on the referendum as Gaeilge. We are informed this is due to the competencies of the people on the Referendum Commission. I do not wish to cast aspersions on any member of the Referendum Commission but when a new authority for legal services is being established it is very important to ensure that people competent in the Irish language are appointed because as noted by Senator Feargal Quinn, Irish is the first language of the State and legal issues around language can arise.

There is an issue regarding the staff in the Law Society of Ireland and the Bar Council who currently deal with complaints procedures. Approximately 20 people perform these duties between the two organisations. It is important for the Minister to inform the House what will happen to those people as there may be a benefit in subsuming those people into the new authority, bringing with them significant experience of the complaints procedures. It is also the right thing to do so that they do not lose their jobs as part of this process. It would give the authority the opportunity to hit the ground running when dealing with the issues as they arise.

Sinn Féin supports the Bill but with certain reservations. We intend to table amendments on Committee Stage. Fáiltíonn muid roimh an mBille. Ceapaim go bhfuil sé thar am go mbeadh trédhearcacht agus idirdhealú déanta maidir leis an earnáil seo ar fad agus go mbeadh sé soiléir don phobal ach go háirithe céard iad na seirbhísí a fhaigheann siad agus cén chaoi is féidir leo gearán a dhéanamh nuair is gá sin a dhéanamh.

Senator Maurice Cummins: I welcome the Minister. This Bill is long overdue. It is essential that the new legal services regulatory authority is up and running as a matter of urgency. The delivery and enactment of this Bill remains the subject of a country-specific recommendation under the EU semester process which has succeeded the troika programme. I welcome the fact that the European Commission will continue to monitor this Bill's progress closely.

The Bill, as amended and enhanced by the Dáil, is very comprehensive and includes 158 sections spread over 13 Parts. It provides for the new independent legal services regulatory authority with responsibility and oversight of both solicitors and barristers. It is of paramount importance that the independence of the new authority, in both its appointment and its functions, is transparent in all respects. I welcome the clarification by the Minister regarding the composition of this body.

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The independent complaints systems to deal with public complaints, including those relating to professional misconduct, is a vital part of the Bill. I have been contacted by several people who believe that they were ill-served by the current system which caused great trauma to people who believed their legitimate complaints were not dealt with in a fair and transparent way.

The legal practitioners disciplinary tribunal will replace the two separately operated tribunals which currently exist. I know that the public will now make their complaints directly to the new authority. I hope this is not another case of the legal profession policing themselves. I would welcome the Minister of State's observations in his reply to the debate. It is welcome that provision has been made for the informal resolution of more minor and consumer-type complaints such as those about inadequate services.

The new and enhanced legal costs requirement will I hope bring greater transparency to legal costs and will apply to barristers as well as solicitors. The Bill sets out for the first time in legislation a set of legal costs principles. It also provides that a new office of legal costs adjudicator will replace the existing Taxing Master to deal with disputes about legal costs. It will also prepare guidelines and maintain a public register of determinations. I hope that this will speed up the process as I know that many legal practitioners have expressed frustration at the current delays in the Taxing Master's office which may be due to a lack of resources in the office but I am not certain. Whatever the case I hope that the office of the legal costs adjudicator will be adequately staffed to prevent long delays with determinations.

This Bill facilitates new forms of legal services provision such as legal partnerships and multidisciplinary practices that take account of the emergent new business models in other common law jurisdictions and the significant advances made in business technology. It does not impose new models on legal practitioners but rather the intention is that the new models will operate successfully alongside the existing modes of business used by legal practitioners, including small solicitors' firms and for barristers and the Law Library. The new models will remove current restrictions on the way they deliver their services. They will facilitate consumers by providing more choice, better access and, in due course, lower costs. It will also facilitate the removal of barriers to competition in the legal services market which were identified by the Competition Authority over nine years ago.

I welcome the Minister's amendments on Report Stage in the other House which will further enhance regulation and governance. Part 8 of the Bill refers to these matters. Besides the Competition Authority, the European Commission has long referred to the lack of competition in legal services. I hope the Bill adequately addresses this lack of competition.

The Bill deserves the utmost scrutiny as it deals with many matters which deserved attention long before now. I commend the Minister and her predecessor, the former Minister, Deputy Alan Shatter, who believe that reform of the legal services and greater transparency will remove some, if not all, the obstacles to competition in the area of legal services. I know that legal practitioners, nationwide, will await the final version of the Bill which will chart a course for them into the future. I know that the European Union will be very interested in how the Bill will provide greater competition in the marketplace. Above all, I hope the Bill will give the ordinary people of Ireland a legal service that is open, transparent and competitive and which instils more confidence in a profession which is so important in the administration of justice.

Minister of State at the Department of Justice and Equality (Deputy Dara Murphy)

(Deputy Dara Murphy): It is a privilege to be in the House today. I apologise on behalf of the Minister for Justice and Equality, Deputy Frances Fitzgerald, who was unavoidably absent for some of the contributions. This legislation, which has been moving through the Houses for a long number of years, represents the fulfilment of one of the country-specific recommendations that we have inherited and that we continue to work towards. Given the importance of the Bill, it is essential that proper time be given to the issues that remain to be agreed. The Minister is categorical in stating many, if not all, of the issues highlighted by Senators will be given further consideration on Committee Stage. Senator Ivana Bacik has pointed out that the Minister will continue to take amendments on Committee Stage. I will not dwell in great detail on all the points raised, but I assure Senators that the Minister has assured me that the required time will be given.

As Senator Catherine Noone said, the Bill will touch all facets of Irish life, whether urban or rural. I refer to a specific point with regard to costs, efficiencies and savings. I am informed that there is limited data in that regard, but it will be forwarded to Senators. On the broader question of e-filing, the Minister is considering amendments for Committee Stage. With regard to the request for data, I am unsure if absolute cost-benefit analysis has been conducted, but any information will be provided and the matter may be raised on Committee Stage.

The Bill is now much advanced and enhanced, including in response to key observations and concerns that had been expressed since its publication in autumn 2011. The new provisions contained in the Bill enhance the current regulatory regime in relation to the provision of legal services in the State and in how legal costs are determined. This is all predicated on what is to be a robustly independent legal services regulatory authority and on the functioning of an independent legal practitioner disciplinary tribunal.

Alongside the changes that have been made to the Bill to date, we have also experienced change in the national economy, which is now experiencing very positive growth. The challenge for all sectors is to maintain and nurture that growth in a prudent fashion. The Bill is a charter for managed and regulated change. It provides the legal services sector with a vehicle to capture the benefits of our current economic growth in new and lasting ways. The Bill maintains and upholds the independence and professional principles of both arms of the legal profession in this jurisdiction while balancing this with the wider interests of their clients and of a sustainable and competitive economy.

The Bill now includes a series of new provisions to make prudential provision for the future participation of solicitors and barristers in a number of new legal business models. These include legal partnerships between solicitors and barristers or between barristers themselves. They also include multidisciplinary practices, under which legal practitioners, be they barristers or solicitors, may choose to provide their services in tandem with non-legal service providers. This will be informed by the relevant research and public consultation processes. These new legal business models are not being introduced at the expense of all that is good about the legal services sector. Rather, alongside existing practice models, the Bill will facilitate innovative lawyers who wish to branch out in new ways and into new client areas. This should provide new opportunities for employment and specialisation for qualified legal practitioners and any non-legal service providers concerned. Under this mutually accommodating and regulated framework, the Government considers that there should be no impediments to the effective participation in, and delivery of, these new legal business models.

Ultimately, it is the market and consumers who will decide the success of any of these

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new legal business options. In the meantime, there will be unprecedented choice for legal practitioner and client alike. This has to be an improvement on the existing situation of very limited choice, or in some respects no choice at all, in relation to how legal services may be accessed. For the consumer, the Bill provides unprecedented transparency in relation to how and why legal costs may be charged. Senator Ivana Bacik focused on the aspects of transparency, including with regard to costs. The application and determination of legal costs, including by the new legal costs adjudicator, who will replace the existing Taxing Master, will now be much more open. Senator Catherine Noone also had concerns and observations in that regard. Up to now, legal costs matters were obscured in arcane rules and in the annals of jurisprudence. These were largely invisible to clients and even to lawyers. For the first time in legislation, the relevant legal costs principles are now laid out in Schedule 1 to the Bill.

This is a very balanced Bill. The Minister is delighted to have an opportunity to further discuss its provisions in the Seanad. It only remains for me to ensure that what is being done under the Bill is done correctly. It remains the Government's intention that the Bill will be completed in order that the new legal services regulatory authority can become operational without delay this year. Detailed work on the Bill continues on that basis, including in conjunction with the Office of the Attorney General and the Office of the Parliamentary Counsel, the ongoing and key inputs of which are very much appreciated.

We look forward to discussing the Bill and its various provisions with stakeholders and with Members of this House over the coming period. In this way we can deliver the key modernisation and structural reforms being facilitated by this important legislation. I thank Senators for their contributions.

Question put and agreed to.

Committee Stage ordered for Tuesday, 26 May 2015.

Senator Maurice Cummins: I propose the suspension of the sitting until 5.30 p.m.

An Cathaoirleach: Is that agreed? Agreed.

Sitting suspended at 4.55 p.m. and resumed at 5.30 p.m.

Cultural Institutions: Motion

Senator John Whelan: I move:

That Seanad Eireann:

commends the Government:

- for the work done to maintain services in the National Museum of Ireland, the National Library of Ireland, the Natural History Museum and the National Gallery of Ireland, in the face of the economic difficulties experienced by the country since 2008;

- for the continued high value being placed on the educational merit and appeal of these institutions as international tourist attractions;

- for continuing to support the policy of not imposing admission charges to the above institutions, thereby encouraging public access; and

- for continuing to support and sustain our national heritage sites and attractions countrywide;

further commends the Government:

- for continuing to acknowledge the role and importance of our natural heritage in terms of education, biodiversity and amenity in reference to special areas of conservation, nature reserves, wildlife and habitats, protected species and our national parks and heritage sites; and

calls on the Minister for Arts, Heritage and the Gaeltacht to:

- outline the Government's proposals to bring forward a plan to further enhance the above institutions through initiatives such as upgrading the buildings, preserving library books and records, assisting in digitising publications and establishing a shared storage facility for TCD, UCD and the National Library of Ireland.

I welcome the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys. This is a great opportunity for us to discuss her wide-ranging remit. The motion was to have been moved by Senator Denis Landy who has an intense and profound interest in a range of areas that he wanted to address the Minister on today but, unfortunately, due to unforeseen circumstances, he cannot be with us today. I offer his apologies. This was outside his control.

I will try to dovetail Senator Denis Landy's concerns with my own. One of the issues he wanted to raise is the cultural and economic importance of this campus and its importance for the country's heritage. It includes fabulous institutions such as the National Library of Ireland, the National Gallery of Ireland and the National Museum of Ireland. We cannot overemphasise how the Irish cultural disposition punches above its weight and has a footprint worldwide. For example, when I see Senator Labhrás Ó Murchú, I am reminded of the influence of Comhaltas Ceoltóirí Éireann around the globe. The Book of Kells, the National Library of Ireland, the National Gallery of Ireland and the artists and authors who have so fabulously filled the corridors of these fine buildings with such outstanding works are all important. The Minister is in the hot seat because she is the custodian of this cultural archive and these cultural institutions. It falls to her at a difficult time in the Cabinet and government to fight her corner for Irish culture and heritage when there are diminishing resources and competing demands on those limited resources. We commend the Government and the Minister for doing a good job.

I am always fascinated that such fantastic premises as the National Library of Ireland, the National Gallery of Ireland and the museums are free of charge. It is fantastic to see droves of people, particularly young people and students, filling the corridors and queueing up every day. There was a temptation to put a modest charge on access, which was resisted. It is fantastic that anyone and everyone can engage and see the fabulous exhibits, books, paintings and so on.

While visitor numbers continue to rise, however, the funding for institutions such as the National Library of Ireland has taken a significant hit. The preservation and archiving of ancient manuscripts and books have been put on the back burner. There are concerns that irreparable damage can be done to valuable manuscripts, books, paintings and so on, and while there is a big restoration job going on in the National Gallery of Ireland, it would be remiss of us not to

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say priceless records and manuscripts are archived which are not being preserved and maintained to the standard required. We will have to consider that because they pay their way in current terms. The National Library of Ireland, the National Gallery of Ireland and the National Museum of Ireland have hundreds of thousands of visitors every year. They are a huge boon to the economy and a huge part of our tourist attraction. It seems bizarre that these buildings which I pass every week are closed on bank holidays. I could understand in a normal week that they might not open every Monday but for families, tourists and people on a day off it would be worth considering having such fabulous attractions open on bank holiday Mondays. I do not know what could be done about this.

It is important that the Department of Arts, Heritage and the Gaeltacht has a strong interaction with other Departments to ensure the Minister knows what they are up to and that they have a symbiotic relationship to support one another. For example, the Department of Transport, Tourism and Sport recently launched a worthy initiative, Ireland's Ancient East, which is a trail from the Boyne Valley through the country. It must not have checked in with the Department of Arts, Heritage and the Gaeltacht because it left out County Laois almost completely. There is a tranche of attractions and ancient heritage sites there such as the Rock of Dunamase and Abbeyleix heritage town which has the distinction of being the place where the carpets for *Titanic* were manufactured. In modern terms, it has been established that Abbeyleix is the ancestral home of George Clooney, the film star. These things could have been incorporated into what is a work in progress and not yet the definitive project. I ask that the Department of Transport, Tourism and Sport liaise with the Department of Arts, Heritage and the Gaeltacht in order that it does not overlook places such as Laois when drawing up these plans and programmes. It would be remiss of them to do so. As tourists fly into Dublin and flock to County Kerry, County Mayo, the Cathaoirleach's county and the fantastic attraction of the Wild Atlantic Way, it would be well worth their while to stop for a day and a night and spend some time in County Laois and in the midlands, exploring our wonderful heritage sites and attractions.

In that spirit, we had a timely briefing from the Heritage Council, which asked us to hear about its work and the enterprises it is conducting. It is a fantastic organisation carrying out fantastic work in communities. Its budget has been slashed from €22 million in 2008 to €7 million today. It has kept its administrative costs to 20% of its budget, which is commendable by any standards, considering what other organisations gobble up in that area. Now that things are starting to improve, there is a reasonable expectation that we will restore the budget for the Heritage Council so that it can roll out the Irish Uplands Forum, the rural towns and villages network, the heritage officer network and other national landscape strategies. As one of the few European countries not to have done so, we are remiss in not having developed a sufficiently robust national landscape strategy. If I am incorrect, I am open to correction.

One part of the programmes sponsored and supported by the Heritage Council is the National Biodiversity Data Centre. It is an amazing open resource for everyone to tap into, with records and databases of our wonderful national biodiversity. We often pay lip service to it, but it is not just an aspiration. We must honour our commitment to protecting our wildlife, flora and fauna and biodiversity. Even if we want to be selfish about it, the National Biodiversity Data Centre estimates that Ireland's biodiversity contributes €2.6 billion to the economy. That is quite significant and is not small change. If ever we needed an impetus to ensure we respect our flora and fauna and wildlife, we should make sure we do not undermine or under-resource these organisations. It would be remiss of me, in that spirit, not to take the opportunity to make reference to my local community in Cullinagh, Ballyroan, County Laois, which is in the throes

of a protracted legal battle with the State forestry agency, Coillte, about the development and planned imposition of wind farms on top of people's homes in the area I come from. In that context, it is the view of the community and its eminent legal team that the development will result in Coillte's being in breach of the habitats directive. It is a serious matter, as the directive is not an aspiration. The habitats directive is prescriptive and serious and must be taken seriously. If this development goes ahead, it will pose a serious threat to the freshwater pearl mussel, which is a protected species. We cannot allow one arm of the State to be in breach of the habitats directive. When the Minister has an opportunity, I ask her to continue her support through the National Parks and Wildlife Service and the heritage officer network for ensuring that the Department is fully apprised of the implications and supports the community in its High Court appeal and challenge, particularly in respect of the breach of the habitats directive and the threat to a world-renowned endangered species, the freshwater pearl mussel. I thank the Acting Chairman for her forbearance, as I had to race through a broad spectrum of issues. I look forward to the reply of the Minister and her contribution.

Senator John Kelly: I second the motion.

I welcome the Minister. Senator John Whelan has covered much of the topic from a national perspective, but I will stick to local issues in County Roscommon, where the spend on arts, culture and heritage is €640,000 annually. Many arts festivals receive funding from Roscommon County Council such as the Boyle Arts Festival and festivals based on historical figures such as the Percy French festival in Castlecoote House, the Douglas Hyde conference in Ballaghaderreen and the Douglas Hyde interpretive centre in French Park which is run well by Ms Deirdre O'Gara. Others are the William Wilde Festival in Castlerea and the Roscommon Drama Festival. Through the county librarian, Mr. Richie Farrell, and the heritage officer, Nollaig Feeney, Roscommon County Council creates an arts plan with the help of Mary Mullins every year. The purpose-built arts centre, which is well run by Avril Dooher, is a hive of activity. King House in Boyle sees a lot of investment from Roscommon County Council and has subsidised workspace for developing artists. We also have the world renowned Moone Boy, Chris O'Dowd, from Boyle. The council provides bursaries to developing artists. Heritage week is a big week and involves many volunteers and local authority support. It is worth visiting the Rathcroghan Interpretive Centre in Tulsk, County Roscommon.

As Senator John Whelan said, since 2008 the Heritage Council has had its funding cut by 66%. As a result, it can only deliver 33% of the projects delivered in 2008. The Heritage Council would be happy if, over six years, a programme was put in place to ensure funding was brought back to 2008 levels. There is also Clonalis House, Castlerea, which is well worth visiting. We have many historical sites and heritage sites and, to some degree, if it was not for Roscommon County Council, the county would be neglected.

A bugbear of mine from a cultural point of view is a point I raised with Senator Labhrás Ó Murchú. We do not acknowledge the contribution of Irish dancers when they represent us on the world stage. There is no funding provided for them. Last month, the Irish dancing world championships were held in Montreal, but many dancing schools could not bring all their children, including some who could have qualified and possibly won a world championship. These schools are putting Ireland on the map. When the world dancing championships are in the country, it is a massive event and much money is spent. People use it as a holiday. We are developing tourism products, and more investment would contribute more. For rural counties such as Roscommon, if we do not have tourism we do not have a lot more. I compliment the staff of Roscommon County Council on what they are doing. I would like the support of the

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Minister for Roscommon. Much good work is being done and much of it goes unnoticed. It is all about funding.

Senator Labhrás Ó Murchú: In this debate my party will not be the Opposition. We are all in this together. I welcome the Minister and compliment her on the manner in which she has adopted the role. Her portfolio is the soul of the nation. Senators John Whelan and John Kelly made powerful contributions. What was particularly impressive was the passion behind those contributions. It was a reminder that heritage is not just about museums; rather, it belongs to the people and inspires their spirit. It motivates us to action. It also gives us a sense of pride in who we are as a people. Everybody here has felt that pride at some stage. Even though we are a small nation, the treasure we have when it comes to heritage is amazing.

I was also impressed by the contributions of Senators John Whelan and John Kelly in that they gradually went back to their own localities. There is a feeling that our heritage should be centralised. We all know where heritage is cultivated and nourished, namely, down among the people. I come from a small town with a population of 3,000 people, Cashel. When I am at home, I look out the window when I get up each morning at the Rock of Cashel, which reminds me immediately of the antiquity of our race and of the richness of that antiquity.

We are very fortunate in Comhaltas to have a cultural centre called Brú Ború. The centre not only holds exhibitions but also showcases the living tradition. It is organic; it grows and is passed from one generation to the next. Communities focus on that strength. The motion is very much directed towards the national cultural institutions. I compliment the Minister on making an extra €2 million available in recent times in that regard, because it underlines the commitment to our culture and heritage.

There are aspects of heritage which are sometimes forgotten. There is a small laneway, Dominic's Street, near the Rock of Cashel, where one can find the Cashel Folk Village. It was built by one man who has since gone to heaven, Martin O'Dwyer, but it is still there. The artefacts and memorabilia in the museum are unique. Those involved will not mind me saying that they are not secure in the manner in which they are there. What they have achieved is wonderful. I recall as a young person getting an invitation to go to a local Church of Ireland church when it was not the done thing for Catholics to do so. I was invited to visit what I understood to be a small library, namely, the Bolton Library, one of the foremost libraries of its kind in Europe. It was lovingly and carefully secured and protected. Eventually, it was properly presented, but it is now in danger. There is even a suggestion that it might leave the town of Cashel. I have written to the Minister about the prospect that the library, which is unique, might be taken from Cashel. If it was brought to Limerick or anywhere else, it would be, for the people of Cashel, like cutting off a limb.

If the Minister ever happens to be in the Cashel area, I would be delighted to take her to these spots and give her afternoon tea, because I genuinely feel that the treasures in the town are unique. Senators John Whelan, John Kelly and I have mentioned what is happening locally. As the Minister knows, the proposed diaspora centre has been shelved, to which I say, "Thank God," even though it is a strange thing to say. When the Minister of State, Deputy Deenihan, came before the House, he made the same point as the Minister about centralising everything. These things are best done at a local level, where is a human aspect, love, time for conversation and a sense of reality about what we are discussing. The diaspora centre would have been grand and would have been, in a sad way, almost like a Disneyland. When it comes to heritage, that is not what we need. I apologise for being jocose initially, but I would love to take the Minister

to three or four areas, such as the Bolton Library, the Rock of Cashel, Brú Ború and the folk village, in order that she could see what a population of 3,000 people have cultivated. We have been influenced and inspired by that. I know for a fact that one will find the same story in Kerry or anywhere else. That is why I am so glad we are having this debate. I am also glad it did not follow the usual line of looking for extra money. It is not about looking for extra money *per se*; rather, it is about having a dialogue and engagement, and rethinking where we are as a people.

Heritage is not clinical or frozen; it is living. That is why we are so lucky as a people. When I look back through history, particularly at the challenges that we have faced, I find how we overcame them interesting. I always cite one example, namely, the Young Irelanders, which is focused on our songs, folklore and history. It wanted to galvanise us as a people and make us realise that we were as good as everybody else. I sat in the dining room with a delegation comprising people from both traditions from Northern Ireland today. We discussed exchanging the Orange and nationalist traditions, which we had started in Derry when 430,000 people came to the Fleadh. I received an invitation before Christmas to visit the Orange Lodge outside Derry, meet loyalist bands and talk to them. When we got beyond the labels and tags, we found we had much in common. That is what heritage is about, and that is why I am glad the dialogue is taking place today.

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I am delighted to have the opportunity to address the House on the important contribution that our culture and heritage make to Irish society. Our cultural heritage which encompasses the arts, our cultural institutions and natural and built heritage, is vital to our national identity and well-being. As well as being of vital intrinsic importance and a great source of national pride, our cultural heritage is also a major source of employment and economic activity and is key to promoting Ireland's image abroad and attracting inward investment.

A society that values the arts is a more successful and prosperous one. I am committed to enabling support for, and access to, the arts, culture and Ireland's rich heritage for Irish people and visitors alike. A core objective for me, therefore, is to sustain and support these sectors, while seeking to promote and maximise their societal and economic potential. Our rich heritage, unique habitats, diverse artistic and cultural sectors and, of course, our national cultural institutions all have a key role to play in this regard.

The motion provides an important opportunity to acknowledge the work carried out by our national cultural institutions. Despite significant challenges in recent years, our cultural institutions have worked hard to maintain their services to the public and to protect and make our national collections accessible to the greatest extent possible. It is a credit to the management and staff of these institutions that they have increased their visitor numbers from 2.9 million in 2008 to 3.2 million in 2014.

Funding for the arts, culture and film contributes to sustaining the arts and national cultural institutions but also leads to job creation in these sectors.

6 o'clock

My Department's allocation of €156 million for arts, culture and film in 2015, which includes almost €59 million for the Arts Council, is recognition of the importance of this sector. After six years of continuous cutbacks, I was delighted to have maintained resources for the national cultural institutions at the 2014 level in this year's budget. The era of cutbacks is finally

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at an end. After the budget, and following discussions with the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, I also secured an additional €2 million for the cultural institutions this year. This funding was provided to directly address the concerns expressed by the cultural institutions, in particular the National Library of Ireland and the National Museum of Ireland.

In the latter part of last year, there were suggestions that one or more of our cultural institutions would have to consider charging for admission in order to help deal with financial constraints. I would like to state very clearly, as I have before, that I fully support the policy of free admission for our cultural institutions. Introducing charges would be a retrograde step and I believe it would have a negative impact on visitor numbers, which is a trend experienced elsewhere.

As the economic situation continues to improve, I want to see that all the national cultural institutions will benefit in future years. However, the national cultural institutions themselves need also to build on the reforms, innovation and alternative funding sources which were developed in response to the economic crisis. These new ways of doing business must play their part in addressing the infrastructural needs of the institutions, in partnership with government.

Notwithstanding the reduction in funds, the Government has made significant progress in terms of capital investment in the institutions. There is a major €30 million-plus project moving into its final phase at the National Gallery of Ireland as part of its master development plan. I have visited the site at the gallery and know it is difficult to appreciate the scale of the works until one sees it for oneself. It promises to transform the National Gallery of Ireland into one of the finest gallery spaces in Europe. Major refurbishment works are to commence shortly to redevelop the Kevin Barry Rooms at the National Concert Hall as part of the Government's investment under the Ireland 2016 centenary programme. The Irish Museum of Modern Art reopened in the Royal Hospital Kilmainham in 2014 after major refurbishment works there. In addition, tenders will be invited shortly for the first phase in the redevelopment of the National Archives headquarters at Bishop Street which will dramatically improve storage space and conditions there and address a long-standing and critical deficit.

I can assure the House that I will continue to make the case for further investment in our national cultural institutions, as the economy continues to recover, in order that we can address the key challenges that remain. I am particularly aware of the issues facing the National Library in terms of storage, both in Kildare Street and regarding potential off-site storage, and improving such facilities will be among my priorities should additional resources be made available to my Department. I take Senator John Whelan's point regarding the closure of our cultural institutions on bank holiday Mondays. The opening hours are being reviewed constantly, but, as I said, I take the Senator's point and will consult again in that regard.

I would also like to mention the arts in education charter which the Minister for Education and Skills, Deputy Jan O'Sullivan, and I are committed to implementing. A high level implementation group, chaired by Professor John Coolahan, was established to oversee the implementation of the arts in education charter. I am delighted to report that the arts in education portal will be launched next week. The portal will be the key national digital resource for arts and education practice in Ireland. This significant development arising from the arts in education charter is a joint project involving both Departments. The charter also sets out a partnership approach, with the setting up of local arts education partnerships. Already in 2014, the Cavan-Monaghan ETB has established its local arts education partnership model, setting a

really great example for the rest of the country. These partnership models should play a supportive and facilitating role for local art initiatives.

The programme for Government 2011-16, along with my Department's statement of strategy, has the overall goal of promoting and developing Ireland's world-class artistic and creative strengths at home and abroad and maximising their societal, economic and reputational value for the country. Developing a national cultural policy is central to these aims. My Department is working on a draft discussion paper to underpin a national cultural policy, Culture 2025, the first ever such policy in Ireland. Culture 2025 will set out the Government's high level aims and policies in the area of culture for the period up to 2025 and I know that there is considerable interest in the policy among Members of this House. The intention is to start a wide-scale consultation process with relevant stakeholders and the public on the key priorities that the Government should consider in developing a cultural policy for the period up to 2025. I am pleased to inform the House that the first phase in advancing this process will take place in the coming weeks, with the holding of an initial workshop under the auspices of the Royal Irish Academy. I am confident this will greatly assist my Department in launching its public consultative document on Culture 2025 shortly. I thank the RIA for its positive contribution on this matter.

With regard to the decade of commemorations, I was delighted that the Taoiseach and the Tánaiste joined me to launch the Government's Ireland 2016 centenary programme in the National Museum, Collins Barracks, on 31 March last. Ireland 2016 is a national and international initiative to remember the pivotal events of 1916, reflect on our achievements in the past 100 years and look ambitiously to our future. The 2016 centenary programme is extensive and all-inclusive, and covers seven key strands: State ceremonial, historical reflection, an teanga bheo, youth and imagination, cultural expression, community participation and global and diaspora. Ireland 2016 is an invitation to everyone on the island of Ireland, and to the global Irish community, to shape and engage in a diverse range of historical, cultural and artistic activities. The national cultural institutions and the Arts Council, with my Department and the Department of Education and Skills, have developed extensive programmes of arts and culture events.

I note the reference to digitisation in the motion before the House, something on which I am particularly keen. Digitisation uses the most modern of technology to make old or even ancient material accessible to as wide an audience as possible. The National Library of Ireland and the National Archives, in particular, are embarking on an ambitious digitisation programme as part of Ireland 2016. The library, for example, will make more than 20,000 items available online, which will enable people here and around the world to engage with and be part of 2016.

A community engagement programme, led by the local authorities, will result in further events being added to the Ireland 2016 programme from across the country. The Ireland 2016 team from my Department is holding a series of county by county workshops to stimulate ideas and activities for the commemoration. I am very pleased with the response to date, which has been very positive and constructive. People are engaging with the process and I want as many people as possible to engage with it. The Government will continue to work to ensure all of these commemorations are inclusive, respectful and appropriate.

The arts have a way of reaching out and speaking to people by pushing out the boundaries and forcing us to challenge preconceived ideas. I sincerely hope the commemorations will also provide our diaspora with a sense of ownership, alongside Irish citizens, in this collective commemoration of our shared history. I hope that many people will return to Ireland and take part in this unique programme of events. It would be wonderful to welcome our extended family to

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Ireland for this special time. As Senator Labhrás Ó Murchú said, Comhaltas Ceoltóirí Éireann has really reached out in terms our heritage, in particular our musical heritage. I will have to quote again the fantastic example in Cavan, where musicians from all the different parts of our heritage are coming together and playing together. That tradition continues to live on in Cavan and it was only a couple of weeks ago that I had occasion to hear them play together. It is a legacy Comhaltas has left in Cavan in that musicians from all different traditions come and play together, which is great.

Turning to our natural heritage, Ireland's renowned natural beauty, unique landscapes and habitats are equally important and intrinsic to what makes us Irish.

Tourists, artists and citizens alike have drawn inspiration from our natural heritage for centuries. I see a huge role for our national parks, nature reserves and all our protected areas in tapping into and exploiting the opportunities. It is my intention to encourage and facilitate, to the greatest extent possible, public access and appropriate visitor use in these parks and reserves in a way that promotes responsible interaction with our natural heritage and supports sustainable tourism. The protection and enhancement of our natural heritage, including the six State-owned national parks and 66 nature reserves managed by my Department, bring much needed economic stimulus and employment opportunities to rural communities. The challenge is, of course, in doing this in a way that is consistent with the ethos of these protected areas as natural, and often wild and rugged, places. We must also respect the conservation and biodiversity considerations that must underpin our management of our natural heritage.

My Department is very close to finalising the mid-term review of the implementation of our biodiversity plan. Biodiversity provides us with food, clean water, building materials and other essentials that we simply cannot live without. It underpins vital economic sectors such as agriculture and tourism. Biodiversity, ecosystems and natural resources are our natural capital. There is increasing recognition that economic prosperity depends on maintaining and enhancing this natural capital. For example, my Department has worked very closely with the Department of Agriculture, Food and the Marine to ensure that the new GLAS scheme delivers for farmers in protected areas, as well as for the biodiversity of those areas. Many of our habitats are internationally important due to their scarcity elsewhere in Europe. We have 429 special areas of conservation throughout the country, from raised bogs to coastal sand dunes. In addition, 154 special protection areas seek to provide safe breeding and wintering grounds for large numbers of sea birds and water fowl, both resident and visiting. It is my belief that further significant conservation, social, health and economic benefits will come about if we continue to appreciate the value and explore the true potential of our natural heritage, particularly for rural areas. The challenge is to understand the broad value of our natural heritage, and to integrate and harmonise its management and protection with often unseen and unappreciated social and economic benefits.

I also want to acknowledge the work of the Heritage Council and heritage officers at a local level in engaging and empowering communities to value and protect our heritage. I increased the Heritage Council's funding this year, and as the economy continues to improve, we will be in a better position to further increase its funding. Our heritage is so important to us. It gives us a sense of who we are and where we come from. As a member of a local heritage group, I fully appreciate the importance of small grants and how they can make such a difference to communities across the country in helping them to protect their heritage. The Heritage Council has done a great job in engaging communities and developing a sense of pride in their heritage. As has been said, it must all be done on a local basis.

A number of issues were raised here, which I will address. Senator John Whelan raised an issue regarding freshwater mussels. I will look into that and return to him. I agree with Senator Labhrás Ó Murchú that one must work at local level to protect and maintain heritage. The national landscape policy has gone to Government for approval. It is currently being translated and will be published within a few weeks. Senator John Kelly spoke about Irish dancing. I have met with the committee members who organised the world Irish dancing championships. I have also set up a meeting between it and Fáilte Ireland. I value what it does, which is significant in terms of tourism in this country, and I will be following up with them in the future.

It is a privilege and an honour for me to serve as Minister for Arts, Heritage and the Gaeltacht and to work hand in hand with such dynamic and creative sectors to build on and sustain our cultural heritage, both artistic and natural. I look forward with great optimism to the further enhancement of these sectors and hope sincerely that we can continue to work together to support and protect our cultural heritage.

Senator Fiach Mac Conghail: Fáiltím roimh an Aire. For my colleagues and friends in the Labour Party, to whom I am very close politically, I want to reiterate that this is not in any way a personal attack, but I find this Private Members' motion to be sloppy, badly written and lacking understanding of the level of difficulty faced by the national cultural institutions. I acknowledge that the Minister has responded in terms of funding for the 1916 commemoration. I congratulate her on the launch of the commemoration with the Taoiseach and the Tánaiste. It was a wonderful affair, which captured the imagination. There was a real sense of self-confidence in the room and among the community, with the Government finally showing a sense of leadership but also inclusivity, on which I congratulate the Minister from the heart. It is important that I say that because I would not want her to get mixed messages. However, although it is not the Minister's fault, this has been one of the worst Governments since the foundation of the State as regards supporting the arts. This is not just about funding, and the catastrophic cuts of up to 40% for all the national cultural institutions, including the Abbey Theatre, of which I am director. I want to say that, in case there is any perceived conflict of interest. I am talking about the various public sector curtailments that make it very difficult for cultural institutions such as the National Library of Ireland and the museums to hire curators, librarians and archivists because of the recruitment ban. This has stunted them.

The motion contains a misspelling. It mentions the "National Arts Gallery". I do not know what that is. This is the Labour Party which created the first Ministry for the arts, which was occupied by the current President, Michael D. Higgins. I am disappointed by the ill-informed response to a major crisis. Not only has funding been cut in the past four years, which we understand, but the cuts are savage. While the Government pays lip service to the idea our culture supports Ireland abroad and gives us good standing, we cut the artists' standard of living, such that they are emigrating because they cannot afford rent in Dublin. They are moving away from conurbations. Culture Ireland's funding has also been cut. The state of the individual artist in this country today, 99 years after the Rising, is characterised by penury, a lack of support from the State and a lack of planning.

On the other side, the sword of Damocles is swinging over the so-called amalgamations of the various national cultural institutions. As the Minister did not mention this, I assume it is not happening, but the clock is ticking because we are now in May. There was no mention of this in the Minister's speech and there is no congratulatory note in the Members' motion on any amalgamation or sharing of services by the National Gallery of Ireland, which is its official title, the Irish Museum of Modern Art and the Crawford Gallery. I have no issue with shared ser-

vices and congratulate the Minister as there have been some wins in that respect. There is a Bill before the House on that issue and there is a second Bill dealing with the amalgamation of the National Museum of Ireland and the National Library of Ireland. Will new boards be appointed to both organisations? They have been waiting in the wings, atrophying, because there is no leadership at governance level. These boards have been waiting to see whether they will be amalgamated. They have been crying out for cultural leadership. The Minister has time to look at that issue. This House was very clear in its message to the Government that these amalgamations should occur. At least the Labour Party should have the honesty to commend the Minister for not proceeding with that legislation. Another Bill is undergoing pre-legislative scrutiny, namely, the national cultural institutions Bill which relates to the National Concert Hall. There is not only a catastrophic cutting of funding but also a catastrophic disemboweling of the very essence and structure of some of our most important cultural institutions, which predate the State. The National Museum of Ireland predates the State, yet it does not have proper governance; its board is in a kind of limbo or purgatory. I would like to hear the Minister's comments on that issue. Although she has significantly supported the commemorations, we need to invest in and restore funding to national cultural institutions. There should not be hypocrisy whereby we pay lip-service to individual artists. I feel a little embarrassed for us in that regard.

There is no mention of the National Archives in the motion, where there is a crisis around storage, nor is there mention of the challenge facing the National Archives around the Irish 30-year rule given the British Government's 20-year rule. The British Government will release papers after 20 years and will have its propaganda and spin on Irish history out before we can release our documents. We will have to wait another ten years and it will be skewed. The 1986 National Archives Act is way out of date, yet some of the sections have not actually been implemented. I am disappointed in the Labour Party for not addressing these crises in the National Archives, particularly the storage issue. I would like to hear a comment on Bishop Street, the home of the archives. What capital investment might occur there?

Although I stand by my criticism of the Minister and the Government, I commend her on the national commemoration and the national cultural policy. The Minister has developed a draft discussion paper, the first phase of which will be launched shortly with the Royal Irish Academy. This is a historic development which the arts and cultural sector was seeking. On the one hand, the Minister has shown strategic support and leadership while on the other hand, the Government has caused devastation to the state of individual artists in the country and has sent mixed messages around what I would call the desecration of the national cultural institutions when it comes to legislation. I look forward to hearing the Minister's comments.

Senator Eamonn Coghlan: I welcome the Minister and thank her for her remarks and genuine commitment to the arts, culture and heritage. I do not think Senator Fiach Mac Conghail remembers that the economy almost collapsed as a result of how the last Government handled it. There is only so much funding to go around. People in another form of art, sports, do not complain because they have had their funding cut; they get on with the job. The arts feel more of an entitlement, judging by the Senator's comments. I certainly did not intend saying anything like this today but feel it is my duty to respond.

I welcome the motion my Labour Party colleagues have proposed. I have spoken a number of times on the importance and critical role of the arts, culture and heritage. When many of my friends from the United States come to Ireland, they are mesmerised by our history, art, culture and heritage. Theirs only goes back to 1492 when Christopher Columbus founded the United States. I have the feeling that our arts, culture and heritage is more appreciated by our overseas

tourists than it is by our own domestic tourists. I would like to see Irish people utilise all the facilities provided in this wonderful country.

The Minister has ensured there was no reduction in funding in 2015 in arts, culture and heritage and secured an additional €2 million for the national cultural institutions. There is ongoing support given to the national cultural institutions and work is continuing on a number of key capital projects. For example, work continues on essential refurbishment of the Dargan and Milltown wings of the National Gallery of Ireland and it is expected that the newly refurbished and extended buildings will open to the public next year. The Minister has said she has seen it and that it will be spectacular when completed. We all look forward to this.

As regards the National Concert Hall, major works are due to commence shortly to redevelop the Kevin Barry room as part of the Government's investment under the Ireland 2016 centenary programme. Senator John Whelan made reference to the National Archives, although I do not know if Senator Fiach Mac Conghail was in the House at that point.

Senator Fiach Mac Conghail: I was here.

Senator Eamonn Coghlan: I agree with Senator John Whelan that capacity needs to be improved and it needs to be safeguarded. The Government has agreed to provide funding this year for phase one of a development planned at the National Archives headquarters in Bishop Street. The Office of Public Works will shortly go to tender for this project and it is anticipated that works will begin in the middle of this year. This will greatly increase the storage capacity at the National Archives.

The motion commends the Government for the continued high value placed on the educational merit and the appeal, as international tourist attractions, of our cultural and heritage institutions and for continuing to support the policy of not imposing admission charges, as outlined by the Minister. I agree wholeheartedly with this. It is of huge importance to encourage visitors to Ireland. Young backpackers coming here could be turned off going to the museums and galleries. In other cities such as Amsterdam, Paris and New York there are entrance fees; therefore, it is encouraging to see they are free of charge here.

The motion also commends the Government for continuing to acknowledge the role and importance of our national heritage and special areas of conservation, nature reserves, wildlife, habitats, protected species, national parks and heritage sites. The Department is working closely with Fáilte Ireland to enhance tourism. The natural beauty and culture of Ireland are key reasons for visiting. Biodiversity and ecosystems play a major role in keeping that image alive. Ireland has key assets such as protected structures, sites of scenic and scientific importance and national parks which can be utilised to further support our tourism efforts. Ireland's Ancient East aims to deliver over 600,000 overseas visitors to the east of our country, from the north east of the Boyne Valley right down to the Wexford and Waterford coastlines, by 2020. This is a living history project which will balance the Wild Atlantic Way in the west, animating the culture and heritage of our country. Included are world attractions such as Newgrange which is older than the Pyramids. In fact, the entire Boyne Valley is full of historic passage tombs, monastic ruins and bloody battlefields.

Cross-departmental co-operation is vital in emphasising the importance of our arts and heritage assets. For instance, the arts in education charter is a positive initiative and involves the Department of Arts, Heritage and the Gaeltacht and the Department of Education and Skills and

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aims to improve access to and participation in the arts for children at an early age. Likewise, the Department of Transport, Tourism and Sport co-operates on relevant matters. By investing in our heritage and cultural institutions, our nature reserves, walking trails and national parks, we enhance visitor experience. The Government is continuing to invest in and enhance our arts and cultural institutions. The Department is providing funding of €547,000 to the Arts Council to help fund the 2015 community-based heritage grant scheme. This scheme which supports continuing conservation and the development of heritage through local community based groups is expected to generate a total investment of more than €1 million.

The Government's legislative programme for the spring and summer of 2015 lists two national cultural institutions Bills. The heads of the Bills have been agreed by the Government and texts are being drafted. The national cultural institutions (No. 1) Bill seeks to revise and update the governance arrangements in regard to the National Gallery of Ireland, National Museum of Modern Art and Crawford Gallery in Cork. The purpose of the national cultural institutions (No. 2) Bill is to revise and update the governance arrangements in regard to the National Library of Ireland, the National Museum of Ireland and the National Archives of Ireland, including shared services. While these Bills are still at the drafting stage, I welcome the introduction of new legislation on sharing services as it makes sense to have research and archives material for these institutions located at one site.

Senator Brian Ó Domhnaill: Cuirim fáilte roimh an Aire fosta le linn na díospóireachta seo ar chúrsaí cultúrtha. Tá sé i bhfad níos leithne ná sin. Táimid ag caint faoi institiúidí cultúrtha ach tá gach gné de shaol na hÉireann fite fuaite leis an gcultúr, anseo i mBaile Átha Cliath agus ar fud na tíre, na Gaeltachtaí ina measc.

This is a wide-ranging and broad debate. Culture does not stop at the boundaries of the Pale but extends to every part of Ireland, as I will explain presently. Ireland is traditionally a land of the baile fearainn or townland. We have a rich cultural identity and heritage which extends across the globe. Our diaspora plays a key role in the development of Irish culture abroad just by being Irish.

As a realist, I appreciate that the downturn in the economy affected all institutions of State, including the cultural institutions. It is important that the fruits of recovery are spread across all State institutions and Departments, including elements of our cultural heritage such as galleries, museums, arts centres and theatres. As the Minister indicated, however, culture extends much wider than institutions. I listened to her contribution in my office and noted her comment that funding will be made available for the provision of additional services for the National Archives. This is a welcome step, as Senator Eamonn Coghlan noted. Protecting our archives by providing adequate facilities for them is pivotal because they provide a rich source of vital information on the Ireland of yesteryear.

As we approach the centenary of the 1916 Rising and the events that led to the formation of the State, we face a major opportunity and challenge. The Minister must face this challenge head on. We have a great opportunity to place Ireland in a positive light at the centre of the global stage. We can do this by recognising the country's past and shared traditions and developing a country that looks outward and forward. The Minister alluded briefly to the centenary celebrations and may have more to add on the progress made in plans to mark the centenary of the Rising.

Heritage does not belong to any institution or organisation but to citizens. As we mark

the centenary next year, it is important to share our heritage, culture and national language, an *teanga Gaeilge*, with the future generation, the children in every school, whether in inside or outside the Gaeltacht areas. While work may be taking place in this area, the Department must work with the Department of Education and Skills to create a stream of cultural identity within the primary school curriculum. It is very much up to teachers to promote and develop this issue, which should be examined.

I note Senator Eamonn Coghlan's keen interest in sport in school. It is also necessary to create a wider curriculum offering for the Irish language. I do not share the Fine Gael Party's philosophy on Irish. Dancing, story telling and other traditions need to be embedded in the curriculum in a way that makes the Irish language and culture interesting subjects for children as they grow up. This issue should be addressed as part of the centenary celebrations.

The development of Irish language colleges in the Gaeltacht areas could be a great expression of our identity. The Department, in conjunction with the Department of Education and Skills, is responsible for the funding of Irish language colleges. Let us celebrate next year by promoting the Irish language in a manner that allows children from underprivileged backgrounds to visit the Gaeltacht on scholarship schemes. While schemes are available this year, let us do something radical next year by affording many more children an opportunity to visit Irish speaking areas to learn the Irish language. I am sure Senator Trevor Ó Clochartaigh will agree with my proposal, *fear de chuid Chonamara*.

Senator Labhrás Ó Murchú referred to the issue of community. Heritage needs to be developed through community funding. I welcome the allocation of €500,000 to the Heritage Council this year. Members meet weekly with representatives of various heritage groups which would like to develop local projects. It would be great if the small amount of funding available to such groups were to increase next year.

The Minister referred to the issue of biodiversity. While special areas of conservation, SACs, and special protection areas, SPAs, may not be directly related to this debate, they are referred to in the motion. I understand the Minister of State, Deputy Joe McHugh, may have spoken to the Minister about an area of 5,000 ha. in County Donegal which was designated a special protection area without prior consultation. The current approach to this issue needs to be reviewed. The decision in respect of the area in Donegal was taken by the Minister's predecessor, the Minister of State, Deputy Jimmy Deenihan. Instead of designating good farming land as special protection areas without proper or meaningful consultation with landowners, we should adopt the approach taken by Portugal, Spain and France to implementing the same European directives. The authorities in these countries engage in meaningful public consultation with landowners and if they fail to secure their agreement on designation, they designate other areas, specifically areas of commonage. This approach should be adopted here because it is wrong to prevent a farmer who has been cutting silage for 30 years from continuing to do so. Farmers must feed their animals in winter. A common sense approach is needed.

I am grateful for an opportunity to speak to this wide-ranging and timely motion, especially as the centenary celebrations approach.

Senator Ivana Bacik: I welcome the Minister and the opportunity to speak on a wide-ranging motion concerning services in a number of cultural institutions and arts and cultural policy generally. The text has been framed broadly to enable Senators to speak on a range of issues that fall within the Minister's remit. I commend my colleagues, Senators John Whelan

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and John Kelly, for tabling the motion on behalf of Labour Party Senators. The Senators will respond to contributions at the conclusion of the debate. I also apologise for the spelling mistake in the title of the National Gallery of Ireland.

The timing of this debate is good as the Heritage Council held a major Oireachtas briefing event in Buswells Hotel earlier today. I am conscious that many Senators, including me, have spent a good deal of time listening to presentations on the diverse work being carried out under the auspices of the Heritage Council. Previous speakers made - as I will make - the case for increasing funding to the Heritage Council to ensure it is able to plan for the future. Like many other cultural institutions and arts bodies they suffer from an inability to plan for the future on a multi-annual basis. The Heritage Council made a very strong case today for increased funding and for the great benefit to Irish society and to many communities from the work done under its auspices. I spoke to individuals from different organisations, ranging from the Irish Landmark Trust to the Burrenbeo Trust in County Clare. I am familiar with the work of the Burrenbeo Trust through my work in Ballyvaughan where I help to run a law and politics school in the Burren College of Art. I also spoke to people from the Bere Island community group and from Wicklow, dealing with the uplands there, and others about a range of initiatives, including the discovery programme run by the centre for Irish archaeological research, which is doing very important work in digitising some of our immense cultural heritage. Their work is very important in preserving our heritage for future generations. It also has tangible and practical benefits in supporting and facilitating job growth and the development of tourism in communities. It makes the very powerful case that for every euro spent by the Heritage Council the Irish tourism industry generates €4.40 in increased tourism revenue. In terms of practical and intangible benefits the case it makes is very important.

As the Minister said, many of us have an interest in the national cultural policy. I welcome the fact that the Department is working on the draft policy, in line with the programme for Government, to underpin a national cultural policy, culture 2025, the first ever such policy. The Minister spoke about the wide-ranging consultation process due to begin in coming weeks with the Royal Irish Academy involved in holding an initial workshop. Can the Minister give us more information on the timeframe for the development of the policy? How long will the public consultation go on? How widely will the information be disseminated? Will there be invitations to particular institutions and bodies to make submissions or will it include the public? I am conscious that the Minister will not have an opportunity to respond in this debate but I may write to her office.

Senator Fiach Mac Conghail spoke about the programme under a previous Government for mergers and amalgamations of national cultural institutions. I commend the Minister for not pursuing that programme at the more developed level which was very damaging to the institutions and to the arts community in Ireland generally. I have said many times that it was a very ill-advised policy.

In the motion we commend the Government for continuing to support the policy of not imposing admission charges to the institutions. I am glad the Minister has reiterated her own support for that free admissions policy. Senator Eamonn Coghlan put forward the situation very clearly about the broader funding of the arts in terms of the difficult economic situation facing the Government. The Minister said the era of cutbacks is over, which all of us, as citizens engaging with arts and cultural institutions in our daily lives, welcome. We also welcome the detail she gave us on the programme for commemorations. We have spoken several times in this House about that. I have spoken in particular about the need to ensure the military as-

pect of the commemorations is not over-emphasised at the expense of the social, economic and cultural climate and context in which the Rising took place. RTE and Dublin City Council are to be commended for their Road to the Rising event on Easter Monday, which had enormous appeal. There were tens of thousands of people in Dublin city centre and queues out the door of places such as Liberty Hall to hear talks about the social, economic and cultural context of the Rising. It was a very wide-ranging event and the sort of event we can learn from in developing our commemoration programme.

I commend the Minister for her work and ask her to ensure funding for the sector increases in future years, that we continue to work to enhance the status of the national cultural institutions and preserve them as important institutions and that funding is disseminated to local communities under the auspices of bodies such as the Heritage Council. I look forward very much to the roll-out of the national cultural policy.

Senator Trevor Ó Clochartaigh: I move amendment No. 1:

To delete all the words after “calls on the Minister for Arts, Heritage and the Gaeltacht to” and substitute the following:

- “invest in and restore funding to our key cultural institutions; and
- develop a national cultural policy that recognises the fundamental role of cultural access in citizenship.”.

Molaim an leasú seo atá curtha chun cinn ag Sinn Féin. Táimid ag cloisteáil cuid mhaith faoin mholadh ó Pháirtí an Lucht Oibre, ach go háirithe, in san rún seo. I ndáiríre, téann sé i gcoinne an réalachais atá ann ó thaobh an staid ina bhfuil na hinstiúidí náisiúnta seo agus ba mhaith liom é sin a chur ar an taifead. Ós rud é go bhfuilimid ag déanamh trácht ar chúrsaí Gaeilge, agus thagair an Seanadóir Ó Domhnaill do chúrsaí Gaeilge agus Gaeltachta, tá sé fíor-thábhachtach go mbeadh an Ghaeilge lárnach in saol agus insan obair ar fad a dhéanann na hinstiúidí seo. Faraor, tá droch-thaifead ag an Ard-Mhúsaem, ach go háirithe, maidir le hAcht na dTeangacha Oifigiúla agus cur i bhfeidhm an Achta sin. Tá súil agam go mbeidh an tAire in ann dul i ngleic leis sin mar is í an tAire ar a bhfuil cúram na hinstiúidí agus cúram na Gaeilge chomh maith céanna.

It is an accepted fact that the arts make a crucial contribution to society and that a nation’s cultural history should at all times be protected and preserved. After all, a country that does not know its own history or that is not familiar with the people and events that shape its collective psyche is in many respects akin to a stranger who, having no idea where he or she has come from, is unable to find his or her way forward. Unfortunately, Ireland’s key cultural institutions are in a state of cultural neglect and disarray due to a shocking lack of public funding and Government-inflicted death by a thousand cuts.

There is a certain irony in today’s Private Member’s motion. Only last month the President, Michael D. Higgins, a long-term member of the Labour Party stated that a 40% cut in funding for the arts and the budgets of our key cultural institutions is an illustration of the peripheral place they occupy in Irish society. While I have no wish to disagree with the President, it is more accurate to say that if it illustrates anything it is their peripheral position in the Government’s order of priorities. The President went on to say: “There can be no doubt that Irish artists and cultural institutions have, along with many sectors of Irish life, suffered significantly during a period that reaped the rewards of speculative economics and the austerity that served as

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a response.” Cuts of up to 40% have virtually decimated many of our key cultural institutions and left them struggling to survive. I support every word Fiach Senator Mac Conghail said.

Next door, in the National Gallery of Ireland and the National Library of Ireland, the same exhibitions run for months on end. Volunteer staff work as ushers and assistants and there is a decidedly run down air to the places. The opening hours of these institutions are seriously curtailed and in Cork and Dublin such key attractions are closed on Sundays and bank holidays. With all due respect, the motion congratulating the Government on the work done to maintain services in the National Museum of Ireland, the National Library of Ireland, the Natural History Museum and the National Gallery of Ireland and commending it for continuing to acknowledge the importance of our natural heritage to education is difficult to take seriously.

The National Museum of Ireland and the National Library of Ireland which stand on either side of Leinster House, on Kildare Street, seem to exist on the edge of extinction with moments of hope succeeded by the realisation that they exist in a universe indifferent to their fate. It is truly ironic that these beautiful buildings, physically so close to the centre of political power, in reality inhabit the back of beyond. The National Library of Ireland is a disaster waiting to happen in that most of its collections are not even covered by a sprinkler system, such that a fire could destroy them at any time. Most Irish universities now have vastly better storage facilities for precious materials than the National Library of Ireland does. International practice is for collections to be stored off site in secure, waterproof and fireproof buildings, but in Dublin the 1890 building and its adjuncts still house the bulk of the evergrowing collection in primitive conditions.

The photographic archive in Temple Bar is in danger of closure because cutbacks have made staffing levels unsustainable. Acquisitions have all but dried up.

The National Museum of Ireland, meanwhile, has had to close galleries because it does not have attendants to supervise them. It has ended guided tours at its natural history branch and its branch for decorative arts and history at Collins Barracks.

There is a simple explanation for all of this and that is money. In 2008 the library and the museum received €30.8 million in public funding between them. Last year, they received €17.9 million. All publicly funded organisations have suffered, but these cuts are particularly savage. We need the Government to produce a plan and it needs to do so forthwith, but the plan must be backed up with resources. Surely what we need to do is to decide if we want to have cultural institutions we can be proud of as a nation. If the answer is “Yes”, then we need to draw up such a plan to ensure proper funding at its core and a cultural policy that recognises, promotes and fosters the fundamental role of cultural access in citizenship.

I wish to mention some local initiatives. It is welcome that the Government has improved its plans for the commemorations. That was triggered by the fact that Sinn Féin published its own programme and embarrassed the Government into upping its game on the issue. I welcome the proposal to develop Teach An Phiarsigh in Rosmuc but, as I have said for a number of years, I am very concerned that it will not be ready in time for the commemorations. I understand that a compulsory purchase order is being considered for the land. Planning permission, tendering and carrying out the work on the building is way behind schedule. Will the Minister clarify what negotiations are ongoing with the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, on funding from Fáilte Ireland to finish the project?

Reference was made to national monuments. We have a national monument in Connemara which happens to be on private land, namely, Ballynahinch Castle, which is on the lake in Ballynahinch. It was the home of Grainuaile fadó. Scaffolding was erected around the castle recently. I raised the issue with the Department. It is my understanding that as a national monument the Minister should have signed off on the work before any scaffolding went up on the site. I have asked departmental officials about the matter, but I have not received a straight answer. Will the Minister indicate whether she signed a ministerial order allowing the project to proceed, two months in advance of the scaffolding works going up around that national monument? Was the National Museum of Ireland also approached and did it give permission before the scaffolding work commenced? The castle in question is in private ownership. It is owned by a very big business man who is well known to a lot of people who listen to the national media. It is very important that the policing of our national heritage is being done properly and that the National Parks and Wildlife Service was also advised in advance. I would be very grateful if the Minister gave a direct answer on the issue, as I have not received one to date from the officials I have contacted, and the matter is very important.

An Cathaoirleach: Is Senator Jillian van Turnhout seconding the amendment?

Senator Jillian van Turnhout: Yes. I will speak later on in the debate. I second the amendment.

Senator Paul Coghlan: The Minister, Deputy Heather Humphreys, is very welcome. I compliment my Labour Party colleagues on this worthwhile motion, with which I agree. I compliment the Minister on everything she said, with which I also agree. More and more citizens now recognise the value of our heritage, including natural heritage, national parks, nature reserves, special areas of conservation, special protection areas for birds, Natura 2000 sites and built heritage - national monuments, historic properties, repositories of national collections in the National Gallery of Ireland, the National Museum of Ireland, the National Library of Ireland and the Crawford Gallery not just for their intrinsic importance in and of themselves and to the story of Ireland and its people but also their importance in attracting international visitors to our shores, thereby generating economic activity. Threats to this heritage, including access, resonate strongly among citizens. I refer, for example to the threat of closure of some of the collections in our national institutions due to lack of adequate resources.

There is also a threat to our wildlife heritage as a result of gorse fires or the introduction of invasive species in the countryside. Recently, all of Mangerton mountain was burnt and certain other mountainous areas also. I understand we are out of line with Northern Ireland and other places in that regard. While burning must be controlled, it is necessary for regeneration and growth. Many people have made representations to me on the matter and I am anxious to pass them on to the Minister. Perhaps we might move the date for burning back to 15 April and get in line with the North and with Britain. I urge the Minister to take the suggestion on board and to give it consideration in due course.

We have heritage gems such as our national parks, of which Killarney National Park is foremost, where both natural and built heritage are conserved and protected by the National Parks and Wildlife Service. Killarney National Park consists of 26,000 acres and historic buildings such as Muckross House, Muckross Abbey, Killarney House and Ross Castle and attracts more than 1.5 million visitors annually. The park and buildings need to be adequately resourced in order that they can continue to provide inspiration and enjoyment for our own citizens and increasing numbers of international visitors.

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I am being parochial, but I very much look forward to the Minister's next visit to both Muckross and the opening of Killarney House. I note that €7.25 million of State funding has been expended on Killarney House, from both the Department of Arts, Heritage and the Gaeltacht and through the tourism remit of the Department of Transport, Tourism and Sport, through Fáilte Ireland. It is a significant investment that must be protected and enhanced, as I am sure the Minister will be concerned to do, as it will come under the management of her Department and the National Parks and Wildlife Service. There are some very good personnel employed, but more will be needed. A proper budget must be put in place, in addition to proper planning and staffing. I look forward to the Minister opening Killarney House. I am not sure when she will be able to do that. I believe the interpretative centre for the park is being installed there. Will the Minister enlighten us as to the state of play in that regard? If it is not due to happen then I hope it will happen shortly. The much valued furniture belonged to the Earls of Kenmare and Castlerosse and to the McShain family. I very much look forward to their memorabilia being in the rooms in that house which will tell the story of both the McShain family, the man who built Washington, and of the Earls of Kenmare who lived there. I also look forward to hearing from the Minister when she thinks the opening will take place. This will be such an iconic attraction in Killarney. I look forward to seeing the golden gates open again. The house is in the town. It brings the park into the town and the town into the park. It will be a tremendous attraction when it opens. Every organisation in Killarney and every citizen is looking forward to it tremendously. The sooner the opening takes place the better. I accept there may be some logistical problems. In her response I look forward to the Minister outlining the exact position and bringing us up to date.

Senator Jillian van Turnhout: The Minister is very welcome. I am pleased we are having such a debate which affords us an opportunity to explore the issues in full. I very much welcome the update she provided, in particular the update on the national cultural policy. I echo Senator Ivana Bacik's question. I accept that the Minister does not have an opportunity to respond to us today as she has had her speaking turn, but it would be great if she could follow up on the matter.

I thank the Minister for the e-mail she sent to Members with an invitation to participate in the local authority workshops as part of Ireland 2016. I suggest she send it to some national organisations also. I sent it to one or two myself, as they will then filter it down to their local level. I got welcome feedback to the e-mail and suspect the information on the initiative has not reached as far as it should. In order to increase local participation, contact can be made with national organisations who can pass on the information at branch level. My background is youth work and children in youth organisations. They certainly want to play a role in the commemorations.

In terms of Senator Fiach Mac Conghail's contribution, I very much heard his awareness of the economic recession. At times, the position we have taken in the Seanad has made it very clear that we understand it. I heard him speak about governance, accountability, transparency and the importance of the arms-length principle. That is very much what is at stake in this regard.

I was disappointed when I saw the motion. Three national cultural institutions were mentioned. It was almost like a parent with eight children identifying three as favourites. Why pick those? I thought perhaps the others would be addressed in the recommendations but they only referred to the National Library of Ireland. To be honest, there was some confusion. I will declare, as I have done previously in the House, that I have a soft spot for the National Archives

because I am very much involved with working there, and with the National Library of Ireland because of my personal interest in genealogy.

7 o'clock

I do not understand why the National Archives, the Irish Museum of Modern Art, the National Concert Hall, the Chester Beatty Library and the Crawford Art Gallery are not included in the motion. They have all had to face cuts for one reason or another.

I have a keen interest in family history and welcome what the Minister said about the development on Bishop Street. It is excellent to hear. I am all too well aware of the importance of keeping our archives and heritage. The National Archives are legally charged under the National Archives Act 1986. The significance and importance of its function in the interests of democracy, transparency, truth and justice cannot be understated. To share a personal experience about truth and the importance of having factual material, because very often we can distort history as we go forward, from my experience of researching my family history I knew the story of how my great aunt fled Ireland with her then two year old child in 1929, abandoning her husband and ancestral home in County Clare. One can imagine how the story read to me. By researching at the National Archives I found in the District Court records how my great aunt tried on several occasions to seek the court's protection from her husband who assaulted and abused her. When she could not get a remedy from the court she was left with no alternative but to escape to England. When I shared this with her daughter, who is now in her 80s, I cannot put a price on the relief, understanding and closure these archive records provided.

To understand and interpret our history appropriately we need to ensure archive material is properly stored and easily accessed. The motion speaks about digitisation. I attended the excellent Heritage Council briefing today and I support everything Senator Ivana Bacik said on it. In 2013 we spent €5.9 million on the entire operations of the National Library of Ireland. The Dutch spend €5 billion annually simply to store the digital version of their national library. They invest in this because they have put a price on it. In Ireland there is a belief that we value our cultural heritage, but we need to show we can invest in it. At the very least we should develop plans so that as money comes onstream everybody knows where it is going, where we will invest it and what is the policy for investing in our institutions.

I mention ARIADNE in regard to archaeology, which is very interesting given the discovery programme in Ireland. It works at EU level, developing a singular infrastructure for the storage of archaeology material. If we have too many pilot projects the data set and archiving programme become obsolete. We need to have this at European level. My difficulty is that Ireland has not invested a cent in this and may end up being excluded from a European project on storing archaeology data. Ireland is great at promotion. When I first brought my husband to Ireland I brought him to Newgrange and he was wowed with what we have on our doorstep. We do not fully appreciate it. People travel to Italy to see sites. We are not storing or putting infrastructure in place. We must ensure whatever data storage infrastructure is put in place, whether for archives or archaeology, is at a level at which we can network and use it, and that as systems update we can be part of it.

Senator Sean D. Barrett: I welcome the Minister. After a day down in the dungeon dealing with bankers and accountants it is wonderful to be in this beautiful room discussing cultural matters. We are fortunate to be here in the building that was once the RDS cultural centre and where the art college was located. We have the National Gallery of Ireland, two museums and

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the National Library of Ireland beside us. Many people throughout the country are not so fortunate and we must extend this cultural experience which we get almost subconsciously every day living in this wonderful location in a cultural capital.

I commend Senator Susan O’Keeffe for what she is organising for the 150th anniversary of the birth of W. B. Yeats. Already we can see what a success it is with wonderful supplements in the newspapers. When I was in the Minister’s constituency I dropped into Paddy Kavanagh’s place in Inniskeen, where Paddy read his own poetry. It was such a wonderful experience.

All of these cultural experiences enrich us, even after bankers cleaned out the country between 2008 and 2010. We will rebuild it and in the rebuilding, the sectors which did not cause our difficulties should be better treated than those which did. I would like to see a measure to find the four or five sectors which caused the difficulties and address the problems directly. As I say in Trinity College Dublin, many things went wrong but Brendan Kennelly’s poetry did not cause deterioration in 2008. Let us concentrate on the sectors which got us into this mess as part of the correction. One of the great debates we had was when Seamus Heaney’s wife, Marie, and his friends came to the House for tributes to him, which the Leader organised. It was wonderful. It was like a book of poetry as everybody joined in with their favourite pieces of Seamus’s poems.

As we rebuild after what happened to us, a suggestion has been made that orchestras and players in receipt of Arts Council grants should hold rehearsals in shopping centres and schools to bring the music and players to the wider community who might not necessarily go along to the National Concert Hall or the Abbey Theatre. It would be relatively inexpensive to do this. They must rehearse somewhere. If children could see all of the instruments in the orchestra and have them explained to them and meet the musicians it would be a wonderful development.

I commend Senator Labhrás Ó Murchú for all his work as a distinguished musician and member of the Seanad. We must rediscover our soul after what happened to us. I hope there will be a strong cross-Border element. Traditional music is something people on both side of the Border have in common and it is an element well worth developing. Anything that brings the divided country together is, of course, extremely valuable.

I am delighted the Labour Party Senators tabled this motion. We have so much to be proud of, including all of the Nobel prize winners in literature and the credit they brought the country and how well they represented us. In the great cities of the world there is almost always an Irish play being performed. Our music is also renowned. After the nightmare period, as the amendment tabled by Sinn Féin states, we need to build up these institutions again and realise that for relatively small expenditure we can do an amazing amount of good for national morale as we forget about the bankers and accountants and get together in our culture, music and poetry.

The Minister will always have warm support on these benches and we wish her well in her endeavours. I thank her for the work she has done for the centenary celebrations. There is a terrific spirit which has been tapped into and which bodes well for the future.

In the university system funding for arts and social science subjects is a fraction of what the expensive subjects cost. In hard times, when trying to balance budgets as the Minister for Finance, Deputy Michael Noonan, is trying to do, we can do many cultural things which would not cost the budget greatly. The Heritage Council and Michael Starrett made a presentation in Buswells Hotel. The small projects they have in very remote places, such as Bere Island in

County Cork, are valuable in that they involve local people. There is a spirit there and it is up to us to assist the Minister as she taps into it. I cannot think of anything which would be better for national morale.

Senator Susan O’Keeffe: I welcome the Minister. Perhaps the Heritage Council might like to do a project in the basement of Leinster House at the banking inquiry because we seem to have been there for quite a while and we will be for quite a while ahead.

As Senator Sean D. Barrett rightly says, it is a great pleasure to be in the light, to see the world outside and to celebrate all the activities in the Minister’s Department by supporting the motion. It is good to hear the Minister being so strong about the fact that we do not want to see people having to pay for admission to our own cultural institutions. This is really important and it is good to hear. Our culture is who we are and it is in our DNA. As Yeats might have said, it is in the deep heart’s core; it is part of everything we are as a nation and as individuals.

I refer to the capital investment projects, including the ongoing project in the National Gallery of Ireland. The IMMA project is almost at a conclusion and I look forward to seeing that space when it opens. I refer to the announcement that UCD’s Newman House on St. Stephen’s Green is to become the Ulysses Centre. That is a particularly lovely project, although it will take some years, which will celebrate Irish writing. It is called, appropriately, after James Joyce’s famous work. There is much activity in this regard. People may think culture is just about the music and the poetry, but we need to have the infrastructure to support it.

In the 21st century, people’s expectations have grown. Visitors from other countries expect beautiful cultural centres, as they see in other countries. We have some beautiful buildings in Dublin, as Senator Sean D. Barrett highlighted, and also around the country. It is very important to be ready to add to them, to restore them and to recreate them. This is an important remit of the Department.

As I assume I will be expected to talk about Yeats 2015, I will not disappoint. At the half-way mark of the year, I thank the Minister of State and his Department for having the foresight to make the leap to support this unprecedented project because we have celebrated one of our writers for a whole year and allowed the contemporary cultural wealth of the country to surround itself in that reconnection with Yeats. I can say without contradiction that so far it has been going very well, with projects coming on stream all the time. Every week, several new projects come to us that were not originally part of what we had set out to achieve. This shows that the project is bearing fruit. People are looking to reconnect and they are inspired by Yeats, as he would have wanted them to be. The idea behind the year was exactly that: to try to reconnect and to encourage people to stand proud and celebrate Yeats and, of course, others of our great writers. However, in this, the 150th anniversary of his birth, he is our focus and as he was our first Nobel Prize winner, it is entirely justified.

We are looking forward to the Yeats Day festival at the heart of the event in Sligo on 13 June. We have a terrific programme, including the coming together for the first time of the national poets of Scotland, Northern Ireland, Wales, England and Ireland at the Poet Laureate and National Poets event. Delightful to say, they are all women, but that is just a coincidence. This is the first time they have come to Ireland, and it is also the first time these posts have all been held by women. We will have lovely small events, including events for three-year-old children, and the Poet Laureate reciting poetry. This is all happening on the same weekend, along with other activities such as a sea trail walk, a wine and sausage event and beautiful music. The

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fleadh musicians will be there and we will have a street festival. There will be wonderful new works on display at The Model, including the Psychic Lighthouse exhibition. There will also be a candlelit salon with all sorts of speakers, including Conor Brady, who will talk about his novels in which he has included W. B. Yeats as a character, which will be entertaining. Like all our great cultural ambassadors, Yeats has that capacity to connect people.

I note that the Dublin dance festival will celebrate with the Bastard Amber project in the Abbey Theatre, also inspired by Yeats. “The Only Jealousy of Emer” is part of the Dublin literary festival, with a lovely photograph on the front of *The Irish Times* yesterday to celebrate it. I cannot not sit down without mentioning Prince Charles and his visit to the west of Ireland next week. Yeats will very much form part of his journey between Galway and Sligo. There will be Yeats in Galway and Yeats in Sligo. It is really important that we connect to tell the story of Yeats across that coast and also to link it with Dublin.

There is also a lot happening around the world. The Minister is aware that her colleagues in the Department of Foreign Affairs and Trade have been very supportive. Events are taking place in more than 25 countries to celebrate this special year. We have shown that we have the capacity to stand on the global stage and to punch well above our weight in terms of our cultural capabilities. This is at the core of the work of the Department. As Senator Jillian van Turnhout said, amid all the dilemmas and the challenges we face in terms of storing artefacts from our archaeological heritage, we have so much to celebrate and so much of which to be proud. This is what gives us all the reason to keep going and to proceed into the future. We are looking forward very much to 2016 and the Minister’s Department’s input. I note that much work is already being carried out in this regard.

I am looking forward to the Seanad’s celebration of Yeats. The House of Lords is having an event two days after Yeats Day. I talked to the Speaker of the House of Lords, who is a fan of Yeats and has read a Yeats poem for us. She is delighted to host an event and I know that this House is also planning an event.

We must keep the arts at the centre of everything we do. Our culture is who we are and why we are. The Minister is always afforded a warm welcome in this House. I look forward to seeing the details of the 2025 plan. It is very encouraging to see a long-term plan beginning to emerge. The Minister has faced many challenges in recent years and I thank her for her efforts.

Senator John Whelan: I thank all our colleagues for their contributions to this wide-ranging, robust and honest debate which has been important for the Minister to hear. We are very fortunate in the Seanad and it is one of its strengths that the vocational skills and expertise of Members come to the fore at this time. We are very fortunate to have Senator Labhrás Ó Murchú, who heads up Comhaltas, one of our finest institutions, and Senator Fiach Mac Conghail, who is the head of another pillar of our cultural institutions, the Abbey Theatre. I love when Senators Trevor Ó Clochartaigh and Brian Ó Domhnaill contribute as Gaeilge, another cornerstone of our heritage and culture. I must also mention Senator Susan O’Keeffe’s contribution about the fantastic Yeats programme.

No one has a monopoly or absolute ownership of the arts and heritage. Our cultural legacy is wide-ranging and it goes ó ghluain go gluain, into every household in the country, and it belongs to all citizens. The debate was by its nature broad-ranging and expansive. The Minister’s remit covers a wide spectrum from bogs to books and everything in between. Every single institution deserves high praise and has to be given as many resources as we can afford.

The genesis of the motion came from Senator Denis Landy whose primary concern was the National Library of Ireland and the National Archives. He was so disturbed by what he saw that he moved the Private Members' motion. I asked him to expand the motion to include other institutions and it has given the House the opportunity to have an extensive debate. Senator Denis Landy is unavoidably absent today.

The Minister was not invited to the House to be praised by Senators but, rather, in order that we could respectfully challenge her to address the draconian cuts in the arts, heritage and cultural sector. We are all aware of the cuts and will not pretend that everything is fine. Currently, only 1% of the National Library of Ireland collection is adequately conserved and protected. It is operating with ten staff who cannot deal with all the demands imposed on them with such a staffing level. The same applies in other institutions. I was delighted that the Minister spent so much time in her comprehensive address to the House on the issue of biodiversity and habitats, which is another contrasting part of her remit. This is an issue that is very near and dear to my own heart. I will hold the Minister to coming back to me with regard to the EU habitats directive and the role she and her Department have in that regard. I do not know whether I want to place the burden of the future of the freshwater pearl mussel solely in the Minister's hands, but I hope we will not find ourselves in the position that the only place we can see this species and others is in museums. It is important that we put as much emphasis on our natural heritage resources, habitats, species and wildlife as on our built and cultural heritage, all of which are well recorded in song and verse and on stage and screen.

I thank all our colleagues for their contributions and the Minister for taking the motion in the spirit in which it was intended and addressing it in such a thorough fashion. We will continue to challenge her and the Government to restore the funding and resourcing of all the areas that fall within the remit of her expansive portfolio across arts, culture and heritage.

Amendment put.

Senator Trevor Ó Clochartaigh: Vótáil.

An Cathaoirleach: Will the Senators claiming a division, please, rise?

Senators Sean D. Barrett, Fiach Mac Conghail, Trevor Ó Clochartaigh and Jillian van Turnhout rose.

An Cathaoirleach: As fewer than five Members have risen, I declare the amendment lost. In accordance with Standing Order 61, the names of the Senators dissenting will be recorded in the Journal of the Proceedings of the Seanad.

Amendment declared lost.

Question put: "That the motion be agreed to."

Senator Trevor Ó Clochartaigh: Vótáil.

An Cathaoirleach: Will the Senators claiming a division, please, rise?

Senators Sean D. Barrett, Fiach Mac Conghail, Trevor Ó Clochartaigh and Jillian van Turnhout rose.

An Cathaoirleach: As fewer than five Members have risen, I declare the question carried.

13 May 2015

In accordance with Standing Order 61, the names of the Senators dissenting will be recorded in the Journal of the Proceedings of the Seanad.

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Ivana Bacik: At 10.30 a.m. tomorrow.

The Seanad adjourned at 7.35 p.m. until 10.30 a.m. on Thursday, 14 May 2015.