



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 15 Iúil 2015

Wednesday, 15 July 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 John Whelan that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Public Expenditure and Reform to ensure the natural environment and related projects are allocated a proportionate and fair share of national lottery funding in the next funding round in keeping with the decision made in 2013.

I have also received notice from Senator John Crown of the following matter:

The need for the Minister for Health to address the inadequate and inefficient organisation of the transcatheter aortic valve implant programme across the State which is causing delays and lengthy waiting lists for patients.

I have also received notice from Senator Mark Daly of the following matter:

The need for the Minister for Health to outline when extra emergency ambulance services will be provided in County Kerry as the current shortage of emergency ambulances is putting lives at risk.

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

The need for the Minister for the Environment, Community and Local Government to recognise the additional workload county councillors have taken on since the passage of the Local Government Reform Act 2014 and to carry out a survey of all councillors, in conjunction with their representative bodies, to ascertain how these changes have affected their personal, professional and public lives.

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

The need for the Minister for Health, in respect of Waterford city and county, to provide a breakdown of waiting times for assessments, including diagnostic assessments for

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children with mild to profound physical and intellectual disabilities; the number of speech, language and occupational therapy posts, as well as child psychologist posts, and to outline how many child psychologist and therapy posts in the public system are vacant and the steps he will take to reduce assessment waiting times.

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

The need for the Minister for Social Protection to review the current procedure in the payment of maternity benefit to those who are self-employed and, in particular, the current practice where benefit is not paid when a child is born outside the applicable first 16 weeks of the year.

I have also received notice from Senator Lorraine Higgins of the following matter:

The need for the Minister for Health to intervene with the HSE to ensure the replacement of agency staff through the hiring of full-time staff for a health facility in County Galway (details supplied).

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Health to update the House on the policy on the fluoridation of public drinking water and the effect this policy has on the health of the population.

I have also received notice from Senator Paul Bradford of the following matter:

The need for the Minister for Defence to re-examine all of the procedures surrounding the discharge of an Army private - details supplied - and fully review the medical examination of this person and all issues subsequent to the examination.

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

The need for the Minister for the Environment, Community and Local Government to comment on the archaeological and financial constraints experienced by residents in An-naghdown, County Galway in pursuit of the extension of their cemetery and the need for funding for a new site currently not available through Galway County Council.

I regard the matters raised by Senators John Whelan, John Crown, Mark Daly, Tom Sheahan, David Cullinane, Colm Burke, Lorraine Higgins, Martin Conway and Paul Bradford as suitable for discussion. I have selected the matters raised by Senators John Whelan, John Crown, Mark Daly and Tom Sheahan and they will be taken now. Senators David Cullinane, Colm Burke, Lorraine Higgins, Martin Conway and Paul Bradford may give notice on another day of the matters they wish to raise. I regret that I have had to rule out of order the matter raised by Senator Fidelma Healy Eames on the grounds that it is a repeat of a similar Commencement matter raised on 11 June and the Minister has no official responsibility in the matter. Senator Tom Sheahan has withdrawn his Commencement matter which I had selected for discussion.

Commencement Matters

National Lottery Funding Disbursement

An Cathaoirleach: I welcome the Minister of State, Deputy Simon Harris.

Senator John Whelan: I am pleased that my matter has been accepted and I am grateful to the Minister of State for attending to answer it. I am here to make an appeal on behalf of natural environment organisations that they would finally receive their fair share of lottery funding for the fantastic work they do the length and breadth of the country on a variety of community, conservation, habitat protection and wildlife protection projects. It is a very broad spectrum. Wisely, back in 2013, when the Government introduced the new National Lottery Bill, it agreed to an amendment to incorporate the natural environment as one of the six qualifying categories that could apply for lottery funding, along with other sporting and community categories. However, none of the bodies or organisations represented by the umbrella group the Irish Environmental Network, which is made up of over 30 different NGOs, has been able to secure lottery funding since. I know this funding is disbursed through up to eight different Departments, but it seems bizarre, to say the least, that while they have been able to put forward many projects of merit, deserving of national lottery funding and while this has been included as a qualifying sector, it has not been able to draw down any national lottery funding to date. I hope that can be put to rights in the next round of funding.

We have a difficulty in this country with what has been referred to as implementation deficit disorder. This can result from local resistance and suspicion, which is well founded in some cases, such as those in which State agencies try to impose structures and projects on the community. That is why I believe organic projects that are built by communities from the ground up, with local ownership and community buy-in, work very well. I am in favour of direct community input from the ground, in collaboration with State agencies, when work is being done in areas such as conservation, habitat protection, biodiversity education, eco-tourism, adding value to the landscape and protecting wild flora and fauna. It is estimated that this range of activity is worth up to €2 billion per annum to our economy. As I have said, it is spearheaded by bodies such as the Irish Environmental Network and Irish Rural Link. However, it has certainly been the poor relation in terms of lottery funding to date. I have seen successful projects on the ground in my own community organised by groups such as the Abbeyleix Bog Project, the Portarlinton Community Development Association and the Mountmellick justice and environment group, which is inspired and led by the local Presentation sisters. These organisations have done great work to restore areas such as river walks and to reclaim bogs to make them available to communities to enjoy. Their work has climate change benefits and all sorts of ecological and environmental dividends. Communities are proud of these groups, which are spread across the country, and feel they have ownership of them. I would also like to mention the work that has been done at Fenor Bog in County Waterford, the Wexford Slobs and Wildlife Reserve, Clara Bog in County Offaly, the Ballybay wetlands in County Monaghan, the Cabragh wetlands in County Tipperary and the Ballyhoura Mountains in County Limerick.

If the Government takes the great opportunity it has to support such projects throughout the country, it will get a really good bang for its buck. Those who support this kind of community organisation really get good value. The dividend in terms of community buy-in, public participation and tourism, and the economic and environmental benefits, cannot be exaggerated. There is an opportunity to get good value for money. I think that was the purpose - the pure and real intention - of those who first founded the national lottery and provided for the allocation of this funding in 1986. I do not want to pick on anyone when I say that in my view, national lottery funding was never supposed to replace core Government funding for services. It was supposed to be an additional benefit for communities. I know the Cathaoirleach is an avid and

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enthusiastic golfer, but I do not think national lottery funding was ever intended for the construction of new golf clubs. I do not think that was the purpose or intention of this structure when it was designed. It was supposed to provide additional resources to voluntary and community organisations, which were supposed to be the main beneficiaries. I would like to see us revisit the matter to ensure that the allocation of the next round of national lottery funding is grounded in such a principle. I am particularly keen for us to make up for lost ground in terms of projects that pertain to the natural environment.

Minister of State at the Department of Public Expenditure and Reform (Deputy Simon Harris): I thank the Senator for raising this matter and giving me an opportunity to respond on behalf of my colleague, the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, who is unable to attend. I will begin by giving the background to the sale of the national lottery licence. In view of the prevailing economic challenges, the Government decided to explore the opportunities presented by the expiry of the national lottery licence, and agreed in April 2012 that there would be a competitive process for the award of the next licence. The key drivers were to yield up-front revenues for the State to fund projects such as the Wild Atlantic Way, the 1916 commemorations, the National Sports Campus and the new national children's hospital and to strengthen annual revenues for good causes, which will benefit worthwhile projects throughout the country for the next 20 years.

The National Lottery Act 2013, to which the Senator referred, provided for the holding of a national lottery on behalf of the Minister for Public Expenditure and Reform, the establishment of the Office of the Regulator of the National Lottery and the definition of the functions of the regulator. The overarching function of the regulator is to ensure the national lottery is run with all due propriety, the interests of participants in the national lottery are protected and the long-term sustainability of the national lottery is safeguarded. Subject to this, an important additional function is to maximise revenue for good causes. The national lottery provides funds for good causes in accordance with the National Lottery Act 2013. The areas to be funded are set out under section 41(1) of the 2013 Act, which states:

Moneys paid into the Central Fund pursuant to *section 44* shall be applied for the purposes of such one or more of the following, and in such amounts, as the Government may determine from time to time:

- (a) sport and recreation;
- (b) national culture and heritage (including the Irish language);
- (c) the arts (within the meaning of the Arts Act 2003);
- (d) health of the community;
- (e) youth, welfare and amenities;
- (f) natural environment;
- (g) such other objectives (if any) as the Government may determine from time to time.

The reference to “natural environment” was added in the 2013 Act.

Funding is provided by the Oireachtas, in accordance with the Act, through expenditure

subheads which form part of departmental programmes. For over a decade, the total allocation for these subheads has exceeded the amount available from the national lottery. These subheads are described as being part-funded by the national lottery. The balance of the expenditure allocation for the subheads comes from normal Exchequer sources such as tax revenue or borrowing. Senators may wish to note that a breakdown by Department of all the expenditure areas supported by the proceeds of the national lottery is set out in Appendix 1 of the annual Revised Estimates for Public Services 2015, which is available on the website of the Department of Public Expenditure and Reform.

During the debate on the National Lottery Bill in 2013, the Minister for Public Expenditure and Reform accepted an amendment proposed by Deputy Maureen O’Sullivan and supported by others to include the “natural environment” as a category that could benefit from lottery funding for good causes. As Senator Whelan has said, lottery money has not been applied to this area to date. The Government’s response to proposals submitted in the future for lottery funding for the natural environment will take account of the level of funds available for good causes in the relevant year and the impact it would have on other areas already in receipt of lottery funds. It is important to note that if national lottery funding is provided for the natural environment, corresponding reductions will be required in other areas which are currently in receipt of such funding. Accordingly, the reallocation of funding to support the natural environment at the expense of one or more of these other sectors can only be undertaken following careful reflection. The Minister for Environment, Community and Local Government is aware of the position and we are keeping the matter under review.

I would like to draw the Senator’s attention to the fact that since 2011 some €259 million has been disbursed to the environment sector from the environment fund. A further €146 million, which has been provided to the environment sector by the Department of Environment, Community and Local Government through Exchequer-voted expenditure, can be added to this. In light of the challenging budgetary context in which the Government is operating, the Minister for the Environment, Community and Local Government considers that the allocation of such a considerable amount of funding to environmental initiatives represents a commitment to the environment sector. Senators will be aware that funds for good causes have been in decline in recent years. It is hoped that this trend will be reversed and there will be a growth in lottery sales in future years, as this would provide more revenue for good causes. The question of applying funding in the area of the natural environment could be reviewed again at that stage.

Senator John Whelan: I thank the Minister of State for his comprehensive reply. I accept that the Government provides valuable support to many community projects in this category and this sector by means of a range of other funding tranches managed by the Department of Environment, Community and Local Government. I suppose there would have been very little point in the addition by the Government of “natural environment” as a qualifying category under the 2013 Act, which is what happened when it accepted an amendment in good faith as outlined by the Minister of State, if the Government did not intend to follow through on it. I do not think it is a question of other worthy causes being displaced. Of course there are challenges associated with competition for limited resources. I think the merits of any of the projects across the country that I have mentioned would stand up to scrutiny in terms of giving good value for money to the Government and to communities for generations to come. That is really what we have to look at. We have to ensure the inclusion of “natural environment” was not merely a cosmetic exercise. The best way to do that is to follow through on it with funding.

Deputy Simon Harris: The Senator can take it that the Minister, Deputy Brendan Howlin,

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accepted Deputy Maureen O'Sullivan's amendment in the Dáil because he wanted the Government of the day to have the flexibility to provide some of this funding to areas related to the natural environment, as long as that is possible when the Government is looking at the pot of money that is available. I have had an engagement on this matter with some of the non-governmental organisations in the environment sector. The Minister for the Environment, Community and Local Government and the Minister for Public Expenditure and Reform are aware of this issue, which will be kept under review. We hope the new operation of the national lottery leads to an increase in lotto sales, as this will ensure a greater pool of money is available to be disbursed to good causes. This is something that will be kept under review. I will certainly relay the Senator's strong feelings to the Minister for Public Expenditure and Reform.

Hospital Procedures

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

Senator John Crown: Cuirim fáilte roimh an Aire Stáit. I wish to use these few minutes to bring to the Minister of State's attention a very frustrating problem which has arisen in the health service. It relates to a very promising, relatively new but well established technique called transcatheter aortic valve implantation, or TAVI. To put the Minister in the picture, aortic stenosis is a condition in which the aortic valve, which is one of the four major valves of the heart and the last place through which blood goes as it leaves the heart and goes out to the rest of the body, becomes narrowed. In sad bygone days we used to see this very frequently in times of social deprivation as a consequence of things like rheumatic fever. It is now mainly a disease that occurs in older people as a result of degeneration of the valve with age. This degeneration occurs in approximately 2% of older people and has a 50% mortality rate over two years. If it is severe and causing the patient to have symptoms, the mortality in one year is 50%. The symptoms tend to be shortness of breath, blackouts, chest pains, etc. Basically, the blood cannot get out of the heart and into the rest of the body.

I am old enough to remember that when I was an intern in the national cardiac centre at the Mater hospital, we had to go around getting consent forms from patients who were to have the very significant and intrusive operation of aortic valve replacement. Their chests would be opened, they would be put on the bypass machine and their hearts would be opened. There was an appreciable chance of dying on the operating table, despite the great skills of surgeons such as the late, great Maurice Neligan and others who brought this procedure to Ireland. Through one of the great miracles of innovation, there is now a way of doing this in a minimally invasive fashion by threading a catheter through the blood vessels to the heart and, by way of wonderful skill and technology, implanting a valve without having to open the patient's body or heart. This is obviously a vastly better way to proceed because, in the past, many patients who needed this procedure could not have it done as they were too sick for the operation. It was a vicious circle. They had a serious diagnosis and needed the operation but they could not have it. They needed a general anaesthetic and intensive care. In our system, of course, there is a desperate shortage of intensive care beds. One can understand, as such, how difficult this problem became.

The new technology is wonderful. People are in hospital for as little as two nights and they do not have to go into intensive care. Some of them avoid a general anaesthetic altogether and the operation is done under a deep level of sedation without the input of an anaesthesiologist or

anaesthetist to put them to sleep. This is a win-win. The actual piece of hardware that is put in - the valve - is more expensive than the valve that is put in through the traditional big, onerous and dangerous operation. It costs approximately €16,000 to €17,000, as opposed to €5,000 to €7,000. The Minister of State has been in the health service for a few years now and will understand the potential for colossal cost savings if people do not need to go into intensive care, do not need all the tests carried out and are not subject to the complications of major surgery. Instead of being in hospital blocking up beds that could be used for other people, people would have access to a simpler and safer procedure with good outcomes and with less time in hospital. The problem at the moment is that it is done in an unco-ordinated fashion. We have three centres, at the Mater hospital, St. James's Hospital and University College Hospital Galway, staffed by extraordinarily skilled and dedicated people who are doing the best job they can. However, it is not a national service.

The case that precipitated this particular discussion arose in St. Vincent's University Hospital, where this procedure was recommended to a patient by skilled cardiologists. They correctly arranged for the patient to go to the Mater hospital, which is our designated centre, but the Mater hospital has imposed a limit because it is not a national centre. That limit is 17 procedures per annum. The 17th procedure will take place in August, which means that the Mater hospital cannot do any procedures after that. The Mater hospital is asking hospitals that are referring patients for a procedure which by definition can only be done in a small number of hospitals to bring their own funding. This is a colossal problem and, unsurprisingly, the number of TAVI procedures carried out here is only one third of the number carried out in the United Kingdom.

In truth, the United Kingdom is pretty poor on most metrics. It has a mediocre health service by the standards of the better social democracy medical systems in Europe, such as those of Germany, the Nordic countries and France. If one looks at the European league table, Ireland is at the very bottom. We are the lowest in terms of TAVI procedures.

We have a real problem here. It is a classic example of a problem which is purely administrative. If there were a recognition that this was a national need and not a matter of a number of isolated islands of excellence that, understandably, are giving priority to patients within their own catchments, we would not have developed a sort of geographical or postcode apartheid for the procedure. I happen to know that my good friends and colleagues in the Mater hospital, who have been doing a phenomenal job - for which I thank them on behalf of patients from their hospital, St. Vincent's University Hospital and all other hospitals that are sending them patients - have been beating the bushes to try to get this problem rectified. One of them told me that clinicians are attempting to bring this to wider attention, but their concerns are falling on deaf ears. This could be a win-win. The procedure is good for patients, waiting lists and economics and it is something we should do very quickly. The problem is that we are too used to the abnormalities of our health system, whereby people can be on waiting lists for six months or two years. One cannot be on a waiting list for two years for this procedure, as one will disappear from the waiting list on average after one year. These people are no longer a vocal group pushing for reform, because they have died. It is a matter to which the Minister of State should give urgent attention.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I could start by reading out the first two pages of my speech, which tells me exactly what the Senator has told me, if not in the same language. I thank him for sparing me the medical terms, which I am not very good at. There are some things we should point to. I thank the Senator for raising this matter, because when he raises issues here, it is usually in order to find a solution rather than to

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pour scorn. Very shortly, we will enter a process on the Estimates and the budget for October. One of the things that was raised around two years ago - I saw a documentary about this on Monday night on RTE - was cochlear implants. It was something that affected a considerable number of people. We were doing some of it but not enough of it. That programme has now come on stream because of the type of focus and attention that was given to it. This is another area to which we will need to give particular attention, but there are competing issues within the health service, as the Senator knows better than most, as he works within it every day of the week. Sometimes, I highlight one among those competing programmes. We have a clinical programme and are making advances. As Senator Crown pointed out, a number of hospitals are carrying out the procedure, including St. James's, University College Hospital Galway and Mercy Hospital in Cork. However, until there is a co-ordinated approach in a national clinical programme, the benefits of which we have seen in other areas, the numbers will not be coming through and we will not be able to retain the necessary skills. We all know where that leads us.

11 o'clock

I thank the Senator for raising the issue. It is an issue about which we should all be concerned. If we are lucky enough to get to later life, it is a procedure we may need ourselves. It would be nice to know it was available. Among those who have received the treatment, some have been hospitalised for only 36 hours before returning home to a new life, able to do far more physical activity. I will ensure that this is brought to the attention of officials as they prepare the health Estimates. I am not promising the Senator anything, but when we shine a light on certain areas, we have a degree of success. I hope that by raising the matter today and getting this attention, the Senator will see that something is done about it.

Senator John Crown: I am very grateful for that. My cardiology colleagues and I will eagerly follow the debate as it evolves. For clarity, I am not advocating more centres or any attenuation or dilution of the numbers coming through.

Deputy Kathleen Lynch: I understand that perfectly.

Senator John Crown: We have about the right number of centres now. With Cork semi-officially open, that makes four, which is probably enough, as it has to be linked to places where cardiac surgery is done. The problem is that it is being done in an uncoordinated fashion and without a designated budget. When someone comes from another hospital that does not have a budget for cardiac surgery, he or she has less chance of getting the procedure than someone in a hospital where it is designated. The people in the latter hospital are limited also, because it is not seen as the national service.

I am more aware than most of competing demands. In fact, I gave a lengthy interview in a newspaper today about immoral and predatory pricing by drug companies with respect to new cancer drugs.

This will save money. The problem is that it might not save it this year; that is the catch. We have to have Japanese style forward thinking in terms of health economics which, with great respect, the officials are very bad at, as are politicians, who tend to see things in terms of the next budgetary and electoral cycle. There is a need to understand that if we do this right now, we will save money.

Deputy Kathleen Lynch: I agree with the Senator. We have enough centres. It is not something that needs to be available to every hospital. We will probably have enough with

the four, although if one were sensible about it, one might add one more in terms of the west, but hospital groups will help regarding the development, delivery and co-ordinating of that. I would like to think we are getting a little better at advance planning. It is not always about what we can do within the coming week. We have to plan for the future, as one usually plans for one's own.

Senator John Crown: I would make the point that the Mater hospital and St. Vincent's University Hospital are already in the same hospital group.

Deputy Kathleen Lynch: Yes.

Ambulance Service Provision

Senator Mark Daly: I thank the Minister of State for coming to the House to respond to this issue regarding the national ambulance service, which is an issue in County Kerry but also nationwide. It is about joined-up thinking with regard to our national ambulance service and how the lack of that has affected Kerry, Cork and many other rural areas.

The epitome of the position was highlighted by a response from officials within the national ambulance service when they were withdrawing ambulances from west Cork. They told a local action group concerned about the effect of that in terms of life and death situations that was what they got for living in a rural area. County Kerry was at the tail end of this process of reconfiguration or, as they like to call it, dynamic deployment, which is guessing where the next heart attack will take place - it is like Russian roulette when it comes to an ambulance service. In Kerry, fewer than 60% of the ambulances arrive within the 19 minute response time set by the Health Information and Quality Authority, HIQA, for emergency cases such as heart attacks, strokes and car crashes. The only way they will meet those response times is if they expand the length of time.

We are in a very rural area and we have seen ambulances being withdrawn. The Millstreet ambulance was withdrawn almost two years ago. That also covered a large part of east Kerry. Subsequently, one of the two emergency ambulances in Killarney was withdrawn and the strain on the system is evidenced by the fact that every month or so, there is a headline in *The Kerryman* or *Kerry's Eye* about how it took 50 minutes for an ambulance to get to Kenmare, Caherciveen or Dingle. That is complicated by the fact that when the ambulance arrives, and it is an excellent service because the paramedics are highly trained, it then goes to Cork where there could be a three hour wait just to have the patient admitted to Cork University Hospital because of a systems failure that has been ongoing in that hospital for years, which is amazing. That has been acknowledged by the Health Service Executive, HSE, and yet it continues.

This situation is costing the HSE more money because as the Minister of State will be aware, if stroke or heart attack victims do not get help immediately, their chances of recovery are greatly lessened. If they do not die their recovery takes longer, which means they tie up those beds in Cork University Hospital and throughout our national hospital network. There are also physiotherapy, speech therapy and other ancillary costs because the ambulance did not get to those patients in time.

There was a tragic case in south Kerry, which resulted in a fatality. The ambulance in Caherciveen was not available and there was not one available in Killarney. The ambulance had

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to come from Kenmare, which is nearly 50 minutes away. By the time it arrived, it was decided that the victim, who was suffering a heart attack, should go to Cork University Hospital. The helicopter was called from Shannon. It was now two hours after the initial call. When that patient stepped onto the helicopter he said, "I am in trouble, aren't I?", and he ended up dying on the operating table because the ambulance in Caherciveen had been pulled, as had the ambulances in Killarney and Millstreet. Tragedies are occurring as a result of these ambulances being withdrawn.

Next weekend Cork will play Kerry and we will have 40,000 people in Killarney, but there will be only one ambulance in the town. Killarney is unique because its population can double on any given weekend and yet it has only one ambulance. Very few towns can say their population will double on any given weekend and to have just one emergency ambulance in that situation is far from ideal.

I ask the Minister of State to look into that because not having ambulances available, and the cost of rehabilitation for those who do not get an ambulance in time, is costing the taxpayer a fortune.

Deputy Kathleen Lynch: I thank the Senator for raising the issue. I am pleased to be able to outline to him the current developments in pre-hospital services, both nationally and in the Kerry area, in particular.

The national ambulance service, NAS, has undergone a huge programme of reform and modernisation in recent years, and it is important to acknowledge that progress is being made. The Minister, Deputy Leo Varadkar, recently officially opened the new national emergency operations centre in Tallaght, which allows the NAS to operate on a national rather than a regional basis. All calls for ambulance services for the Kerry region are now taken in Tallaght, and resources are dispatched from that centre.

Additional funding of €5.4 million has been provided this year to improve technology and clinical audit, and address gaps in service. Improved technology is facilitating better co-ordination of the national fleet, and that is improving control and dispatch performance.

It is important to note that the NAS is not a static service, but rather deploys its resources in a dynamic manner. This ensures that the nearest available and appropriate resource is sent to an incident. The NAS continuously evaluates its services in tandem with available resources and activity levels.

Kerry has 14 emergency ambulances and one rapid response vehicle. Seven crews operate on a 24 hours a day, seven days a week basis. The service operates from six ambulance stations in Tralee, Killarney, Listowel, Dingle, Kenmare and Caherciveen. Paramedics and advanced paramedics are deployed across the county, which ensures that practitioners with the appropriate skill level are located strategically to provide the best possible cover.

We are continuing 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. In the Kerry area, two intermediate care vehicles operate from Monday to Friday, 8 a.m. to 8 p.m., and one operates on Saturday and Sunday from 10 a.m. to 7 p.m.

We are expanding the number of community first responders, CFRs, particularly in more

rural and sparsely populated areas. These are volunteer groups in the community who are registered and trained to a certified standard. We now have over 120 teams operating around the country. Four of these teams are operating in the Kerry region and are linked to the national control centre. On receipt of an emergency call in a geographic area served by a team, the NAS computer aided dispatch system will send out a text alert to the group and simultaneously deploy a NAS resource. CFR teams are dispatched to persons with cardiac and respiratory difficulties. The responder may get to the scene before the arrival of the ambulance crew and will apply their training, thus increasing the person's chance of survival. It is a great community initiative, which I fully endorse, and is a real case of helping thy neighbour. I have seen it in operation, and it is impressive.

We have also seen the establishment of the emergency aeromedical service, EAS, 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. Over 1,050 missions have been completed since June 2012.

These are all significant achievements. However, the House can be assured that the Government intends to drive further improvements in our pre-hospital emergency care services, which will benefit the people of Kerry and those in the rest of the country.

Senator Mark Daly: I thank the Minister of State for her outline of the services. The main issue is the paramedics in County Kerry will tell one there are simply not enough ambulances. It is not the case that they were not there before; they were and they were withdrawn. The emergency ambulance in Millstreet was taken away. The second ambulance in Killarney was taken away. Will the Minister of State ask for a report on how much it costs us to have fewer ambulances? If one tracks the patients going through the system, one sees the extra stay as a result of the ambulance not arriving in time costs money. Unfortunately, in some cases, it costs lives. It is a simple fact that if the ambulance does not arrive in time for a heart attack or stroke patient, or at a car accident, the outcome will be fatal in some cases and tragic for the family in the long run in other cases. The reply does not state we have fewer ambulances. We have dynamic deployment but the paramedics tell me they cannot be everywhere. If they are in Cork University Hospital when a call comes in, and the next nearest ambulance is in Caherciveen, which is 40 minutes away, this will lead to tragic outcomes. I ask the Minister of State for an evaluation and impact assessment on how much it costs over a one-year period. As one can see from the reports, ambulances in Kerry do not arrive within HIQA's guidelines and, therefore, the outcomes are tragic.

Deputy Kathleen Lynch: I know Kerry fairly well, as does everyone in Cork, not just from the clashes in Killarney but from holidaying there. Ambulances are based in Tralee, Killarney, Listowel, Dingle, Kenmare and Caherciveen. I know getting from Caherciveen along the coast road can be quite difficult at times and it is not a short journey. On paper, it looks to me as though there is extensive coverage, but I promise the Senator I will inquire as to whether there are particular difficulties. On paper, it looks as though there is extensive coverage.

Senator Mark Daly: I thank the Minister of State.

Sitting suspended at 11.15 a.m. and resumed at 11.30 a.m.

Order of Business

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Senator Maurice Cummins: The Order of Business is No. 1, Gender Recognition Bill 2014 [*Seanad Bill amended by the Dáil*] - Report and Final Stages, to be taken at 12.45 p.m. and adjourned not later than 3 p.m., if not previously concluded; No. 2, motion re report of the Seanad Public Consultation Committee on farm safety, to be taken at 3 p.m. and conclude not later than 5 p.m., if not previously concluded, with the contribution of the proposer not to exceed ten minutes, the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes and the proposer to be given four minutes in which to reply to the debate not later than 4.46 p.m.; No. 73, Private Members' business, non-Government motion No. 21 re one-parent family payment, to be taken at 5 p.m. and conclude not later than 7 p.m.; No. 3, Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014 – all Stages, to be taken at 7 p.m. and adjourned not later than 8 p.m., if not previously concluded, with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes, the Minister to be given five minutes in which to reply to the debate on Second Stage and Committee and Remaining Stages to be taken immediately thereafter; and No. 4, Teaching Council (Amendment) Bill 2015 – Report and Final Stages, to be taken at 8 p.m. and adjourned not later than 10 p.m., if not previously concluded.

Senator Darragh O'Brien: I shall first deal with specific items on the Order Paper. Why are we taking all Stages of the Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014 today? As I have said time and again, taking all Stages at once is a poor practice to get into. I have tabled an amendment that asks colleagues to examine the legislation. I do not understand the urgency. I know the Bill is relatively short and I know what it is trying to do. I am concerned that the provision is allowing the commission to set a time limit and a term for certain appointments, such as for the Clerk Assistant of the Dáil and Clerk of the Seanad. We realise that the posts are important, not just for the jobs that are being done in the Houses but outside of the Houses with regard to their positions on the Referendum Commission, SIPO and in terms of constituency boundary reviews. I am not sure how well thought out taking all Stages is. I will raise these points during the Bill. The Fianna Fáil group has tabled an amendment seeking to improve the legislation. I do not believe all Stages should be taken. The Leader should allow more time. I saw the schedule in advance and tabled an amendment which probably facilitates taking all Stages. That in itself is a pity but I did not want to miss the opportunity to table an amendment.

It goes without saying that we need a debate on the figures for Irish Water that were announced today. Before I say it I think we should ban the phrase “solid start” from the Seanad because every Government spokesperson has said “This is a solid start”. It certainly is not and is farcical. We have wasted €785 million setting up Irish Water and, based on the returns now, the Government will lose about €35 million this year. There must be a debate on it, and perhaps a more reasoned debate than the one the Minister, Deputy Alan Kelly, had on radio this morning. It should be one in which he can answer a few questions and not put it to people that they will all pay in the end. The issue of the household charge, on the last occasion, was different because the Government brought in the big guns of the Revenue Commissioners. In this instance, that option is not available. We must discuss it because it is a massive spend by the Government. I will assume we will have a debate on Irish Water either today or tomorrow, but I will await the Leader's response on that.

I propose an amendment to the Order of Business that No. 73, non-Government motion No. 20 be taken before No. 1. I am glad Senator Colm Burke is present because, on behalf of the Government, he has done a good deal of work with regard to the consultant post that is vacant

in Beaumont Hospital for a pancreas transplant surgeon. The reason I am proposing the amendment is that the answer Senator Colm Burke was given by the Minister is factually incorrect. There are a number of items in the response given by the Minister. He said that transplant patients had been contacted by Beaumont Hospital and St. Vincent's University Hospital about the setting up of a special clinic, but that has not happened. It did not happen on the date on which the Senator was given the response, and there is no mention anywhere of the post being filled. The Minister does not mention what surgeon will take that post. The response also stated that the transplant co-ordinators would be reactivated, but that has not happened.

I thank the 26 Senators from all parties and none who signed the motion prepared by Senator Mark Daly and me. It is an important motion. People are waiting for pancreas transplants but they cannot get them. Last week I said that 15 pancreases that could have been used for transplant were not used because that post is still vacant. I formally propose that No. 73, non-Government motion No. 20, be taken before No. 1, so we can tease out these points with the Minister and he might correct the statement he made last week. I will advise Senator Colm Burke separately of the items in the Minister's response that were incorrect.

Senator Ivana Bacik: I commend the Migrant Rights Centre Ireland for the work it has been doing for a number of years on the issue of undocumented migrants living in Ireland. Today it published a poll, conducted on its behalf by Red C Research, which shows that 69% of Irish people wish to see the position of undocumented migrants residing in Ireland regularised. At the justice committee meeting today we are due to discuss the report of the Migrant Rights Centre. Indeed, we have discussed its proposals already, but we will discuss this later today. However, I ask the Leader to schedule a debate in the autumn on the regularisation of undocumented migrants. It has a particular resonance in Ireland given that many of us have been working for many years to secure a regularisation of the position of undocumented Irish citizens living in the United States.

I also seek a debate in the autumn on education. It is hugely welcome that the junior cycle reforms were signed off yesterday, as was noted and welcomed by the Minister for Education and Skills, Deputy Jan O'Sullivan. They are very welcome for parents as well. However, there is another pressing issue in terms of enrolment policy and, in particular, the religious nature of most of the patronage of our primary schooling. I met this morning with parents from Terenure Educate Together, which is a new group that has been established in the Dublin 6 area to seek a new multi-denominational school for Dublin 6. It already has enormous support in the local area and it will be pressing ahead with the campaign for recognition of its school. Indeed, I was chair of a local group in Dublin 8 which achieved the recognition of a new school, Canal Way Educate Together. There is a pressing need for this, as is shown by all of these start-up groups throughout the country co-ordinated by Educate Together. Many parents are seeking a new form of education for their children, a multi-denominational education in a school that is not under religious patronage. I hope the Leader will arrange for a debate on school patronage and admissions and enrolment policy in the autumn.

On the issue of health, I commend all those involved in the making of the programme on cochlear implants that was screened on RTE One last night. It was a strong endorsement of a programme in our health service that is entirely publicly funded and is a real success story for the many individuals, adults and children, who have had their hearing restored as a result of this surgery.

Senator David Norris: I second Senator Darragh O'Brien's proposed amendment. I also

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share the concern expressed about the Houses of the Oireachtas (Appointments to Certain Offices) Bill. It is inappropriate for it to be shoved through, even though it is a short Bill. There should be time for reflection and amendments, particularly amendments on Report Stage. What most concerns me about the Bill is the attempt to set specific time limits for the offices of Clerk and Clerk Assistant of the Seanad and the same two offices in the Dáil. I have been a Member of this House for nearly 30 years, and I served first under a very fine Clerk of the Seanad who went on to be Clerk of the Dáil. We benefited greatly from his experience. If one is Clerk of the Seanad and one holds that position for a limited period - there does not appear to be any mechanism for reappointing the same person; it is just about setting a particular term - where does that person go afterwards? Where is the next appointment after being Clerk of the Seanad? One can become Clerk of the Dáil or go nowhere. It is a very complex job. One must have a great deal of knowledge, experience and understanding of the rather curious ways in which this House works. I am not sure it is appropriate to set specific limited times for this office. It is better to leave it vague. In the 30 years I have been a Member of this House we have been extremely well served by the various people who were Clerk of the Seanad, although we might have had differences of opinion with them from time to time. I do not wish to see that situation disturbed. I am not sure from where this arises, because I have not seen any great difficulties, certainly not in Seanad Éireann. It is not for me to talk about the Dáil, but in the Seanad we have had no difficulties whatever with the operations of the various clerks under whom I have served. It is a pity to tinker with this important office at this stage. I hope the Leader will be able to say we will take Second Stage today and the other Stages tomorrow, on Friday or whenever else.

Senator Colm Burke: I was disappointed to hear what Senator Darragh O'Brien said on the transplant issue. I certainly will follow it up, as I will be meeting with the Minister within the next 24 hours on the matter.

The employment of consultants is an issue I have raised consistently over the last four years. We face major challenges filling posts in the next two to three years. We also have challenges whereby hospital modernisation did not occur at a time when we had the funding. At 8 a.m. last Monday I attended a meeting with staff at South Infirmity Victoria University Hospital in Cork. Its three theatres need to be refurbished and replaced. The situation in which people working on the front line have been putting in requests only to have them ignored has been ongoing for a long period. It has happened across the board. It is something we must tackle now that the level of funding available for health is due to increase. We must work on that area. We can have all the consultants we wish, but unless the theatres and beds are in place, we cannot provide the service that must be provided.

With regard to the health service overall, it is important to realise the number of people who are going through hospitals. I have just received the figures for 2014. There were 1.18 million attendances at accident and emergency departments in 2014, which equates to more than 27,776 per week. In addition, there were more than 3.2 million attendances at outpatient departments in hospitals, which equates to more than 61,000 attendances per week. In that context, in fairness, we have a huge number of front-line staff who are providing an excellent service. That should not be ignored. We should acknowledge the work that doctors, nurses, care assistants and all those working on the front line are doing in the health service. Yes, there are issues that must be resolved, but we must give leadership in trying to resolve those issues and allocate the funding to provide the support they need.

Senator Labhrás Ó Murchú: Today we met relatives of the 11 innocent civilians who were murdered in Ballymurphy, west Belfast, in 1971. Listening to their stories was absolutely

harrowing and emotional in the extreme. The 11 people who were murdered by the parachute regiment of the British army included the parish priest who was killed while carrying a white flag. They also included a mother of eight children. In fact, 57 children lost a parent on that occasion and nobody has been held accountable for it. If justice had been administered then, we would never have had Bloody Sunday. It was quite clear that all the relatives were asking for was that an independent panel, which is not a major undertaking, would be set up immediately to examine the cases. Some of the people who were shot were left lying all night, without any medical attention whatsoever, as they died. It is very easy to say we should forget the past but if one was a relative of those who were slaughtered on that occasion, it would be very difficult not to seek to have the names of their loved ones cleared. The relatives want an independent panel set up, something which would not take very long to do. The only way they will get that is if the Irish Government is determined, acts with energy and focus and continues to ask the British Prime Minister to do what is right. If 11 people had been gunned down in Manchester, London or Birmingham, there is no doubt that an independent inquiry would be set up in a matter of days. Some 40 years after that terrible atrocity, which came after the introduction of internment, nothing has been done. We know full well that even if we decide to ignore it, it will not go away. Whether it happens in ten or 20 years time, this matter has to be dealt with properly. Anybody who heard the relatives speak today would say that not only was an injustice done to the unarmed and innocent civilians who were slaughtered but a continuing injustice is being done to their relatives.

Senator Aileen Hayden: I ask the Leader for a debate on third level education, in particular grants. Fortunately, more students than ever are accessing third level education in this country but there are serious inequities within the grant system. I refer to the disregards available to the agricultural and farming communities compared to the eligibility for people subjected to PAYE incomes, in particular those in Dublin and other urban centres.

I ask that the debate also cover the issue of student housing. In recent times, UCD has increased the cost of on-campus accommodation by 17% and we are also aware, from a study that was done, that it costs approximately €11,000 per annum to keep a student in a third level institution. That figure is rising considerably due to the high cost of accommodation. What plans does the Government have to alleviate the student accommodation difficulties? What does it intend to do with the vast tracts of lands available to our third level institutions to deal with the issue of student accommodation?

Senator David Cullinane: I support the call from Senator Labhrás Ó Murchú for a debate on the Ballymurphy massacre. More importantly, the Irish Government should show real support and put pressure on the British Government to accede to what is a legitimate call for an independent panel of inquiry to be set up. I support everything Senator Labhrás Ó Murchú said.

I also want to refer to the fiasco that is Irish Water, something that will not go away for the Government unless it puts its hand up and admits it has made a monumental mistake. It is a massive policy failure. The Government has had to come to the House three times with amendment Bills regarding water charges. It is planning to bring two Bills before the House this week and next week which will allow the Government to give more power to Irish Water, through the courts, to take money from people's salaries and pockets, something that is unprecedented. The reality of why that is the case has been exposed because the vast majority of citizens have not paid their water charges. The madness of the Government's policy is that €180 million of taxpayers' money has already been spent on setting up Irish Water. We know tens of millions of euro have been squandered on consultants and there was major controversy over the establish-

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ment of Irish Water. Large amounts of taxpayers' money have been wasted and the Government will give €100 to hundreds of thousands of people in the State, some of whom may not have paid their water charges in the first place, through the water conservation grant. That means the Government, if the figures are correct, will make a loss. The logic of its approach to setting up Irish Water was that there would be investment in our water services but because of its failure to convince people of the fairness of the policy, Irish Water will operate at a loss. In Dublin two of the largest anti-Government rallies that ever took place in the State involved the issue of water. We saw the same in Waterford city, where almost 10,000 people took to the streets not so long ago. There is a popular rebellion against the unfair water charges. Rather than the Government accepting that, it has tried to railroad through two Bills that force on citizens charges they simply cannot afford, or do not want, to pay. That is the reality.

The Government should go back to the drawing board on this matter. It has been warned by the Opposition time and again but it is not listening and has received an answer from citizens who have not paid their water charges. As one such citizen, I will continue not paying this unfair water charge.

Senator Michael Mullins: It is absolutely outrageous to have Deputies and Senators on the airwaves telling people to break the law and not pay their water charges. Such people are paid out of the public purse.

Senator James Heffernan: Why? Legislation has been-----

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

Senator Michael Mullins: We all know our water and sewerage infrastructure needs major investment.

Senator James Heffernan: What about Siteserv?

Senator Michael Mullins: The people of County Roscommon recently had €26.8 million invested in water infrastructure.

(Interruptions).

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

Senator Michael Mullins: Some 11,300 people were taken off a boil water notice in Killeglan and Castelrea in the past couple of weeks. They agree that Irish Water must succeed. At the end of the day, the public representatives to whom I referred are misleading the public in the same way some of them misled the public about septic tank charges whereby they claimed such charges would be much higher than those which were eventually levied by the Government. People need to get real about this issue. Investment is required. Some 675,000 people have paid already. There must be fairness in the system and everybody must make a contribution.

I very much welcome the publication of the heads of the criminal justice (victims of crime) Bill by the Minister for Justice and Equality, Deputy Frances Fitzgerald, yesterday which was approved by the Cabinet. The landmark Bill will strengthen the rights of victims and their families and will ensure that victims and their needs are put at the heart of the justice system. Under the proposed Bill, a victim will have the right to receive comprehensive information on the criminal justice system, their role within it and the range of services and entitlements they may access from their first contact with a Garda station. It is long overdue and a further delivery on

the commitments in the programme for Government. The Minister for Justice and Equality and the Cabinet are to be complemented.

Senator Denis O'Donovan: I ask the Leader to consider, in the next tranche of the public consultation process, the worrying issue of the large number of people who lose their lives through a lack of water safety awareness.

We published a report on farm safety, which was very successful. It helped shine a light on this issue, which we will debate later today. In terms of farm safety, we have the Health and Safety Authority, the farming organisations, which comprise powerful cohesive groups such as the Irish Farmers' Association and the Irish Creamery Milk Suppliers Association, ICMSA, but when it comes to a person losing his or her life in a swimming pool, at sea or being swept off rocks, there seems to be very little in the way of support or investigation into such tragedies. It would be worthwhile if the Seanad were to focus on how we can make people more aware of the danger posed by of water, whether it be the sea, rivers or lakes. The number of people who die as a result of drowning each year is three times the number who are killed in farm accidents. I have not noted any group or organisation, be it a Government organisation or a local authority, shining a spotlight on the dangers posed by the sea or the tragedies that have occurred. This is an issue on which we should reflect. In the case of road accidents, there is the Road Safety Authority and other such organisations. Perhaps this issue is one on which the Oireachtas should focus. It would be worthwhile to have a consultation process and get people together to examine whether there is a safety code covering the danger posed by water. It is frightening for me, having been born along the shoreline in Bantry Bay, to hear each summer of youngsters who were having fun in the water being lost at sea, and the increase in the numbers is a worrying trend. I urge Members of the Seanad, and particularly the Leader, to take a lead on this issue and examine whether we can do something about this in the next Seanad term to ensure that next year there will be a reduction in the number of people who are tragically downed at sea or in our rivers.

Senator Denis Landy: I wish to raise an issue on behalf of people who are deaf and blind in this country. According to the 2011 census of population, there are 1,749 people who are deaf and blind. They are not currently provided with services. Services are provided for deaf people and services are provided for blind people, but no services are provided for people who are deaf and blind. Recognition has been given to this group across Europe. As far back as 2004, many EU member states recognised the group, including France, the United Kingdom, Germany, Italy and Denmark, but to date this country has failed to do so. They have dual sensory impairment. I request that the Leader contact the Minister for Health to ask him to help this group of people. On 28 May this year, representatives of the Anne Sullivan centre in Stillorgan came before the Joint Committee on Health and Children, which unanimously supported their case and wrote to the Minister on their behalf. The first step this group is seeking is recognition by the State and thus by the Minister for Health. They are not seeking funding at this time but they are seeking recognition. I ask the Leader to positively respond to this in order that we can start to help the 1,749 citizens living among us in our community who, unfortunately, are both deaf and blind.

Senator Gerard P. Craughwell: I support Senators Labhrás Ó Murchú and David Cullinane on the issue of the Ballymurphy massacre. It is no secret that I carried a weapon for two armies in my life and I never carried a weapon without an instruction booklet in my pocket which informed me as to when I could and could not open fire. From what I heard this morning, there was an indiscriminate series of assassinations, which is all I could call them, in Bal-

lymurphy.

Senator David Cullinane: Yes.

Senator Gerard P. Craughwell: I would like us to have a full debate in this House on the matter.

It gives me no pleasure to ask for a debate on Irish Water in this House. Water charges are an additional tax our citizens are being asked to pay and they have clearly refused to pay it. The figure of 43% in respect of those who have paid the charges is no great win for anybody. What is upsetting about this is the amount of money that is being pumped in to try to sell this, including some €600,000 in advertising, and the installation of water meters all over the place for no purpose. We need a debate on Irish Water in this House, as we need to decide where we are going with this.

Senator David Norris drew attention this morning to the Houses of the Oireachtas (Appointments to Certain Offices) Bill. I am getting concerned about the number of Bills that are appearing before the House to be taken without debate or on various Stages. With respect to the point the Senator made about the Clerk of the Seanad and the Clerk of the Dáil, I wonder how many politicians would be happy if they could serve only for a certain period of time and were no longer allowed to serve thereafter.

Senator James Heffernan: It is probably something we should bring in.

Senator Gerard P. Craughwell: Perhaps it is. The bottom line is that we need independent people. Having served as president of a teachers' union, I know that without a general secretary on whose independence I could always rely-----

Senator Denis Landy: A cat has nine lives.

Senator Gerard P. Craughwell: Yes. I have actually had ten. This is my eleventh career.

Senator James Heffernan: The next one will be President.

Senator Gerard P. Craughwell: Without an independent adviser, I could not have moved forward. I ask that we take more care in bringing in these Bills.

Senator Paul Coghlan: I also agree with Senator Labhrás Ó Murchú in regard to the appalling murders in Ballymurphy. I am sorry I did not get to meet their relatives, owing to another engagement I had this morning. Let us be honest about this. We all know that the Taoiseach has met them and agrees wholeheartedly with them, and has raised their concerns with the British Prime Minister, Mr. Cameron. I have no doubt that these are matters that will not be dropped, and the Taoiseach has raised his concerns about the murder of the Pat Finucane and others. Senator Labhrás Ó Murchú recounted how a priest waving a white flag was shot in cold blood. Nothing more dastardly could happen. We all share that concern. We are *ad idem* on that and, hopefully, we will continue to pursue what the Senator called for.

Senator Mark Daly: I ask the Leader to organise a debate on the post office service. We saw what happened in recent days when the banks in Greece were shut. If we have a properly functioning post office service, in the event of a similar situation arising in Ireland, at least we would have a post office service. What the Government is doing with the post office service is an omnishambles. This system will fall apart and many areas of rural Ireland will be left without a

post office very shortly. We saw what happened in England, where the post office service was cut to a third of its former capacity.

I also support my colleagues who have called for the Minister for Health, Deputy Leo Varadkar, to come into the House today for a debate on pancreatic transplants. I received an e-mail from a person who is awaiting a transplant. He stated the speech given by the Minister on Wednesday was, unfortunately, incorrect in several ways. He also stated that Beaumont Hospital had not written to all post-transplant patients and patients on the waiting list. It simply did not happen. I am not blaming the Minister, as he was reading from a script prepared by his officials, who are misleading him and telling him lies. We have had that with the Taoiseach in the Dáil, when he was given bad information in regard to Ibrahim Halawa. Joint assessment clinics are not in place for these patients. None of the patients has been contacted. As the Minister pointed out, the service has continuously advised people to go accident and emergency departments, which is probably the worst place a person on the organ donor waiting list should go, because he or she could contract an infection.

I also support my colleagues in calling for a debate on the Ballymurphy massacre. While the murder of Fr. Mullan was atrocious, the murder of Joan Connolly can only be described as horrific. Having been shot in the head and in face, she said, "It's all right, son," and while walking around wounded and disorientated, was shot again three times. It deserves a debate in this House, although obviously not before the summer recess. The Taoiseach and successive Taoisigh have met British Prime Ministers, yet the system there will not release the files in regard to the Dublin and Monaghan bombings, the biggest mass murder in the history of the State, the murders in Ballymurphy and the Pat Finucane case, which is in breach of an international agreement. They said they would set up an inquiry and yet they have failed to do so.

An Cathaoirleach: The Senator is over time.

Senator Mark Daly: These are supposed to be our neighbours and friends.

Senator John Crown: Will Senator Heffernan get a chance to speak or do I need to share one minute with him?

An Cathaoirleach: He will.

Senator John Crown: I also request that the Minister come in and update us on the transplant situation. In the past few years, those in charge of transplant policy in the country have felt it has been very unco-ordinated. We have seen other examples of problems in the health service where one critical retirement or one strategically important person going on maternity or ill-health leave has caused chaos in various services, such as in dermatology in Waterford, famously, a few years ago. It is hard to escape the conclusion that there is a certain lack of forward-planning in some aspects of the transplant service. It is critically important and it is something we get very right here in some ways and very wrong in others.

There is a broader issue. Further disclosures came out last weekend in support of something I said in this Chamber last year, namely, that there appeared to be extreme irregularities in the way waiting list figures in general are calculated. Some patients are only being put on waiting lists after having been given a definite date, while patients who are waiting to get the date are not counted as waiting list patients. This must be clarified because it is distorting all the metrics. As these metrics are increasingly being used on all sides of the debate for electoral purposes, it is critical that we get the facts correct.

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I received a telephone call before I came in, stating that the Department of Health has defended its decision not to provide a drug called Kadcylla for breast cancer patients on the grounds that it has not been shown to be superior to other drugs. I do not wish to give this House a lengthy lecture on the details of the treatment of HER-2 positive metastatic breast cancer, but that statement, if made, is factually incorrect. I am not advocating for Kadcylla. The company that makes it has very serious questions to answer about the predatory pricing structure it has put in place for this drug, but if we are to make informed decisions about it, we need to know the facts.

When the Minister comes in, I ask him to give us an update on vaccination rates in Ireland. I have had occasion to go over the figures for vaccination in this country over the past few years and I fear we are not doing well. There have been a few tragic examples. Approximately a decade ago there was an outbreak of measles in north Dublin, which led to deaths. It is critical that we get our facts straight on vaccination for all diseases that are publicly vaccinated against in this country.

Senator James Heffernan: I am grateful to finally be able to speak.

An Cathaoirleach: There is a system in place in the House.

Senator James Heffernan: There is, but-----

Senator Darragh O'Brien: If the Senator had been in the Labour Party, he would have spoken already, but I think he is better off over there.

Senator James Heffernan: I think I probably am too. As a non-aligned Independent, I do not get a great deal of speaking time. That needs to be looked at. Perhaps it should be written into the Order Paper that we should get a better shot at speaking.

Senator Gerard P. Craughwell: Form a group.

Senator James Heffernan: Last month, Philomena Lee, of the Philomena Lee Foundation, received the Fitzgerald Bible Bruff Award. Her story is not unique. It is the story of many women and children on these shores. In Ireland, we have a shameful and diabolical way of treating victims of institutional abuse in particular. This morning, I met with many of the survivors of the Magdalen laundries. There are a number of things they are not happy about. One is that we are still stigmatising and labelling these people, as if they had committed some horrendous crime. As part of the redress, as I understand it, they have been issued with medical cards. I have a copy of one here and it beggars belief. "Redress for Women Resident in Certain Institutions Act, 2015" is printed quite clearly on the top of the card. It is wrong on every level and it goes to show the sterile, cold-hearted insensitivity at the heart of bureaucratic officialdom in this country. It is unwarranted, unnecessary and downright wrong that the HSE, in giving redress to these women, who have suffered so much and who have given their lives in our gulags, has given them this extra slap in the face. It is disgraceful. I am not calling on any Minister to have a look at it, but I am calling on the HSE to recall those medical cards and at least issue them in a more sensitive fashion, because this is not right.

Senator Denis Landy: Well said.

Senator Jim Walsh: I might have made this call before, but obviously it is not going to happen this side of the recess. I ask the Leader for a meeting with the Minister for Finance

where we would have a pre-budget debate. It would be interesting to get the diverse views of the Members of the House on aspects of the budget.

I saw last week while I was away that there was some comment about inheritance tax. Those who read the papers on Sunday saw that business people are now establishing companies abroad to avoid the impact of the inheritance tax. The threshold for inheritance tax in Ireland was increased to over €500,000. Some people are trying to help out their own children with house acquisition, particularly in the metropolitan areas, which is very costly. The limit is very low. I have a case of a person of very limited means who has come into an inheritance from their parents. It involves a property abroad, which is leased on a long-term basis, and a certain amount of cash. Most of this cash will go to pay the inheritance tax and because of the long lease on the property, all they will have is an income from the property, which will wash out the social welfare they are getting at the moment. Having got what seems like a relatively good inheritance, they will be no better off. That is very unjust. This is after-tax money that parents are giving to their children. That needs to be looked at, as does the link with grandchildren.

Similarly, the area of capital gains tax needs to be looked at. There are reports that people are moving offshore because of the implications of capital gains tax, which is now pitched at 33%. When it was at 40% there was very little income coming in and while there was criticism from some politicians when the former Minister for Finance, Charlie McCreevy, reduced it by half, to 20%, it actually doubled and trebled the take of money. At this stage, given our levels of unemployment and our need to recover from recession, we need any impetus we can get by way of investment. One way of doing that is by making it attractive for people to invest. It is not attractive at the moment. The whole system is far too complex. Many people who have incurred losses are unable to make write-offs because of the complicated nature of the accumulated capital gains tax legislation over the years. We could usefully have a debate with the Minister on that prior to the budget.

Senator Rónán Mullen: Today and tomorrow in Dublin Castle the National Economic Dialogue, sponsored by the Departments of Finance and Public Expenditure and Reform, is being held. This is all about our economic agenda facing into the budget. It is important that we get our choices right in these days for the benefit of the economy and of our people. About 150 people are invited from all areas of life, from the community and voluntary sector and from unions and business, IBEC and ISME, for example. It is strange to relate, but no representatives of the tourism industry have been invited or are present, to my knowledge, despite the fact that comparable areas of employment such as the agricultural sector are represented. It is right that the important area of agriculture is represented because, directly and indirectly, it provides employment for about 250,000 people in this country. To take an example, Adrian Cummins, who is the chief executive of the Restaurant Association of Ireland, has pointed out that 220,000 people work in the tourism and hospitality sector. In addition, the tourism sector can claim credit for a quarter of the jobs that have been created over the past five years. We have had 30,000 new jobs in the sector in the past four years, and it is hoped 50,000 new jobs will be created in that area. Therefore, tourism is doing its part. At this time of the year, when the minds of many people turn to tourism, it seems strange that when tourism organisations apply to be involved in important economic talks, they are told that they cannot be facilitated. I find such a stance hard to understand. The Government committed several years ago to the creation of a vibrant tourism economy that would be jobs-focused. It gave a commitment that there would be a particular focus on that area. It seems strange, if it is the case, that representatives of the important tourism sector are left out of the conversation at this time.

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Senator Paul Bradford: I agree with the comments made by Senator Jim Walsh on the desirability of having a debate or an exchange with the Minister for Finance on budgetary options. I raised the same matter with the Leader last week. I asked that we be realistic when we come back after the summer recess, but I said it would be an appropriate topic for an early debate.

I agree with what colleagues have said about the Ballymurphy massacre. Unfortunately, I was absent from the presentation this morning. However, I think every atrocity committed on this island needs to be fully investigated. It is only when there is full transparency and a full recognition of what was done that the healing process can begin properly and conclude properly. I have asked before that we reflect on the necessity for a truth and reconciliation commission, and I do so again.

On the issue of atrocities, last night I watched a fascinating TV3 programme on the planning that went into the killing of Detective Garda Jerry McCabe. Life in politics moves quickly, but it is hard to believe that 20 years ago, on 7 June, that man was gunned down in the service of the State.

Senator James Heffernan: A cold-blooded murder.

Senator Paul Coghlan: Yes.

Senator Paul Bradford: I agree that it was a cold-blooded murder. His colleague Ben O'Sullivan was very lucky to survive the attack. While we have missed the 20th anniversary of Jerry McCabe's murder, it is appropriate that we remember him and all of the other members of the forces of the State-----

Senator Jim Walsh: And the public.

Senator Paul Bradford: -----who died defending the institutions of the State on behalf of the people.

Senator Brian Ó Domhnaill: Ba mhaith liom tagairt a dhéanamh ar maidin do chur i láthair a bheidh ar siúl in Óstán Buswells ag a haon a chlog inniu, eagraithe ag na 13 bunscoil ar na hoileáin amuigh ón chósta, cúig cinn nach bhfuil ach aon oide acu agus ocht gcinn a bhfuil beirt mhúinteoirí acu. Léireoidh mé an fhadhb atá ag cuid de na scoileanna. The problem for some of the schools located on our offshore islands is the number of teachers. Five of the 13 primary schools located on offshore islands have only one teacher. That is totally unacceptable from a teaching point of view, given that that one teacher must act as principal, teach all of the classes, look after all of the pupils, and take care of health and safety, supervision, etc. We have only 13 island schools in the country. A presentation on this issue will take place at 1 p.m. in Buswells Hotel, and Councillor Seán Ó Tuairisg from Galway will lead the delegation. It is vital that the Department of Education and Skills adopt a policy under which no school on an island can have fewer than two teachers from the points of view of health and safety, child protection, education policy, etc. We are talking about only five schools that are being left behind. For example, Scoil Náisiúnta Inis Meáin has nine pupils enrolled for September. Half of the pupils speak fluent Irish, but one pupil, who is from Belarus, speaks very little English and some of the other pupils speak only English. That means the teacher faces a major task in acting as educator in that particular role. We need a debate on the matter, specifically on the Gaeltacht Irish language policy in terms of education, but also particularly with regard to offshore island schools. I ask the Leader to facilitate a debate on the issue.

Senator Maurice Cummins: Senators Darragh O'Brien and David Norris referred to the Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014. The Bill passed through all Stages in a short period in the other House. If this House believes we should take Second Stage today and Committee and Remaining Stages on another day, I will facilitate it in that wish. I will amend the Order of Business to that effect if that is its wish.

Irish Water was mentioned by several Members. As much as 46% of the total has been collected to date. For the same period - the first three months of operation - after the introduction of the household charge, 43.8% of the total was collected. There is nothing new in these figures. The money collected will increase significantly as the months pass by.

I do not propose to accept the amendment proposed by Senator Darragh O'Brien that non-Government motion No. 20 be taken before No. 1. I have made inquiries about the availability of the Minister for Health and he is unavailable this week. His schedule is almost 100% full for the next few days. It is impossible, therefore, for him to come to the House this week, but I will try to get him to come next week. We will relay the information Members gave to the House this morning.

Senator Ivana Bacik mentioned the report of Migrant Rights Centre Ireland which was to be discussed at the Joint Committee on Justice, Defence and Equality and sought a debate on it in the future. She also sought a debate on education and the issue of school patronage. As we have had a couple of debates on that issue, we will see whether it is necessary to have a further debate in the coming few months.

Senator Colm Burke mentioned the employment of hospital consultants and the need for greater infrastructure, particularly in some areas in Cork. He mentioned that 1.8 million people had attended accident and emergency units in 2014, while almost 3.2 million had attended outpatient departments. Certainly, there is a need to acknowledge the workload of everybody involved in the health service. We compliment them on their work.

Senator Labhrás Ó Murchú, among several other Senators, mentioned the families of victims of the Ballymurphy massacre. They have called for an independent panel to be set up. I can assure the Senator and all those who raised it that the Government will continue to press the British Government on this and several other matters and ask for the relevant files to be released. There is no doubt that a grave injustice was done and continues to be done owing to the lack of an independent panel. The Government will continue to press as strongly as possible for such a panel to be set up. The other matters raised on previous occasions will be addressed.

Senator Aideen Hayden mentioned third level grants, as well as housing and student accommodation on campuses, on which matters she sought a debate. I will ask the Minister for Education and Skills to come to the House to debate them during the autumn session.

Senator David Cullinane addressed the issue of Irish Water. There is a need for fairness in the system. The Senator mentioned that grants were being given to people who had not paid. I do not think that has happened or that it will. Senator Michael Mullins outlined the need for investment in water infrastructure. The people of County Roscommon are certainly appreciative of the fact that boil water notices which they had to endure for many years are a thing of the past now that good clean water is available to them.

Senator Michael Mullins also welcomed the publication of the heads of the victims of crime Bill. Their publication is to be welcomed, given that Members have raised the matter in the

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House previously.

Senator Denis O'Donovan suggested that in the light of the deaths of a number of people, the Seanad Public Consultation Committee engage in public consultation on the issue of water safety. We will have a debate later today with the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, on the committee's most recent report on farm safety. Irish Water Safety certainly does a great job. If we can help to highlight the issue by having it considered at the Seanad Public Consultation Committee, we will consider that suggestion.

Senator Denis Landy, rightly, has highlighted the plight of people who are deaf and blind. As he mentioned, this matter was addressed by the Joint Committee on Health and Children earlier this year. We will relay his concerns to the Minister for Health.

Senator Gerard P. Craughwell suggested water meters were being installed for no purpose. I assure him that they have detected the leakage of millions of gallons of water in many parts of the country.

Senator Gerard P. Craughwell: I think the relevant figure is 6%.

Senator Maurice Cummins: The leaks which are being fixed would not have been discovered if meters had not been put in place.

Senator Mark Daly spoke about the Ballymurphy massacre and the position on transplants at Beaumont Hospital. I have addressed these matters.

Senator John Crown called for updates on the transplant service and vaccination rates. He also mentioned a number of other health issues, including waiting lists. As I said, we will try to get the Minister for Health, Deputy Leo Varadkar, to come to the House before the close of the session next week. He is not available to come this week.

Senator James Heffernan, rightly, pointed out that a lack of sensitivity had been shown to the victims of institutional abuse in the provision of medical cards. They were certainly glad to receive the medical cards provided by the Government after a long fight. I agree that, rather than publishing the details mentioned by the Senator, more sensitivity needs to be shown. I will bring the matter to the attention of the Minister for Health and the HSE.

Senator Jim Walsh called for a pre-budget debate. Senator Paul Bradford made a similar request last week. They are especially interested in discussing the position on inheritance tax and capital gains tax. We will try to arrange such a debate.

Senator Rónán Mullen suggested the tourism industry and the Restaurant Association of Ireland were not represented at the National Economic Dialogue, a pre-budget forum. I am not aware of who was invited to attend. The Government has certainly done wonders for the tourism industry by reducing the VAT rate to 9% and getting rid of the travel tax. Those involved in the industry can rest assured that the Government will look after their interests, just as it has done in the past. I agree that if people involved in the industry were not invited to attend the National Economic Dialogue, it was remiss of those who had failed to invite them.

Senator Paul Bradford said every atrocity on the island needed to be investigated. I agree with him. He recalled the brutal killing by the IRA of Detective Garda Jerry McCabe. It is hard to think over 20 years have elapsed since the brutal murder of a man who was going about the business of protecting the citizens of the State. We should all recall the work being done

by members of the Garda and the Defence Forces. We should never forget the brutality of the attacks on democracy they have and continue to come up against from some subversives.

Senator Brian Ó Domhnaill spoke about the plight of 13 schools on offshore islands, including some one-teacher schools. I suggest he table this specific item to be discussed during the Commencement debate in order that he can receive a reply from the Minister for Education and Skills.

An Cathaoirleach: Senator Darragh O'Brien has proposed an amendment to the Order of Business: "That No. 73, non-Government motion No. 20, be taken before No. 1." Is the amendment being pressed?

Senator Darragh O'Brien: It is.

Amendment put.

The Seanad divided by electronic means.

Senator Paschal Mooney: Under Standing Order 62(3)(b), I request that the division be taken again other than by electronic means.

Amendment put:

The Seanad divided: Tá, 24; Níl, 23.	
Tá	Níl
Bradford, Paul.	Bacik, Ivana.
Byrne, Thomas.	Brennan, Terry.
Craughwell, Gerard P.	Burke, Colm.
Crown, John.	Coghlan, Eamonn.
Cullinane, David.	Coghlan, Paul.
Daly, Mark.	Comiskey, Michael.
Healy Eames, Fidelma.	Conway, Martin.
Heffernan, James.	Cummins, Maurice.
Leyden, Terry.	D'Arcy, Jim.
Mooney, Paschal.	Gilroy, John.
Mullen, Rónán.	Hayden, Aideen.
Norris, David.	Henry, Imelda.
Ó Clochartaigh, Trevor.	Higgins, Lorraine.
Ó Domhnaill, Brian.	Keane, Cáit.
O'Brien, Darragh.	Kelly, John.
O'Brien, Mary Ann.	Landy, Denis.
O'Donnell, Marie-Louise.	Moloney, Marie.
O'Donovan, Denis.	Moran, Mary.
Power, Averil.	Mulcahy, Tony.
Quinn, Feargal.	Mullins, Michael.
van Turnhout, Jillian.	Naughton, Hildegarde.
Walsh, Jim.	Sheahan, Tom.

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White, Mary M.	Whelan, John.
Zappone, Katherine.	

Tellers: Tá, Senators Paschal Mooney and Brian Ó Domhnaill; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared carried.

An Cathaoirleach: Is the Order of Business, as amended, agreed to?

Senator Maurice Cummins: No.

Question, "That the Order of Business, as amended, be agreed to," put and declared carried.

Senator Maurice Cummins: I have outlined that we cannot get the Minister for Health to come to the House today. He will not be available for the next three days.

Senator Darragh O'Brien: Can the Leader get a Minister of State at the Department of Health to come? We have won the vote on the Order of Business. As the amendment has been agreed to, the Leader will have to get some Minister to come. If the Minister for Health is not available, some Minister will have to come to answer questions about the matter.

An Cathaoirleach: Does the Leader wish to amend the Order of Business?

Senator Darragh O'Brien: The amended Order of Business has just been agreed to.

An Cathaoirleach: Does the Leader wish to suspend the sitting-----

Senator Maurice Cummins: The Order of Business was amended to enable No. 73, non-Government motion No. 20, to be taken before No. 1.

Senator Darragh O'Brien: Tá brón orm, a Chathaoirligh, but the House passed the amendment. As the House has agreed to the amended Order of Business, it is up to the Government to provide a Minister to take the debate on the very serious matter of the filling of a transplant post at Beaumont Hospital.

An Cathaoirleach: Will the Leader suspend the sitting until-----

Senator Maurice Cummins: I will suspend the sitting until 1.30 p.m. to allow me 25 minutes to find a Minister to come to the House.

An Cathaoirleach: Is that agreed? Agreed.

Sitting suspended at 1.05 p.m. and resumed at 1.30 p.m.

Seanad Éireann
Business of Seanad

Senator Maurice Cummins: I have secured agreement from the Minister for Health, Deputy Leo Varadkar, for him to come to the House at 9 p.m. I, therefore, propose an amendment to the Order of Business that No. 73, non-Government motion No. 20 re transplant patient services, be taken after the Teaching Council (Amendment) Bill 2015 at 9 p.m. and conclude not later than 9.30 p.m., if not previously concluded, with the contribution of the proposer not to exceed four minutes, the contribution of the seconder not to exceed two minutes, the contributions of other Senators not to exceed two minutes, the proposer to reply at 9.23 p.m. and the Minister to be given five minutes in which to reply to the debate not later than 9.25 p.m.; the Gender Recognition Bill 2014 [*Seanad Bill amended by the Dáil*] - Report and Final Stages, be taken now and adjourned at 3 p.m., if not previously concluded; the Teaching Council (Amendment) Bill - Report and Final Stages, be taken at 8 p.m. and adjourned not later than 9 p.m., if not previously concluded.

An Leas-Chathaoirleach: On a point of procedure, the Minister is to respond to the debate after the proposer of the motion replies.

Senator Maurice Cummins: We can reverse the order. The Minister will have five minutes and the proposer two minutes at the end in which to reply to the debate.

Senator Darragh O'Brien: Also, we are only taking Second Stage of the Houses of the Oireachtas (Appointments to Certain Offices) Bill today.

Senator Maurice Cummins: That is correct. I accepted that amendment to the Order of Business earlier.

An Leas-Chathaoirleach: Is the amendment to the Order of Business agreed to? Agreed.

Gender Recognition Bill 2014 [*Seanad Bill amended by the Dáil*]: Report and Final Stages

An Leas-Chathaoirleach: This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 118, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question, "That the Bill be received for final consideration," the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. For Senators' convenience, I have arranged for the printing and circulation of the amendments. The Minister will deal separately with the subject matter of each related group of amendments. I have also circulated the proposed grouping of the amendments to Senators. A Senator may contribute once on each grouping. I remind Senators that the only matter that may be discussed is the amendments made by the Dáil.

Question proposed: "That the Bill be received for final consideration."

Tánaiste and Minister for Social Protection (Deputy Joan Burton): This is an historic and happy day. I am delighted to have the opportunity to be here on this auspicious occasion as we bring the Gender Recognition Bill through the final legislative step prior to its enactment.

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Senators will agree that we have all learned a huge amount in the past few years about the lived experience of transgender people in our communities. We have gained this insight as a result of meeting with transgender people, parents of transgender children and the organisations which represent them. I am deeply pleased that we are now in a position to make a meaningful and positive contribution to that lived experience by providing for formal legal recognition of the preferred gender of transgender people. The fact that the number of people who will be directly affected by the provisions of this legislation will be quite small is unimportant. What is important is the statement it sends out about our maturity as a people and a society, mirroring the positive message that was sent by people in Ireland through the recent marriage equality referendum. Regardless of how few people are directly affected, this legislation carries huge significance for each individual involved and for their families, friends and communities.

It is appropriate that I formally thank and congratulate my colleague at the Department of Social Protection, the Minister of State, Deputy Kevin Humphreys, who took on a huge amount of the work after I was appointed Tánaiste. He has invested a great amount of energy and commitment in bringing this Bill through this Chamber and through the Dáil. Before he addresses the specifics of the Bill, it is interesting to reflect briefly on the journey we have all taken in bringing this legislation onto the Statute Book.

The lack of legal recognition for transgender people is a long-standing issue. As far back as 2008, the High Court declared that the State was in breach of its obligations under the European Convention on Human Rights in this regard. On the first day I addressed the Seanad about this legislation, I paid tribute to Dr. Lydia Foy and I do so again today. Dr. Foy has just joined us in the Visitors Gallery. I should say the distinguished Visitors Gallery because the people who are here today are very distinguished by the campaigning they have done, particularly Dr. Foy. In our programme for Government, we included a commitment that transgender persons would be provided with legal recognition. In July 2011, I published the report of the gender recognition advisory group, GRAG. That report was an important step on the road but it is instructive how far we have come since then.

Following on a period of consultation, we published the general scheme of the gender recognition Bill in mid-2013. The general scheme was subjected to pre-legislative scrutiny by the Oireachtas Joint Committee on Education and Social Protection, which published its report in January 2014. I believe this was a positive process which added much to our knowledge of the issues involved.

Following the committee's report, I brought the matter back to the Cabinet and the revised general scheme of the Bill was published in June last year. The work of drafting the legislation was accelerated and prioritised and we were then in a position to introduce the Bill in this Chamber in January this year.

Some key aspects of the committee's report are reflected in the Bill before us, for instance, the use of the term "preferred gender", as well as provision for persons aged between 16 and 18 years. Other changes to the Bill have reflected the debates in both Houses since the start of the year. I was particularly pleased to be able to secure agreement at the Cabinet on the most significant change of all - the introduction of a system of self-declaration.

The fundamental concept underlying this legislation, which is relatively simple and has remained so throughout this whole process, is that where a person has been issued with a gender recognition certificate by the Department of Social Protection, that person's preferred gender

will be formally and legally recognised for all purposes, including dealings with the State, public bodies and civil and commercial society.

The legislation is long overdue. Getting to this point has been a difficult and challenging undertaking due to the complex and sensitive issues involved. I thank everyone who has contributed to the process. I thank my colleagues in the Labour Party, particularly Senators Marie Moloney and Ivana Bacik. I thank those who campaigned on this issue, such as Senators Katherine Zappone and Jillian van Turnhout, and our colleagues in government in Fine Gael. I am conscious that right from the beginning the Independent Senators and Fianna Fáil were extremely supportive and it was a genuine example of Parliament, in particular this House, being used as a forum for a wide cross-party discussion in which we reached agreement in the best interests not only of the transgender community but of Irish society. It reflects a genuine commitment on the part of the Government to enabling transgender persons to be recognised for all purposes in their preferred gender.

As I have to attend the Dáil shortly, because of the change of arrangements, I will ask my colleague, the Minister of State, Deputy Kevin Humphreys, to take over at this point.

An Leas-Chathaoirleach: I thank the Tánaiste and Minister for Social Protection, Deputy Joan Burton, and welcome the Minister of State, Deputy Kevin Humphreys.

Group one, on which the Tánaiste spoke, relates to the subject matter of amendments Nos. 1, 4 to 6, inclusive, and 16 to 18, inclusive. As it is technically Report Stage, Senators can only speak once on each grouping. The only other point I would make is that it should not be a Second Stage speech.

Senator Marie Moloney: Will the Minister of State speak first?

Minister of State at the Department of Social Protection (Deputy Kevin Humphreys): I will make a brief contribution.

An Leas-Chathaoirleach: As the Minister of State wishes.

Deputy Kevin Humphreys: I thank the Tánaiste and Minister for Social Protection, Deputy Joan Burton, for the work that she has done throughout this Bill. I am delighted to be back in the Seanad today as we move towards the enactment of what is a ground-breaking and quite complex human rights legislation. It has been the target at every Stage to try to get this legislation through both Houses by the close of this session and we are getting to the finish line just in time.

Complex legal and constitutional issues have been raised at every Stage. This Bill has been considered by Government on no fewer than nine separate occasions since mid-2013. That is a reflection of the engagement that has taken place.

During the process, it has been my privilege to engage with many who are in the Distinguished Visitors Gallery today on many of the issues. I have had conversations with members of the transgender community and their parents and it has been informative and educational.

It would be fair to say, therefore, that this Bill has been significantly reshaped since it was first presented to this House and I want to pay tribute to all the Senators who have engaged so intensely in the development of this truly important piece of legislation. I truly believe the debate we had when I was in the House several months ago has really shaped the Bill.

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Among the key changes introduced to the Bill following its passage through the pre-legislative scrutiny process and the subsequent debates in this House and in Dáil Éireann are: the introduction of a self-declaration model for applicants aged over 18 years; using the term “preferred gender” as opposed to “acquired gender” within the text of the Bill; providing a route to recognition for those between the ages of 16 and 18 years; providing for a formal review process, which, it was argued so well in this House, should report within ten to 12 months; and aligning legislation in relation to the issuing of passports to transgender persons. All of these issues were of keen interest to this House and I have no hesitation in saying that the legislation has been greatly enhanced as a consequence of the debates in it.

Before we turn to the various groups of amendments in accordance with the direction of the Cathaoirleach, I want to address briefly one key issue. Senators will be aware that the Bill, as it stands, continues to require that an applicant for gender recognition must be single. I had hoped that it would have been possible to amend this aspect of the Bill but I am not, as yet, in a position to do so. As I stated in the Dáil, we are constrained by a constitutional issue in this regard. We are obliged to await the outcome of the Court of Appeal proceedings on the result of the recent marriage equality referendum before we can act. We simply cannot legislate in this area in advance of the court’s decision. I have already given a clear commitment that should the Court of Appeal uphold the result of the referendum, the appropriate legislative changes will be included in the marriage Bill. As it stands, this Bill will cater for the vast majority of transgender persons who wish to have their preferred gender formally recognised and who wish to obtain a birth certificate in their preferred gender.

No doubt the legislation will be subject to change in the future as we gain experience of the operation of the gender recognition process. The formal review process which now forms part of the Bill will be robust and challenging and will highlight any areas which require further changes. I am happy also that there is work being commenced through the Department of Education and Skills to explore with all concerned how transgender issues can be addressed within the schools system and I thank the Minister for Education and Skills, Deputy Jan O’Sullivan, for taking that work on. A meeting has already taken place and she has been in contact to hold another meeting in early September. That will be important work.

I will now address the amendments which have been passed by the Dáil and are before the House today. There were a total of 21 amendments to the Bill in the Dáil and they relate to sections 9 to 12, inclusive, and 14 to 16, inclusive, and to section 38, which deals exclusively with amendments to the Passports Act 2008. They are grouped under four headings, the first of which deals with amendments providing for self-declaration by an applicant aged 18 years or over for a gender recognition certificate by removing the requirement for a supporting medical statement from a medical practitioner.

Does the Chair want me to go through the groups or group one?

An Leas-Chathaoirleach: We will deal with group one first. The amendments are amendments Nos. 1, 4 to 6, inclusive, and 16 to 18, inclusive. We will go to the Opposition first.

Senator Katherine Zappone: I welcome the Minister of State back and acknowledge his tenacity, commitment and perseverance to get what he considers to be the best possible Bill at this stage for the adult transgender community.

As Broden Giambrone, director of TENI, wrote to me in an e-mail yesterday, after all this

time Lydia's 22-year journey has finally come to an end. I welcome Dr. Lydia Foy and want to begin by acknowledging her courage and staying power, the work of Mr. Michael Farrell and FLAC in supporting her, TENI, BeLonGTo, TransParenCI and other advocates and self-advocates for their engagement with us, parliamentarians, such as the Chairman of the Oireachtas Joint Committee on Education and Social Protection, Deputy Joanna Tuffy, the Minister of State, Deputy Kevin Humphreys, and, of course, the Tánaiste, Deputy Joan Burton. We welcome them all, and it is fantastic to have them here with us. In particular, I acknowledge the presence of the Tánaiste, Deputy Joan Burton. She stated she was not willing to draft a Bill on the basis of the prime recommendations of the gender recognition advisory group, which reported soon after she became Minister for Social Protection. Instead, she began a long consultation process with the sector and its academic, legal and law-maker advocates to produce a Bill which she hoped would be human rights-compliant and progressive. This was with the support of her officials who are here with us today.

The Bill before us in its final form has travelled a very long journey, to which the Tánaiste and the Minister of State, Deputy Kevin Humphreys, have referred, picking up some significant progressive elements along the way, and I acknowledge this. However, the Government has resisted incorporating other elements, particularly with regard to young people, which will place the Act out of step with where the people are - in this case, our treasured young people and their parents. The other arena in gender recognition law with which we have not engaged is the restriction of the definition of preferred gender to male or female and the exclusion of a third non-binary category for those who do not or cannot identify as one of the binary genders, male or female. Although it is a great day for the transgender community in Ireland, and we all acknowledge this, we still have not embraced the full reality of the lives of transgender people, and this is what law-makers should do. It is hugely regrettable, and I will continue to advocate on their behalf long after the Bill becomes law.

The first group of amendments provides for self-declaration by transgender people, which is a remarkable achievement of the legislation. In 2013, as the Minister of State is aware, I published a gender recognition Bill with the expert support of the TENI legal working group, to which Dr. Fergus Ryan made a significant contribution. It was supported by draughtsmanship from members of the public interest law alliance of FLAC. That Bill provided for a self-declaration model, and we considered it to be a benchmark Bill for the Government, as it was published prior to the heads of the Government's Bill. This model was not accepted in the Government's Bill originally. When the Bill left the Seanad on 17 February 2015, the Government even resisted adding a person's GP to the definition of "primary treating physician" for the purpose of certifying an individual's gender recognition.

When the Bill was last with us in the Seanad, it was a long distance from self-declaration. Even though, on that day, I produced in the Seanad a letter from the Irish College of General Practitioners supporting my amendment to include GPs in the list of primary treating medical practitioners, the Government still refused on the basis that more consultation needed to take place with representative organisations of GPs. With the help of Dr. Philip Crowley, an incredible ally and friend of the trans community, before the Bill went to the Dáil I was sent a copy of a letter written to the Tánaiste by the Irish Medical Organisation, which stated that it too recommended the inclusion of GPs as medical practitioners who could support the certification process of trans people.

As we all recall, the Bill went through Second Stage in the Dáil in early March, and paused for Committee and Remaining Stages to take place after the marriage equality referendum.

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This was when the extraordinary movement on the self-declaratory model occurred in the Government. The Government has reached the summit of best international practice in this regard and it is a fine achievement.

I particularly welcome that the wording now used in Government's Bill closely matches that used in the template statutory declaration in my Bill, which spoke of the person's settled and solemn intention formed after careful consideration to live permanently as a person of the preferred gender. I understand from information provided by the Department of Social Protection that the Bill, once enacted, will come into operation by the end of the summer. I note that the template statutory declaration contained in my Bill might be useful to the Government and the Department at this stage and they should use it and adapt it as they see fit.

Senator Marie Moloney: I will not make a Second Stage speech, as we have done so on numerous occasions. We have spoken on the Bill at length. I add my voice to the welcome for Dr. Foy, among others, in the Visitors Gallery. I have made new friends in the past year while working on the Bill. In particular, I thank the Minister of State, Deputy Kevin Humphreys, who worked closely with me on a number of items, the Tánaiste, Deputy Joan Burton, and the officials. I want to say this now in case we do not have time at the end.

This is the most progressive legislation I have worked on since I came to the Seanad. It is great to see that sometimes the minority benefits from legislation. I can see by the smiles of some of the people in the Visitors Gallery that they are happy with this. Of course, it is not perfect, and of course people would like to see other provisions in the Bill. I am very disappointed that we cannot deal with forced divorce today, which is something on which I worked. It is out of our hands and is now in the courts. I only hope and pray that it will not take two and a half years in the courts as the case concerning the legislation on children did. It is out of our hands and we have no control over it. If it does take two and a half years, I hope that whoever is be in the Chamber and in government will bring forward the amendment to give people peace of mind. People have been fighting for this for years and I hope they will see fit to do this. It shows what parties working together can do. In fairness to everyone here, the Opposition and Independent Senators worked on the Bill to bring forward the best Bill we possibly could.

I very much welcome the amendment to remove the requirement for supporting statements from medical practitioners, which is something on which I worked closely with the Minister of State. I am delighted that the amendment will go through and that such statements will no longer be required. If there is time, I will speak again at the end of the debate, but I wanted to say these few words in case I do not have time to speak later. I am delighted to welcome the Bill.

Senator David Norris: I welcome the Minister of State, who is a decent man. His heart and intellect are in the right place. The Minister of State indicated that the Bill shows the relevance and value of Seanad Éireann. Many of the amendments accepted and introduced by the Dáil were argued for passionately in this House, and it is a great relief to see them included as a result of action in the Dáil.

I sympathised with the Minister of State when he stated that he had hoped to amend the Bill's requirement for people to be divorced, which is an absolute and utter absurdity. This has been held up by a couple of legal actions. I honestly think that although every citizen has the right to take an action, vexatious actions - these, in my opinion, are two vexatious actions - should be dealt with summarily, as they were in the High Court, and simply swept out of the way. The idea of waiting for two and a half years is an absolute thoroughgoing absurdity. I

imagine the two men who took these cases would not feel this should happen. The people have expressed their will massively. Two individuals have sought to frustrate this, and they have not really produced any cogent grounds for so doing. Just to hold up a Bill for this type of malarkey is a complete and utter load of rubbish, but it is a fact and we must face it.

The Minister of State said this was not the end of the matter and that all types of new things would transpire. They have started transpiring. They transpired on my desk, because I received a charming letter from a very interesting and civilised person who drew attention to the situation of people with non-binary identity. With the indulgence of the House, I will mention a few points which are relevant to the discussion on the Bill. In the United States, research has been done which found that approximately one third of transgender people identify as non-binary, either sometimes male and sometimes female or other than male or female. Scottish research suggests that the figure is approximately one in five. US research estimates that the total number of transgender people may be between 0.1% and 0.5% of the population.

If we take the lower estimate, it suggests there are 4,500 transgender people in Ireland of whom approximately 900 may be in this category of non-binary. What the people who describe themselves as non-binary - we are again in the area of self-description - have in common with transgender people is that the gender assigned to them at birth is not the gender they feel enshrines their reality.

According to my correspondent, the lack of a third gender option means that the Bill will continue to deny a basic human right to those of us who cannot identify as male or female - the legal recognition of our existence as the people we are. The Yogyakarta Principle No. 3 deals with legal recognition and provides that states should take all necessary legislative, administrative and other measures to ensure the procedures exist whereby all Government
2 o'clock issued identity papers, which indicate a person's gender-sex, including birth certificates, passports, etc., reflect the person's self defined gender identity. The Minister made the point that this is not an international treaty but rather a series of principles and so on, but my correspondent points to the fact that the introduction to the principles makes it clear that they are not a new agreement but an interpretation of already existing and legally binding agreements.

To those of us who are elderly and whose sexuality has expired on the way, this may seem to be an unusual refinement. It is only in recent days that I heard of this binary situation but, interestingly, a number of other countries have already introduced a third category for gender in state-issued identity documents, and a good example is Australia. Another, in the case of passports, is New Zealand. The Australian Human Rights Commission conducted an in-depth survey of how gender is recorded in state documents and issued guidelines which specify that all state documents can use a third gender option.

I place that before the House but I have to say I am rather exhausted from all this. In my day one was gay, full stop, and that included women and so on. In that regard, now we would need the entire alphabet.

May I recognise the distinguished and wonderful people in the Visitors Gallery? I will single out two because they are heroes who go back generations. I am talking about Dr. Lydia Foy and Michael Farrell, who has been such a noble representative of the legal profession. So often we hear people giving out yards about the legal profession. I know of no finer practitioner than Michael Farrell. Over many years, as a serial litigant, I have benefited from the advice and

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help, very often on a *pro bono* basis, of the legal profession.

A meeting was organised by Senator Ivana Bacik in Trinity College Dublin a few days ago and Senator Katherine Zappone's partner, or spouse, Ann Louise Gilligan, eloquently and passionately made that point about people in the legal profession who deserve our heartfelt thanks.

Senator Ivana Bacik: It is always difficult to follow Senator David Norris, but this is a day to celebrate as we see the final passage of the Gender Recognition Bill through the Seanad. I welcome all the visitors in the Visitors Gallery and pay tribute to those who have worked so hard to see this day finally happen, particularly Dr. Lydia Foy and Michael Farrell. I will not say they have worked on this for generations, as Senator Norris suggested - they are both far too young - but I pay tribute to the immense work they have done on this, and the great work that has been done by FLAC, the Transgender Equality Network Ireland, TENI, and other organisations.

The group one amendments are particularly significant because they provide for the self-declaration by an applicant, who is 18 years or over, for a gender recognition certificate, and they remove the requirement for a supporting medical statement from a medical practitioner.

I welcome the Minister of State to the House and pay tribute to the immense work he and the Tánaiste, Deputy Joan Burton, have done on this Bill. The group one amendments are an indication of the huge amount of work that has gone into it. As the Minister said, there were nine occasions on which this Bill, or variations of it, were discussed at Cabinet and when it was brought before us in the Seanad, this issue of self-determination was addressed in many of the contributions. It is welcome that was taken on board by Government and addressed during the legislation process.

Reference was made to changes in the legislative process. It is a huge strength of the legislative process that a Bill that starts life in one shape and ends up in quite a different and greatly improved shape before us today. The Employment Equality (Amendment) (No. 2) Bill that was before the House last week has become a rather different Bill to the original one that started life in the Seanad two years ago. It is a particular strength of the Seanad that we reshape and improve legislation, and make it more progressive.

TENI has pointed out that the group one amendments give us hugely progressive legislation because it means that with the self-determination process, Ireland will become only the fourth country in the world specifically to introduce legislation based on self-determination. We are at the summit of this sort of legislation. Changes will be made. The fact the Seanad built in a review process is hugely significant because that shows that we all understand the need to move the legislation on and change it where necessary, in line with changing understandings and practice.

Senator David Norris referred to the third non-binary category. I, too, have had correspondence on that. It is an important point that we need to address in the future. The review is the ideal time to do that. I know other colleagues will be raising the issue of recognition for those below the age of 16 years. It is progressive that we have built in a process whereby minors, that is, those aged between 16 to 18 years, may seek recognition. That was not in the original recommendation before it went to the committee but is another change that has come in. Looking at what may be done, particularly with the Minister for Children and Youth Affairs, and what may be done on that in the future is important.

The issue of forced divorce is something we would have liked to address in this Bill but after the long delay we have seen and the many years Dr. Foy's case has taken, and the time it has taken to bring this legislation to this point, it is important that we have the legislation concluded without further delay.

Senator Norris kindly referred to the seminar I organised with Dr. Mary Rogan last week. One of the issues raised at that seminar was the issue of delays in bringing into force the marriage equality referendum and whether anything could be done in the future to ensure that the will of the people cannot be curtailed or delayed in the way the children's referendum was delayed. We should examine the constitutionality of introducing legislation and placing time limits on the giving of judgments in this sort of challenge.

I am departing from the celebratory theme of these amendments. I welcome the group one amendments, in particular, and the other changes that were made in the Dáil. I thank all those involved for their great work on the Bill.

Senator Paschal Mooney: We in Fianna Fáil have actively supported both the concept and the detail of this Bill from the outset. Many of the contributions to date have taken up nearly all the points I had intended making and, therefore, I will not delay the House other than to say I agree with everything said by colleagues on all sides.

I endorse the welcome extended to those in the Visitors Gallery who are directly affected by this legislation. This must be a very happy day for them but I could not help but reflect that here is the full power of both Government and Parliament combined in addressing an issue that affects a small group of people and acknowledges that, irrespective of the size of that minority, they are citizens of this country and are entitled to full rights here. I am sure they would recognise that the legislative process they have been following closely since the inception of this Bill has gone a long way to recognising and acknowledging them as equal citizens and that they should not walk out of here feeling that they are in any way diminished but are instead empowered by what is happening today, and what happened in the other House. I am very happy to be associated with that. I am somewhat diminished in the face of the enormous challenges that have faced this group of people throughout their lives. I do not believe any of us can understand what they have and are going through but, hopefully, the dawn has come after the dark night of their existence so far.

I would like to record a tribute to my colleague, Senator Averil Power, who initially took on this role and engaged me as the Fianna Fáil spokesperson on social protection. She was totally committed to the cause from the outset. It was suggested to me that it is not something that generates votes. It is not something parliamentarians would take up on the basis that it would give them some sort of edge with the electorate. In that sense, not only Senator Power, but those who have been working hard on this legislation have been doing so out of a genuine commitment and on the basis of a humanity that is within them which wishes to see a wrong being righted. As such, I am happy to pay tribute to them.

I also pay tribute to the Minister of State, Deputy Kevin Humphreys, who hit the ground running on this legislation, not only steering it through, but also reaching out in an extraordinary way to everyone who had a view on this. The Minister of State consulted with them every step of the way to ensure what was said, in particular in this House, was listened to and acted on. I am not in any way taking away from what happened in the other House, but most of the changes that are taking place in this legislation happened here. It happened here because of

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the genuine commitment of those who have spoken so far and who are here today. The buck stops with the Minister of State. He is the person who had to steer this through and ensure that it acknowledged all of the various aspects of a complex issue.

It is an issue that has further complexities in the issue of binary. It came up in the House and Senator David Norris made reference in correspondence to the Australian model, which was already referred to here by several people. In that model, “binary” is mentioned on passports. I agree with Senator Ivana Bacik and the Minister of State, who, in one of his many concessions to the debate in this House, has enshrined the matter in amendments, that there should be a review of the legislation. I have no doubt that it is an issue like this that will be looked at in any ongoing review to, if nothing else, tidy up and put a complete picture on the legislation. It would be unacceptable if, having come this far in recognising the transgender population, there was an element of the legislation that would deny some their rights. I have no doubt that will be an issue that is looked at again.

On the constitutional issue that has been raised, I am concerned that people would criticise the right of people to go before the courts. There is an undertone that somehow people should not go before the courts if they have a point of view. I do not agree with the issue that has been raised.

Senator Ivana Bacik: I was referring to limits on the time within which a court can deliver a judgment.

Senator Paschal Mooney: I was not talking about the Senator; I was referring more to Senator David Norris’s comments.

Senator David Norris: I agree completely with people’s right to go to court but vexatious cases should be dealt with summarily. The High Court indicated that there was no basis for the case.

Senator Paschal Mooney: I appreciate that. I simply assure Senator Ivana Bacik that she was not in my thoughts.

Senator David Norris: I was very reassured that I was in the Senator’s thoughts.

Senator Paschal Mooney: The Senator is always in my thoughts. He referred to two and a half years, which would be horrendous. The people have spoken and whether one agrees or disagrees, the people’s views should not be thwarted by a delay. As they say, justice delayed is justice denied. I hope there will be some sort of fast-track mechanism to ensure this comes to a head. One of the key points that was made in the context of the Bill was on divorce and people having to be single, which was not acceptable.

Overall, I am very proud, without any hint of ego, to be here on this day. It makes it all the more worthwhile to be a legislator when one sees in action a law that is going to help people and improve their lives. For that, I applaud everybody.

Senator Jillian van Turnhout: As always, the Minister of State is welcome the House. I thank the Tánaiste for her commitment to the issue of gender recognition and thank the Minister of State for the energetic and robust debates we have had here in the Chamber and outside. I join other Members in welcoming the distinguished guests who have joined us here today, in particular Dr. Lydia Foy and Michael Farrell. As I look at each face in the Visitors Gallery and

think of the journey I have been on, I note that I did not know the majority of these people a few years ago, but now I feel I know them as friends. They have had to share their lives with me for me to understand what we are debating here today and see the importance of today. That says a great deal. I have met some really amazing and brilliant people.

As the Minister of State knows, I have met many parents and children directly affected by this issue. While I am really happy today and recognise that is a great day, it is a bittersweet moment for me. It brings me back to my childhood when teams were being picked. There is a team getting on the human rights bus that is going. They are the adults and they are going to get it but the children did not get picked. That feeling of being left out in the cold yet again makes it very difficult for me again today that we did not do anything for children, even though we had that opportunity. As we meet today, young people organised by TENI are meeting on the issue. BelongTo has a group of children meeting on this very issue. It is not that these children do not exist; they do. The Minister of State and I have met the parents and we know the real issues they face.

I will not go back over and rehearse every issue, but there have been developments since we debated the issue in the House in February. The calls I have made were informed and very much supported by organisations such as TENI and BeLonG To but also by the ISPC, Children's Rights Alliance, NYCI, SpunOut, Epic, Amnesty and the USI, just to name a few. At its parliamentary assembly, the Council of Europe issued a resolution on discrimination against transgender people in Europe and said we needed to ensure that the best interests of the child are a primary consideration in all decisions concerning children. This is on transgender people; I am not picking something out of place. Indeed, since we have been debating the matter, Malta has passed gender identity, gender expression and sex characteristics legislation which ensures that up to the age of 14 years one is free to live and then one decides the gender that is going to be placed on one's birth certificate. In Norway, the Government has proposed legislation for pre-legislative scrutiny, not some independent Senator, to look at gender recognition from age seven. I welcome the commitment the Minister of State made in February to have the round-table among education partners and I welcome the fact that one meeting has happened, but it is only one meeting. No education partners have been contacted on the issue of transgender children. We will face September again and there will be children who cannot live as they wish and go to the schools they wish to attend because they are being actively blocked.

Much has been made of the marriage equality referendum, which was a joyous and tremendous day, but there was also the children's referendum which took two years for the Supreme Court to clear. That is the lens we also need to be looking at. We need to ensure that our legislation is also looking at that lens. The Government's national policy framework for children and young people, Better Outcomes, Brighter Futures, is a whole-of-government document, not just one relating to the Department of Children and Youth Affairs. It very clearly sets out that the development of laws, policies and services should take into account the needs, rights and best interests of children and young people. It says that efforts should be made to involve children and young people in policy and decision-making processes. While that is Government policy, we saw in this process that children were excluded from the debate at the pre-legislative scrutiny stage. I have gone over my notes to confirm that. There was no good reason for it. I have gone back over the e-mails and the acting Clerk of the Dáil has confirmed that they should have been allowed to give testimony at those committee hearings, but were not. We did not allow their voices to be heard, and we should not have done that. Other committees allow children to appear before them.

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As I said, the best interests of the child should be our paramount consideration, taking account of the views of the child and the evolving capacity of the child. I proposed an interim gender recognition certificate where everybody is *ad idem*, that is, the parents, the child and an independent person, be that the Minister, a general practitioner or a court. Obviously, that was not successful. It was brought forward again in the Dáil. That led me to read the debates in the Dáil on Second and Report Stages, in particular. It was noticeable that Members of all parties and none raised the issue of children and the importance of including children in the Gender Recognition Bill. There was one exception, the Labour Party. Its Members did not, so perhaps it is Labour Party policy. I do not understand. I have read through all of the transcripts and no Member from the Labour Party raised this issue. I am still at a loss. The International Lesbian and Gay Association gave really compelling testimony before the 29th session of the Human Rights Council. Obviously, it welcomed what we are doing in Ireland but also noted that there was no process for legal recognition of minors under 16 years of age. These children exist and deserve protection. A parent of a six year old trans girl said: "I just want to keep this child alive. I have a happy child now. ... Why end up with a dead child?... It's important that she gets documents that reflect her gender."

The difficulty for me, to which I have not received a satisfactory answer, is that we saw the court case, *S. v. An Bord Uchtála* in 2009, where the judge made an order to grant. It was a case involving an intersex child born abroad. The difficulty is that because this Bill excludes children, are we saying to the courts that we do not want them to interfere or do anything on children? We are closing the door on this. As a legislator, I believe we are sending a clear message to children that we will not talk about gender recognition. That is a problem for me. I am also worried about one of the amendments from the Dáil regarding passports. Again, I have dealt with some cases where children have got their gender changed, not on their birth certificate but on their passport. This amendment will not allow that to happen. Even more children have been squeezed out of this. There are four to five children a year who will not now be able to get a passport in the gender they wish because we have tightened the knot again and really made sure that children are firmly outside the room when it comes to gender recognition.

The Minister for Children and Youth Affairs wrote to the Tánaiste and Minister for Social Protection and proposed written amendments. I appreciate that she did not feel she was in a position to accept those amendments. Is the Minister saying that this is now under the remit of the Minister for Children and Youth Affairs? If it is, I will table amendments to the Children First Bill. This must be made clear because I do not wish to be told when we debate the Children First Bill that it should have been done in the Gender Recognition Bill or that it should be done by the Minister for Social Protection. Will the Minister clearly state whether this is in the remit of the Minister for Children and Youth Affairs? When will the meeting with the education partners take place? I am not asking for an exact date, but a timeframe for when it will take place.

One of the proposals sent by the Minister for Children and Youth Affairs was that we would explicitly state that children and young people would be included in the strategic review. Will the Minister give a firm commitment on that? I do not wish to be told two years hence: "Children are not in the Bill so how can one strategically review children if they are not in the Bill?" I wish to be told clearly that this issue will not be left behind. It is a joyous day for adults, but there are children whom I have met and to whom we have said: "Go sit in the corner; we are not ready to deal with this yet." In fact, we have slammed the door.

Senator Terry Brennan: Cuirim fáilte roimh an Aire. This is my first task as the social protection spokesperson for the Government in the Seanad. I am replacing Senator Hildegard

Naughton. I acknowledge the part she has played, together with my distinguished colleagues in the Seanad. There are too many of them to mention individually. I have attended meetings on the matter but this is my first time to speak as spokesperson.

I wish to acknowledge the progress made in drafting this important legislation. I congratulate the Minister of State, Deputy Kevin Humphreys, whom I have heard speak on this subject in the Seanad on several occasions, on his work on bringing the legislation to this Stage. The Bill represents an important improvement to the lives of those with gender identity issues and it is a clear statement about the Government's commitment to addressing the needs of those affected. I did not have a Second Stage statement prepared-----

Acting Chairman (Senator Paul Coghlan): It is not appropriate to give a Second Stage speech now.

Senator Terry Brennan: I appreciate that, but many Members have given what I consider to be a Second Stage speech. I will sum up by saying-----

Acting Chairman (Senator Paul Coghlan): We are dealing with a group of amendments.

Senator Terry Brennan: Everybody else should have been told the same thing.

Acting Chairman (Senator Paul Coghlan): They were. The Leas-Chathaoirleach assured me that he so informed the House.

Senator Terry Brennan: Gabh mo leithscéal. I am breaking the law; nobody else did.

The fundamental concept underlying the legislation is relatively simple. The preferred gender of a person who has been issued with a gender recognition certificate by the Department of Social Protection will be formally and legally recognised for all purposes, including dealings with the State, public bodies and civil and commercial society. I have acknowledged the part the Minister of State, Deputy Kevin Humphreys, has played, and the Tánaiste and Minister for Social Protection has acknowledged his contribution. It is an historic day for the Seanad. Amendments have come from the Dáil but the Seanad has had a role with this Bill from the beginning. I congratulate one and all.

Senator Averil Power: Like previous speakers, I will start by acknowledging the presence in the Visitors Gallery of people who have worked on this issue for a long time, particularly Dr. Lydia Foy. She fought a personal challenge and put her personal life in the public domain in a difficult way for an extended period of time to bring us to the current position. I join others in paying particular tribute to her for her work and congratulating her on it.

There are representatives of several groups in the Visitors Gallery, ranging from Transgender Equality Network Ireland, TENI, to LGBT Noise and BeLonG To. I see Dr. Fergus Ryan, who is one of the great human rights champions on the legal side. He worked with me on my adoption Bill and on the amendments we brought forward last week to the section 37 Bill in an effort to strengthen it. He has also championed this Bill and sought to strengthen it in the past few years. I also acknowledge Michael Farrell who worked with Dr. Lydia Foy on her case and has been championing this from a legal perspective. There are also GLEN, ICCL, Amnesty International and many other human rights champions who have been pursuing this issue and calling on us to act.

Before getting into my critique of the Bill, to be fair to the Minister of State and the Tánaiste,

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I should also acknowledge that they are the first Ministers to legislate on this issue in Ireland. That is significant and should be acknowledged. This has been a long time coming. It should not have required Dr. Lydia Foy to fight a personal case to make us bring this legislation forward, and it should not have taken us such a long time to deal with it. However, it is happening and it is a positive step forward.

That said, I share the concerns expressed by others that the Bill does not go far enough. I appreciate Senator Mooney's generosity in acknowledging the work I have been doing on this issue and I thank him for helping me to secure the support of a wider group of colleagues on the matter. When I first approached him and we discussed it, he acknowledged that it was not something he had personally been involved with. In fact, until Broden Giambrone sat me down and explained it to me it was not something I had personally been involved with or of which I had any great knowledge. I remember saying to him that first day that we had coffee in LH2000 that I believed in human rights and that everybody is entitled to equality, dignity and respect. I said I did not know enough about transgender people but asked what I needed to do to ensure we could deliver those basic human rights for transgender people of all ages. It was a learning experience for me to work with TENI. Its representatives are particularly good at being patient with someone who did not understand the issue. There was no question too stupid. I have found them extraordinarily supportive over the past few years on this issue, in answering my questions and helping me to draft amendments to improve the legislation.

It is welcome that we are bringing forward this Bill, but there are issues on which I brought forward amendments last year. One was to provide for self-declaration. The second was to treat over-16s as adults, to recognise that 16 is generally the age for medical consent and for decision-making. The third was to provide a procedure to allow recognition for those under 16 through a court process. The last was to remove the requirement for divorce. I am glad to see in the amendments the Minister of State is bringing forward that we are moving to self-declaration. That is extremely positive. Many of us on all sides of the House argued for that both in the Seanad and in the Dáil. I welcome the fact that the Government listened to us on that and that it has changed. That is significant. I also welcome the fact that the marriage equality referendum has made the forced divorce requirement redundant. I never accepted that it was necessary and legal opinions were given at the Joint Committee on Education and Social Protection early on, where various groups argued legally that it was not required. At least now, whenever the court case challenging the marriage equality referendum finishes, that requirement will be removed. That is very positive.

On the other two areas, the lack of provision for those aged under 16 and the very restrictive process in place for 16 and 18 year olds, I share the disappointment of Senator Jillian van Turnhout and others that the Government did not go further on those issues. In particular, the lack of recognition for under-16s is a huge flaw in the Bill. I agree with the sentiments expressed by my colleagues, that this is a very happy and positive day for transgender adults but an incredibly sad day for transgender children because we are doing nothing at all for those aged under 16 years.

The horrifying thing is that for many transgender children every day is an incredibly sad day. Every day is a challenge. Once young people realise they are transgender, which, according to TENI, typically happens around the age of three or four years, they face many challenges in coming to terms with that themselves, in reaching out to their parents and explaining to them how they feel, in working over time to win over the support of their parents and then in going through the daily struggles of being in a very gendered school system, and so on. For many

young people, it is just too tough. We have a horrifying situation in this country as it is in terms of youth mental health. This is an issue I have done a great deal of work on and published an action plan on two years ago. While I was researching that I found it particularly disturbing to see the mental health statistics for the LGBT community in general and particularly for transgender people. The current Bill does nothing to address this. There is no process for transgender people under 16 years. I find it deeply upsetting that we are not reaching out and doing something for those young people. I also do not understand the logic behind it. Other countries, such as Argentina, do not have an age limit, so there are systems elsewhere that are genuinely based on the best interests of the child and that have found a way of providing recognition for younger people. When I brought forward an amendment on this issue previously when the Bill was in the House, we suggested the Government simply extend the procedure it was providing in the Bill for 16 to 18 year olds to those aged under 16 years. It is too restrictive for 16 year olds, who are adults and should be entitled to self-determine, but if we at least had a system where a young person under 16 could go to court with their parent's permission and apply for gender recognition, that would mean we were doing something for young people and recognising that the people who know best about their children are parents. Nobody makes this decision lightly.

The refusal to do anything for young people in terms of statements the Minister of State, the Tánaiste and others have made previously seems to be based, as TENI has pointed out, on a lack of trust in young people. It assumes this is a decision young people or their parents might take too lightly. Words like "safety" and "youth protection" have been used in the debate. As TENI has pointed out, the clear suggestion is that trans youth, even those in their mid-teens who may have lived for several years in their self-identified gender and who may have identified as trans since the age of three or four, must be protected from naive choices they may come to regret later. That is based on a false assumption. It is overly paternalistic, judgmental and has no research base whatsoever. In fact, as has been pointed out, the UK study referred to by Transparency and TENI points out that the percentage of transgender people who came to the realisation of their gender variance at age 18 years or later is less than 4%; therefore, most of them knew much earlier, while 16% of participants were aware they were transgender before they left primary school. Young people know who they are from an early age.

We had a referendum on children's rights two years ago and the people went out and voted in favour of provision that recognises that the most important thing in terms of any decision-making regarding children is the best interests of the child. That is now going into the Constitution, but this legislation ignores it. The Children's Ombudsman has made that point, as have various other groups. The Ombudsman has argued that the legislation potentially falls foul of the European Convention on Human Rights and the provision there under Article 8 for the protection of family life and of people's private lives. I do not understand the failure to move on this area. I acknowledge that the Government has moved on other areas and has improved the Bill, but this is a monumental gap. It is so sad for young trans children in primary and secondary school. Many of them leave the school system simply because they cannot cope with the daily struggle of not being recognised for who they are at school. That has such an impact on the rest of their lives that they drop out of the school system early. For those young people, the Government is offering nothing. That is incredibly sad.

This is an issue on which I intend to keep fighting. The Bill provides for a review in two years time. I hope I will be a Member of the Oireachtas in some form in two years time but, if not, I promise I will continue to work on this issue from outside, because of all the issues I have worked on in the last few years, this is an issue that has touched my heart. I have listened to the

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personal stories of trans adults and, particularly, trans children, who showed enormous bravery in speaking; the witnesses who came to our committee; and the people who have spoken out in the media and elsewhere, including Dr. Foy, who fought her case on the issue. The bravery shown by the trans community has been phenomenal and it is incumbent on all of us in this House to go as far as we can for them. I am sorry that is not happening today, but I promise this is something I will stick with until we get progressive legislation that delivers for all transgender people of all ages.

Acting Chairman (Senator Paul Coghlan): Does the Minister of State wish to reply to group 1 or does he wish to leave it until the end?

Deputy Kevin Humphreys: I will reply to group 1 because the debate has been so wide-ranging. I thank Senator Katherine Zappone for her remarks in the beginning and for her work and for the Private Members' Bill that she published. She is quite right. The debate in this House did influence and change legislation as it travelled through. I am truly grateful for the work done by everybody in the House. Senator Marie Moloney may take my phone number off speed dial now.

It is worthwhile saying again that I hope, once the case is finished in the courts, that the requirement to be single will be amended as quickly as possible. I would have far preferred to be in front of the House today proposing such an amendment, but unfortunately I cannot. It came to mind when Senators Norris and Bacik spoke about the courts. I accept what was said about the time limit. Growing up, one of my favourite programmes was "Yes Minister", featuring a civil servant called Sir Humphrey. The phrase, "You might very well think that; I couldn't possibly comment," sprang to mind. I hope it is dealt with in the courts in a speedy manner, and we can then amend the Bill, which would be positive.

I am happy to come back to any points I missed. I agree with Senator Paschal Mooney's comments about Senator Averil Power. When she was a member of Fianna Fáil she represented it very ably and made some excellent points, and her contribution reflects that. On Committee Stage in the Seanad and Dáil we worked in co-operation, and all meetings involved discussions not only with elected representatives but with those in the Visitors Gallery. That process improved the Bill. Senator Ivana Bacik spoke about how our understanding of such issues has changed quickly. We had a responsibility to the vast majority whose views this Bill reflects to pass the legislation at some stage. The Bill is all the stronger because of the built-in review mechanisms. Elements that arose during the debate can be dealt with in the review period, and people's understanding will improve as we move on.

I will try to respond to direct questions, even though they are not part of the grouping. I am watching the clock. Senator Jillian van Turnhout referred to the S case, which was an intersex case concerning an adopted child - it was a foreign adoption - in which the court ordered the adoption register to be changed. Such an action would still be possible, as far as I am aware. The Senator may have a different view. We depend on the advice of the Attorney General, especially regarding forced divorce, who advised that this did not need to be addressed in the Bill and could be dealt with. We have to operate on the advice we are given.

On Report Stage, Deputy Joan Collins referred to correspondence to the Tánaiste from the Minister for Children and Youth Affairs. The Minister, Deputy James Reilly, did not bring specific amendments to the Cabinet, and any changes to the Bill required a Government decision. There was a need to bring specific amendments to the Cabinet, but that did not happen in this

case. Last month, after a Cabinet decision to include self-declaration in the Bill, the Minister wrote to the Tánaiste suggesting two amendments to the Bill. The first was that the review of the operation of the Act under section 7 of the Bill should incorporate consideration of the need for persons under 16 who are not eligible for an exemption to apply for a gender recognition certificate under section 12 of the Bill. I have stated on a number of occasions during the passage of the Bill that the issue of gender recognition for children under 16 years needs further examination and that there is a lack of research and information on this very sensitive issue. When I first debated this Bill in the Seanad, I emphasised that the review was not something I viewed as a box-ticking exercise. Rather, it is to be a comprehensive review. What we know now and what we will know when the Bill comes into operation may be very different. We should not try to determine how many people have sought a certificate or got a birth certificate, because what is important is how the Bill operates within society, including for children. People referred to issues including that of non-binary gender, all of which have to be covered. From the time the Bill was published, just before Christmas, until now, a large amount of interaction, discussion, research and understanding has taken place, and the Bill has reflected a lot of that.

This is an emotive issue. Senator Averil Power said she was very new to it and did not understand it. TENI and BeLonGTo were very helpful and discussed the issue with me. My intention is to take a keen interest in this Bill and how things change. As long as I am a Member of the Dáil there will be no question of my ever walking away or leaving children behind, because that is an important element of the Bill.

I do not know why children could not have given evidence at the pre-legislative scrutiny stage, but it may have enriched the Bill. In fairness to the Tánaiste, the recommendation was to deal with those under 16 in a different way. She went back to the Cabinet and reflected the change, as well as taking advice from the Attorney General. There is a lot more work to be done. I was asked whether this came under the remit of the Tánaiste or the Minister, Deputy James Reilly, but whether it is they or I who bring this forward, it is quite important that we take up the issue in the autumn and develop it. I would be quite happy for the Minister, Deputy James Reilly, to lead on this, because he is the Minister for Children and Youth Affairs, and that Department has a wider remit than the Department of Social Protection on this issue. Either way, I would support that. My understanding is that e-mails have been sent to many groups and that a meeting will take place in September, because many boards of management are on summer holidays. The Minister for Education and Skills is anxious to follow up on this. The Department of Education and Skills has taken up this issue since Deputy Ruairí Quinn was Minister and has worked with GLEN on anti-bullying policies. A tremendous amount has been achieved and the former Minister did a significant amount of work and it is the intention of the Minister, Deputy Jan O'Sullivan, to follow it.

Acting Chairman (Senator Terry Leyden): Most of the debate has centred on what is not in the Bill rather than the content of the amendments made by the Dáil, which is what is before the House. I remind Members that we have limited time. I call on the Minister of State to address the subject matter of the amendments in group 2, that is, amendments Nos. 2, 3, 14, 15, 19 and 20.

Deputy Kevin Humphreys: These are technical amendments regarding a reference in the Bill to the registrar of inter-country adoptions and the foreign births register. It is section 90 and not section 91. Amendment No. 3 is necessary in order that the reference in the same sub-paragraph (iv) reads “section 91(1)(b) of that Act”. Amendments Nos. 14, 19 and 20 relate to the foreign births register. They amend the reference to “Department of Foreign Affairs and

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Trade” to “Minister for Foreign Affairs and Trade”, as the latter is the appropriate wording.

Section 14 (9)(b) provides that the Minister for Social Protection shall notify the Minister for Foreign Affairs and Trade if a gender recognition certificate is revoked under section 14. It also provides that the Minister for Foreign Affairs and Trade shall amend the person’s entry in the register of gender recognition of foreign births accordingly. Amendment 15 inserts “if applicable” into this provision as there may be no such entry. It is not mandatory for a holder of a gender recognition certificate to ensure that such an entry is made.

Acting Chairman (Senator Terry Leyden): We will move on to group 3, the subject matter of amendments Nos. 7 to 13, inclusive.

Deputy Kevin Humphreys: Amendments Nos. 7 to 13, inclusive, were passed on Committee Stage in the Dáil and amend section 12 of the Bill, “Application to court for exemption”, by 16 and 17 year olds. The amendments provide for the inclusion of the supporting statement from the applicant’s primary treating medical practitioner, either an endocrinologist or a psychiatrist, to confirm that the child has transitioned or is transitioning into his or her preferred gender. The medical element of the process will remain strictly within the boundaries of the court so that where a child receives a court exemption they will not be required to provide any further medical evidence to the Department in relation to the application for a gender recognition certificate. That is an important element and it should be remembered.

Acting Chairman (Senator Terry Leyden): Does anybody want to contribute on this group?

Senator Katherine Zappone: I wish to raise a few points in regard to the section in terms of children, specifically the 16 to 17 year olds. I do not understand why at the very least the Government was not willing to include general practitioners, GPs, in the definition of a primary medical practitioner, particularly in light of the fact that the Minister had two prime representative organisations of general practitioners supporting that recommendation. At the very least it might have gone some way in ameliorating the huge and onerous process, which some say is not even feasible in terms of time factor for 16 and 17 years. Why did the Minister not include for young persons their general practitioners in the list of primary medical practitioners?

I very much agree with Senator Jillian van Turnhout’s points made in terms of young people which these amendments particularly cover and what Senator Averil Power put forward. In my own journey on the issue, I remember my first meeting with a trans boy a couple of years ago and, again through participation in the BeLonGTo support group, he told me how he used to be scared of himself and, as he put it, “I spent a long time hiding from the inside of me or the core of me”. It is with great regret that I also note that in this group of amendments more could not have been done for young people, particularly 16 to 17 year olds. As Senator Jillian van Turnhout put it very well, there is really nothing for children under the age of 16. The Minister of State could have offered some kind of solutions, perhaps the recommended interim gender certificates put forward by Senator Jillian van Turnhout and others. I certainly will continue to advocate for that, for the inclusion of children long after this Bill has been signed. It is regrettable that it was not included, although I acknowledge the great achievements in terms of self-declaration and the movement in terms of forced divorce.

Senator Terry Brennan: The Minister of State said that the Minister for Children and Youth Affairs, Deputy James Reilly, did not bring forward amendments to the Cabinet table.

Deputy Kevin Humphreys: To the Cabinet. Yes.

Senator Terry Brennan: I saw a copy of a letter he wrote, and I do not know whether it was after the time in question, to add GPs to the list of medical professionals under section 12(a) for those in the 16 to 17 year age group. Another issue is the promised review of the legislation, which will specifically consider the needs of persons aged under 16 years. The Minister did not bring amendments to that effect to the Cabinet.

Deputy Kevin Humphreys: That is what I said.

Senator Terry Brennan: That is what the Minister of State is saying. I want to confirm if there is a date for the promised review. Will it be in six, nine or 12 months time or will it be within a definite period? The Minister may have said in her statement that it would be in ten to 12 months.

Senator Jillian van Turnhout: I, too, echo what Senator Katherine Zappone said. In regard to what Senator Terry Brennan has raised, I do not want to get caught up in semantics about whether the Minister brought it to the Cabinet. My understanding was that the Minister wrote to the Tánaiste; I would have thought that was courteous, that one would write to the Minister who is leading the Bill asking that Minister to bring the amendments to the Cabinet. I do not want to get caught up in the semantics of it but did the Minister of State's Department specifically go back to the GPs, as has been outlined by Senator Katherine Zappone, to ask about the 16 and 17 years olds? Did he ask the question or has he assumed, as he did when Senator Katherine Zappone first brought forward the letter from the GPs, that they would not be able to do this? My understanding is that they are willing but maybe they need to be asked.

Deputy Kevin Humphreys: There was an exchange of correspondence in regard to it but no amendments were brought to the Cabinet, and amendments would need to have been brought to amend the Bill on this Stage. There was correspondence from the Tánaiste to the Minister. The engagement with the Irish College of General Practitioners, ICGP, was very good. It engaged positively with the Department in regard to certifying those aged over 18 years, which accounted for the majority of the engagement, but I understand that the ICGP did not envisage a role for GPs in regard to applications by 16 and 17 year olds or with
3 o'clock the process for revoking gender recognition certificates. That is my understanding of the discussions that took place with our officials. The ICGP had an open and full discussion with the officials and that is what we would have taken from that engagement. In terms of amending the Bill on this Stage, we would have to have had a much wider engagement in regard to the 16 and 18 year olds and we would have had to go back to the Attorney General on that issue. A broad discussion would have been needed if such a change had been brought to the Cabinet. The Minister, Deputy James Reilly, did not bring an amendment to the Cabinet for the Attorney General to examine or advise on. No amendment was brought to the Cabinet.

Senator Jillian van Turnhout: I wish to clarify this, as the Minister of State was talking to the Leader of the House when I spoke. I do not want to get involved in semantics, but I would have thought that it was the role of the Tánaiste to bring this to the Cabinet. I would have thought as a courtesy, as an outsider, that it was appropriate that the Minister, Deputy James Reilly, wrote to the Tánaiste rather than him bringing it to the Cabinet. This catching up in terms of semantics is not appropriate. I would have thought that the Minister, Deputy James Reilly, acted appropriately by writing his suggested amendments to the Tánaiste.

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Acting Chairman (Senator Terry Leyden): The Minister of State has only one minute in which to conclude as we have to finish this business at 3 p.m. Does he wish to refer to that issue?

Deputy Kevin Humphreys: No.

Acting Chairman (Senator Terry Leyden): Does the Minister of State want to refer to group 4, the subject matter of amendment No. 21?

Deputy Kevin Humphreys: Group 4 relates to updating of the Passports Act 2008 to reflect the introduction of gender recognition legislation based on a model of self-declaration. We do not have the time to go through it in detail. This is to reflect the current legislation when this was passed. The amendment will be made to the Passports Act 2008.

Senator Jillian van Turnhout: On group 4 on the passport issue, I raised it when I spoke earlier. I welcome all the commitments the Minister of State has given and appreciate that we are pressed for time.

I am merely fearful that this will preclude that from happening. The Minister of State may not be able to give me an answer today, but I want to note it.

Acting Chairman (Senator Terry Leyden): I am sorry to interrupt the Senator and the Minister of State. We have reached 3 p.m. and in accordance with the order of the House, I must adjourn the debate and move on to No. 2.

Senator Jillian van Turnhout: Can we continue for a few minutes?

Senator Maurice Cummins: We have a time schedule for business for today. I cannot extend the time. I will allow two minutes, no more. Otherwise, we will have to resume it at 9.30 p.m. at the end of business.

Acting Chairman (Senator Terry Leyden): Is anybody speaking on group four?

Senator Paschal Mooney: No, proceed.

Senator Marie Moloney: Proceed.

Question put and agreed to.

Question, "That the Bill do now pass," put and agreed to.

Seanad Public Consultation Committee Report on Farm Safety: Motion

Acting Chairman (Senator Terry Leyden): I welcome the Minister for Agriculture, Food and the Marine and for Defence, Deputy Simon Coveney.

Senator Denis O'Donovan: I move:

That Seanad Éireann notes the report of the Seanad Public Consultation Committee entitled, Report on Farm Safety, which was laid before Seanad Éireann on 26 May 2015.

I welcome the Minister, Deputy Simon Coveney, for this important debate.

This issue of farm safety is not about us versus the Minister. The way to go is via cohesive policies and creating awareness. Hopefully, the report the public consultation committee produced will shine a light and focus on the tragedies on farms. Not alone are farms places of work, but they are also homes. Unfortunately, in my county we have suffered a greater share of tragedies *per capita* than other parts of country in the past 12 or 18 months. It was regrettable that on the day we launched the report there was a two-year-old boy being buried in Schull and another person in Cavan. It was poignant.

It is a question of trying to create awareness. Farm safety is an issue of growing concern due to the increase in tragic deaths last year. This is particularly important as the summer period is now in full swing and more children will be spending time on the farm when schools are closed, etc. The Government must continue to support information and best practice health and safety campaigns and look to tackle the most vulnerable groups, such as the young and the elderly.

It is tragic that there were 30 fatalities in the agricultural sector in 2014 representing over half of all work-related deaths, while farm fatalities increased by a massive 87% in 2014. Despite the number of farm deaths in 2014 being the highest in over 20 years, it is troubling to hear from the Health and Safety Authority, HSA, that it is cutting the number of farm inspections again this year. Funding for inspections has been cut significantly in the past three years, with a 55% reduction in funding in 2014 compared with 2012.

I have to be careful here also. With farm inspections, we need a balanced carrot-and-stick approach. There is the issue of coming in heavy on farmers. Farmers, as Senators will be aware, operate in an over regulated sector already and the HSA must be sensitive to this. An approach by way of education and farm walks, and a little more carrot than stick, might be the way to go. I read today in the *Irish Examiner* that there were 300 fewer farm inspections but I understand that there is a reduction in farm fatalities this year, and, hopefully, that will continue.

Also troubling in the report is that we learned that children and those over 65 are the most vulnerable. The statistics bear out this sad and tragic finding. We looked at the Health and Safety Authority farm statistics which show that farmers, who account for 6% of the workforce, recorded almost 60% of workplace fatalities in 2014. It was the worst year on record.

The Health and Safety Authority is doing a good job. It is probably not a pleasant job. In 2014, there were over 2,000 inspections, which is a significant amount. I also compliment all the major farming organisations, such as the IFA and the ICSA, which are doing tremendous work within their organisations in keeping a focus on farm safety and I noted recently, both on radio and television, the continual advertisements to be careful working on the farm when children are around.

It is also important that I welcome some of those who contributed to the public consultation some months ago. Representatives from Embrace FARM are present. I was glad to attend an ecumenical service on a Sunday afternoon in Abbeyleix about four weeks ago, which was very poignant. The Minister was present. It is important that public representatives stand in solidarity with the groups who are trying to show respect for those unfortunate people who have lost loved ones in farm accidents. A member of Teagasc is in the Visitors Gallery, as well as Mr. Patrick Duffy, the young man from Monaghan who developed an interesting board game to teach young people about farm safety, along the lines of Snakes and Ladders. If one does the correct things on a farm, one moves up the ladder, and if one makes mistakes, one will slide down the snake, so to speak. Also in the Visitors Gallery is Mr. Vincent Nally, from Irish

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Rural Link, and representatives of Professional Agricultural Contractors of Ireland, Mr. Tom Murphy and Ms Brigid Cunniffe. I will not drag out the debate. The important point is that we need this debate on the whole area of farm safety to maintain the focus on this terrible tragedy. Statistics show that a total of 26 people were killed by farm animals - cattle, horses or bulls - in the period 2005 to 2014. I am the son of a farmer and grew up on a farm. However, one has to be extremely careful with animals at all stages. Even cows, which sometimes look docile, if they have just calved or have a young suckler calf with them, can get agitated and may react and become dangerous.

The number of deaths due to accidents involving tractors and farm vehicles in the period 2005 to 2014 was 57. Almost 75% of those 57 people were killed by being crushed. In that regard, it is important to take extra care with farm machinery. The number of deaths of farmers aged over 60 years in that period was 70. It is sad that children die on farms, and in that period 22 children were killed.

I pay tribute to the rapporteur, Senator Martin Conway, and the Leader, who set up the Senad Public Consultation Committee. Sometimes we are criticised for not doing enough, but this is an area on which the committee has focused. We invited interested parties to come on board. If there is one thing we have achieved, I hope it is that we have maintained the focus for this year and the coming years on safety on our farms, which are also our homes, and vigilance with small children. We can never eliminate human error, but if we can save one life in 2015 or 2016 as a result of this report, or significantly reduce severe injuries - some people have lost limbs in farm accidents - it will have been worthwhile.

Many people will not have heard of a furze machine. We used to feed furze to horses in the winter. I almost got my hand chopped off using one. People on farms must be extremely careful.

I am pleased the Minister is present to take the debate. I look forward to hearing what he has to say. This is not a political issue; it is above politics. The Minister is doing an extremely good job in the area of farm safety. The Government agencies are working hard on it and we are all in unison in trying to save even one life this year, and maybe two next year, and trying to reduce the number of appalling injuries. Any small advance we can make is worthwhile.

I was elected on the Agricultural Panel. We are cognisant of what our farm families and communities are going through. It is a terrible burden on somebody when a neighbour, a friend or a child is killed. It leaves a mark on that community for many years. I recommend the report to the House and look forward to a full debate.

Senator Martin Conway: It is a great privilege for me to second the motion. We often hear that reports, particularly committee reports, sit on shelves and gather dust. Even if this report was to sit on a shelf and gather dust, I still think it has been a worthwhile exercise, simply because it got a great deal of publicity in the newspapers and on radio, and Senator Denis O'Donovan and I have done quite an amount to keep a focus on the report. That in itself builds awareness. If one person, maybe a mother, is listening to this debate and if something registers in her head and she implements a change in terms of improving best practice, and if that change ultimately saves a life, then this report has been worth it. I recall speaking to Mr. Eugene Hogan, who said that if this report did nothing except get publicity and media outlets covering farm safety, it would have achieved a lot.

I stood up in the House, probably around this time last year, and proposed that the Seanad Public Consultation Committee carry out a report on farm safety. I did that because I had heard Mr. Eugene Hogan being interviewed about his brother, the manager of the under-21 Of-faly team, who died as a result of a farm accident. I was so moved by his interview that I was prompted to propose the report. It has been an incredible exercise. It has demonstrated how the Seanad can be relevant to the lives of ordinary people in this country. Some significant recommendations have been made which are worthy of consideration. To be fair to the Minister, Deputy Simon Coveney, he has taken a personal interest in farm safety. He has already taken a number of initiatives in the whole area of farm safety. He speaks regularly on the issue of farm safety. I have no doubt he will find ways within the Estimates that he is preparing for budget 2016 to implement some of the recommendations.

We have proposed a scrappage scheme for outdated machinery, which would provide a financial incentive for farmers to upgrade and acquire safer machinery. That is an issue the Minister could consider incorporating into the Estimates for the budget. In terms of awareness, I commend all the people who made submissions, some of whom are here today, to the committee and those who came to this Chamber in March and made oral submissions. One very powerful submission came from Senator Denis O'Donovan's area in west Cork. A GAA club outlined in great detail what it had done in the whole area of farm safety. It organised awareness days and engaged with the senior county footballers and hurlers to assist on the day. Leading on from that, the committee made a clear recommendation that the Department of Agriculture, Food and the Marine fund a farm safety officer, to be based at GAA headquarters in Croke Park, whose remit would be to roll out on an incremental basis similar programmes to that which took place in west Cork throughout the whole GAA organisation. The structure is in place. The GAA has demonstrated its capability in doing this in other areas such as inclusivity, Traveller understanding, tolerance and so forth. I think the GAA would warmly support a role for itself within farm safety. While it would cost probably €30,000 or €40,000, the Department of Agriculture, Food and the Marine should consider, even on a pilot basis for, say, three years, funding a farm safety officer to be based in Croke Park.

Ultimately, lives will be saved if people are careful. We can have all the reports and all the recommendations we want but, ultimately, there must be a greater awareness among farm families of their own responsibilities, particularly when it comes to children around machinery and so forth. That safety message is percolating down to the farm. Farmers are now much more safety conscious than they were in the past. Unfortunately, 30 people lost their lives in 2015 but, thankfully, that figure seems to be reducing this year. One death is one death too many. Everyone has a responsibility to ensure that farms, which are homes as well as workplaces, are safe.

Approximately 400,000 people either live or work on farms. If 30 people lost their lives in any other industry there would be a national outcry. That is what we need. We need a similar approach to that being taken in terms of road safety. I know the Minister is committed to that. I would like to hear him give a commitment that he will incorporate some of the recommendations in this report, and that this report will not gather dust. We have achieved a good deal already, but there is so much more we can achieve. I look forward to the Minister giving those commitments and I know that if he does give a commitment, he will follow through on it. Let us hope he does.

Acting Chairman (Senator Terry Leyden): I understand the Senator and Senator Denis O'Donovan contributed to the report.

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Before I call the next speaker, I welcome Councillor Eugene Murphy from Strokestown and members of the Strokestown social services who are in the Visitors Gallery. They are very welcome to Leinster House and I am delighted that they have the opportunity to visit and see the work done by the Oireachtas. They have contributed to the Oireachtas during the years by their work in Strokestown and surrounding areas. Councillor Murphy leads the delegation. Mr. Patrick Duffy who wrote a report this year is also in the Visitors Gallery, with Ms Elaine Farrell from the IFA. I also welcome the other guests. They are very welcome to listen to this debate. The Minister can come in whenever he wants, but I presume he wants to hear a few more contributions first.

Deputy Simon Coveney: Yes.

Senator David Norris: I welcome this clear, factual and comprehensive report. It shows the value of Seanad Éireann and also of the Seanad Public Consultation Committee.

I compliment Senator Denis O'Donovan on this initiative and also Senator Martin Conway who I believe was also very much behind this proposal. They took evidence, reviewed statistics and examined the question of farm safety.

I was very surprised some years ago to learn that that year farm accidents were the highest cause of industrial morbidity. I thought it would be the building industry, but it was farming. That shows the clear significance of this report and its timeliness.

We hear regularly on the wireless of tragedies in farming. I remember a case a year or two ago in Ulster where two or three members of a family - wonderful, vital young men - were killed in the same accident in a slurry pit. These tragedies are avoidable, and I believe that this report will make a significant contribution towards ensuring safety on the farm.

I am very glad that this report has achieved so much publicity because if a report like this one, admirable though it is, is left lying on the shelf it is of no use whatever. We need to alert people, not people in the newsrooms or people like myself sitting in a house in the middle of the city listening at breakfast to a news report. We need to alert the people on the farms who need to take action to increase their knowledge and awareness of farm safety.

One of the most tragic aspects of this is the danger to children, whether it is children improperly driving tractors, getting tangled up in complicated machinery or falling into slurry pits.

A number of the practical suggestions in this report have been referred to but I would like to mention, and it is extremely useful and not terribly expensive, and there might be grants for it, the fitting of a gas meter to slurries in order that people would be alerted to the presence of poisonous gas. These gases do not have a strong smell or if they do, it is mixed up with other farmyard smells. A clearly visible meter on the slurry tank, which would alert people to the dangers of noxious gases, would be an extremely good measure.

I welcome very much the scrappage measure. Machinery is expensive. Out of date, badly serviced machinery is dangerous and if it can be taken out of the equation, so much the better.

I am not a member of the GAA - I have been to Croke Park four times - but the GAA is a powerful national organisation.

Senator Denis Landy: That is more times than Laois were there.

Senator David Norris: I beg the Senator's pardon. There were many times when Laois were there and they did extremely well, except for the foul-mouthed response of two Laois people sitting behind me on one occasion. I was absolutely horrified. There was a Northern family sitting in front of me and I thought, "Oh my God"; I told them that I was from Laois also but that I was not like the two behind me. To be serious, I very much welcome the involvement of the GAA. That will be an extremely valuable message and anything that makes our farms safer is welcome. Let the message go out from Seanad Éireann and let it not be contained.

It is welcome that there has been a fair amount of publicity on this issue. It is not the sexiest of issues but it is a vitally important one, particularly for people who live and work in the countryside, and their families. I believe I am correct in stating that there are very few women involved in this, although women play an active part nowadays in farming. Maybe they are more prudent and more careful than the men but whatever the situation, I very much welcome this report. I congratulate its authors and look forward to the Minister implementing as many of the suggestions contained in the report as possible.

Acting Chairman (Senator Terry Leyden): I join Senator Denis O'Donovan in welcoming the people who participated in this including the Professional Agriculture Contractors of Ireland representatives, Mr. Tom Murphy and Ms Brigid Cunniffe; Mr. Brian Rohan and Mrs. Norma Rohan of Embrace FARM; Dr. John G. McNamara from Teagasc - I mentioned Mr. Patrick Duffy - and Mr. Vincent Nally from Irish Rural Link. They are all very welcome.

Senator David Norris: May I make another brief point?

Acting Chairman (Senator Terry Leyden): Yes, certainly.

Senator David Norris: It is personal. I was speaking to Senator Denis O'Donovan and he told me that his son, who is a member of the fire brigade, had on three occasions been involved in the clearing out of slurry pits to find bodies. That is stark. It says it all and I compliment the Senator and his son on their action in this regard. What a pity that the fire brigade has to be called in to dredge out a slurry tank when such tragedies are so avoidable, and will be more avoidable in future if these gas meters are installed.

Senator Denis Landy: I welcome the Minister. It is like the house of a thousand welcomes because I would like to welcome the people in the Visitors Gallery also, particularly my good friend, Mr. John McNamara, who is literally from the next parish from me, albeit in County Kilkenny, across the border from Tipperary. I welcome all the visitors.

Sometimes people ask what Senators and the Seanad do. This is a good example of what the Seanad does. I commend and congratulate Senator Denis O'Donovan and all the members of the group who worked on the report. I am a member of the agriculture committee, but I had no direct involvement with it. I commend also all of those who made submissions and contributed in other ways. The farm is a lonely place for many people. In many cases farmers work on his own. They may work with a young son or daughter but, in the main, they work on their own. They work long hours, in difficult conditions, and, through no fault of their own, they work with machinery that may not always be up to scratch. Accidents happen in seconds. Nobody sets out to work in the morning to have an accident but the statistics are frightening. Six per cent of the working population are farmers or work in the farm area, yet between 35% and 45% of workplace fatalities happen inside the farm gate. We have to do something about this. We cannot allow a situation to continue where in 2014, some 30 of the 55 workplace accidents

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happened on farms. That was the premise on which the committee, headed by Senator Denis O'Donovan, started out. It is fair to say that the recommendations from the committee are reasonable, straightforward and do not require a great deal of money, but they require goodwill and momentum from the Minister to ensure they are implemented.

My father was a horse breeder. He was within seconds of almost losing his life from a kick from a horse while saddling it in a stable. The mare was old and had never done anything "quare", to use that word, in her life. She flicked around and hit him on the chest. Luckily, he survived it. Many others were not so lucky. These are the people we have to try to help.

The recommendations from the committee have been outlined by some of the speakers already but I will touch on one or two of them. The first recommendation is on education. In the broadest sense, that means health and safety courses, education in schools for children of farmers, education through third level, peer learning and priorities of farm safety at primary and second level. As soon as children can walk, they are out helping on the farm. There is no point in telling them about safety issues when they reach 19 and 20 years of age and have developed bad habits. When they get up on a tractor, they should carry out the safety checks. Also, they should ensure that whatever machinery they are working with is checked before using it. In the main, young men love tractors and love getting up on them and driving down the road even though they can only drive at 35 mph but think they are driving at 90 mph. That is the nature of young people and that is what they want to do. The main point is that they carry out the safety checks - that is where education comes in.

Senator David Norris has alluded to building awareness, as has Senator Martin Conway, through the GAA. I am a great lover of the GAA but I recognise that there are other organisations that can do this. It does not have to be prescriptive and does not have to be the GAA. Irrespective of what way it is done, a small amount of money can ensure that this recommendation, 3.2.1 in the list, can succeed. The scrappage scheme is important, as is the use of Internet technology for training and the whole issue of slurry gas detection devices, on which I hope the Minister will comment.

We also have to look at tractor safety and farm safety visits from the Health and Safety Authority. Nobody likes to encounter these but this is what prevents deaths. People are aware that visits can and do take place. In 90% of cases where farm safety inspections are carried out, instructions are issued. In 10% of cases, prosecutions are carried forward. While there is a great deal of work to be done, this is a good start. It is all about making sure that people who go out to work on farms at 8 a.m. and in some cases at 6 a.m., depending on the time of year, until perhaps 10 p.m. are safe. They must learn to bring into their work practices safety from the moment they open the back door to go out in the morning until they come in at night. If that could be achieved, it would cut down on the number of fatalities and the serious injuries which we have not spoken about. I know people in my area who have lost limbs through farm accidents and whose lives have been ruined for ever more.

There is a job of work to be done. I look forward to the Minister's response. I know from his background and his work as a Minister that he is extremely interested in this area. This is not about money *per se*. It is about getting better practices in place that will ensure that people are safe in their workplace, which is the farm.

Senator Brian Ó Domhnaill: I welcome the Minister. More important, I commend my colleague, the Leas-Chathaoirleach, Senator Denis O'Donovan, and his team of colleagues who

compiled the report. They spent many hours engaged in public consultation and in assessing all the submissions made and considering this important issue of farm safety. Some 30 people lost their lives on farms in 2014 which, as Senator Denis Landy said, was 60% or 65% of the total number of workplace fatalities that year.

I listened to Senator David Norris earlier who said he was shocked to hear that the farm was the most dangerous place in which to work. We would all be shocked, thinking it would be some other area, such as building sites or hard core manufacturing factories and such places. Unfortunately, it is on our farms. The dynamic of the farm is different from any other workplace. Ireland has a tradition of the family farm unit. It is where young children or young adults help out older generations to run family farms and because of the mix of age profiles involved in cutting down costs, it is inevitable that they will face challenges. They are working with dangerous animals such as bulls, which was identified in the report, but most of the accidents appear to be attributed, particularly those in 2014, to tractor fatalities. Out of the 30, approximately 60% or 65% were tractor based accidents.

Machinery on farms is dangerous but it is an essential element of any working farm. The report makes a number of recommendations on upgrading machinery, providing a scrappage grant and the PTO shaft, which those of us who grew up on a farm know is particularly dangerous. More than 30 years ago in the parish where I live, a bailer accident occurred where an unfortunate man who was operating as a small contractor was bailed through one of the small bailers. The result was catastrophic. It destroyed the family emotionally, physically and mentally, and it did the same to the local community. It was a shocking incident but such incidents occur.

There are safety procedures that can be put in place but, unfortunately, they cost money, and many farms do not have the money to invest in newer technologies and machinery, better PTO shafts and better tractors. Some of the accidents, and I am sure the committee examined this, are the result of a lack of available resources to invest in newer technologies. The Minister might outline the initiatives the Department can take to try to support on-farm investment in terms of upgrading machinery and so forth, which has been identified in the report.

Regarding some of the recommendations in the report, Senator Denis O'Donovan mentioned the slight cut in the Health and Safety Authority's budget and the reduced number of HSA inspector visits in 2015. Are there other initiatives in which the Department can be engaged to circumvent the lack of inspections? Does the Minister believe that would have a detrimental impact?

I agree with Senator Dennis Landy that this is not all about money. It is about education. I note in the report that awareness building is a key aspect, and there is reference to bringing the GAA on board. There might also be a need to look at the primary school curriculum, given the dynamic in the family farm where there are many young people working on the farm. I grew up on a farm and I remember driving a tractor but I could hardly see over the steering wheel. That may not have been the right thing to do, but it happens on every farm. It may be possible to do something in local rural schools.

New technologies, a scrappage scheme and education are initiatives identified in the report. We would all like to see the implementation of at least some of the recommendations, acknowledging the work of all the farm organisations and the people who made submissions, and acknowledging the work of the committee. I hope the Minister will take a proactive role in trying to work with his officials to implement some of the report's recommendations. I presume

my time is up.

Acting Chairman (Senator Terry Leyden): Yes, the Senator's time is actually up.

Senator Brian Ó Domhnaill: May I mention the essential secretarial and support work given by Mr. Martin Groves to the committee? I would also like to mention Senator Conway who acted as rapporteur to the committee. I congratulate the committee on the report, which is an excellent piece of work. Reports like this are often forgotten unless they are taken by the scruff of the neck by a Minister. As the Minister, Deputy Simon Coveney, is very proactive, I am sure he will implement at least some of the recommendations.

Senator Michael Comiskey: I pay tribute to my colleagues, Senators Denis O'Donovan and Martin Conway, for the work they have done on this report. I welcome the Minister and thank him for taking the time to discuss this report. It is vitally important that great care is practised on farms. Farm safety is not an issue that should be taken lightly. I would like to extend my sympathies to the family of a lady in County Meath who passed away last week following an attack from a freshly calved cow. Her death marks the fifth farm fatality in 2015. Over 30 people lost their lives on Irish farms last year. As has already been mentioned, the agriculture sector accounts for 6% of total employment but 60% of all work-related fatalities. This incredible statistic shows exactly why a shift in farm safety must be implemented. These figures are unbelievably high. We need to do everything in our power to reduce the number of deaths and injuries caused by farm accidents.

I welcome the recommendations in the report, which can vastly improve the safety levels practised on farms. When it was compiling its farm safety report, the Seanad Public Consultation Committee met many stakeholders in the agriculture industry. This report contains a number of recommendations made by the organisations that contributed to the committee's work and made submissions to it. The report recommends an increase in ongoing education and peer-generated learning for members of the farming community. In practical terms, this involves using discussion groups and getting farmers to educate groups of farmers. That is very important. Most of us are aware that groups of farmers meet on farms. It is vital that farm safety is discussed on such occasions. It has already been mentioned that the report recommends that an awareness-building campaign be conducted in conjunction with the GAA and community champions as part of a nationwide awareness initiative. This could potentially take the form of the Department of Agriculture, Food and the Marine liaising with a GAA-appointed national farm safety officer. Perhaps assistance could be provided to bereaved families when they are dealing with administration and legal difficulties following a farm fatality. It is extremely important that we work to ensure the report's recommendations are implemented. This should not be another example of a report allowed to sit on a shelf.

As Senators, we have a duty to help our friends, neighbours and fellow citizens. As someone who comes from a farming background, I know too well the dangers we face on farms. It is imperative that we provide farmers with knowledge and information on farm safety. I particularly commend the green cert course that is provided by Teagasc to all farmers. This course has been developed to meet the training requirements of full-time and part-time farmers who hold non-agriculture major award qualifications at level 6 or higher. The course contains modules on farm safety and best practice. It is essential that resources and places are available for any farmer who wishes to take this course. I know that in my own part of the country, young farmers find it difficult to attain places on green cert courses. This is a matter that needs to be resolved. We need to put farm safety discussion and consultation groups in place. This

method has proved fruitful in other areas of farming. I believe it would help in the area of farm safety too. It is important that we learn from one another and work together to make the farm a safer environment for everyone. I thank the Minister again for taking the time to be here with us today. I look forward to hearing his comments and views on the report and on the points I have made.

Senator Trevor Ó Clochartaigh: Cuirim fáilte roimh an Aire agus na haíonna speisialta atá anseo sa Ghailearaí. Ba mhaith liom comhghairdeas a dhéanamh leis na grúpaí ar fad a chur eolas chun cinn, go háirithe na Seanadóirí Ó Donnabháin agus Ó Conbhuí, a rinne an-obair ar fad ar an tuairisc seo.

I welcome this important and timely report. Its importance lies in the fact that for people living in and working on farms, the issue of farm safety can mean the difference between life and death. Unfortunately, this is especially the case when it comes to young people and children. As the report highlights, far too many adults and children are continuing to lose their lives on Irish farms. The report is timely because this is the fifth consecutive year in which the farm has been categorised as the most dangerous place in which to work. In 2014, over 50% of fatal accidents in the workplace occurred on farms, even though the agricultural workforce accounts for just 5% of the overall labour force. Figures from the Health and Safety Authority show that fatalities in agriculture accounted for 30 deaths in 2014. This figure is particularly worrying given that there were just 16 fatalities in the previous year. In other words, we had an increase of 87% in 2014. It is also important to note that the rate of fatal farm accidents per 100,000 farmers in Ireland is 60% higher than in the United Kingdom and twice that of some EU countries. I welcome the report and its recommendations, especially those relating to education. There is a need to change behaviours and attitudes, build awareness, introduce a scrappage scheme and maximise the potential of new technologies.

I would like to inform Senators that the report we are discussing is not without its constructive critics, including the pupils of a national school near Tuam who have contacted me. They inform me that the school in question, Cloghan's Hill national school, is in County Mayo. I have visited this fantastic small one-teacher school and met its pupils who have read the report in full. They wanted to make a number of suggestions. They think the report is good but would like to make some points on the education of children strategy that is recommended in it. They would really like to have some more input and to share their ideas with the Minister. Perhaps he might be able to hear from them at some stage. I think they will be in the farm safety tent at the ploughing championships. I am sure they would love to meet the Minister. They point out that adults have produced all the schoolbooks and school plans in the area of farm safety education to date and they suggest that much more needs to be done. They think they can help planners and writers to relay these matters to children in a way that will make children more inclined to engage with them.

The students of Cloghan's Hill national school have argued that the parts of the report recommending that education be especially targeted at rural schools are worrying because we cannot be sure whether anyone might visit a farm on holidays in the future. They remind us that when we are teaching children, we are tools for moulding the minds of future adults. They ask who knows whether they will become a farmer or marry a farmer and therefore end up living on a farm. They think it is important for those reasons for farm safety to be taught in urban and rural areas. They have pointed out that farm safety can be a scary area for kids. They suggest that a clear divide between places of work and places of play needs to be defined clearly. They have established a website, *farmsafety4kids.net*, on which they have been conducting surveys

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on farm safety and chemical safety. They have been shocked by some of the results of the surveys they have conducted among children. They would like to get a chance to discuss those findings with us. I think they really have to be commended on the work done in Cloghan's Hill national school.

Obviously, the figures that have been mentioned are quite alarming. I would like to note that my colleague, Michelle O'Neill, who is the Minister of Agriculture and Rural Development in the North, has taken a number of initiatives. I am aware that the Minister, Deputy Coveney, has a very good working relationship with Michelle O'Neill, who has made farm safety a cross-cutting element of her Department's work. The Northern Ireland Department of Agriculture and Rural Development works as a member of the farm safety partnership, which was formed in 2012. The other partners on that organisation include representatives of the Health and Safety Executive for Northern Ireland, the Ulster Farmers Union, the Young Farmers Clubs of Ulster, the National Farmers Union Mutual and the Northern Ireland Agricultural Producers Association. In 2014, the organisation launched the second action plan of the farm safety partnership, which reflects and seeks to build on the progress made under the earlier plan. The aim of the new plan is to influence future behaviour in order that farmers, their families and their employees are capable, motivated and able to work safely to reduce accidents on farms.

This year the Northern Ireland Department of Agriculture and Rural Development has continued its support of the farm safety partnership. All the indications are that the partnership's hard-hitting multimedia campaign is being very successful in raising awareness among the farming community of the dangers on our farms. As part of the 2014-20 rural development programme, the Northern Ireland Minister is developing programmes under the knowledge transfer measure. I am sure the Minister, Deputy Simon Coveney, is going to outline for us that he has his own ideas in this regard. Knowledge transfer will incorporate business development groups that will focus on farm safety as one of their discussion topics. Through the farm family kills component of this measure, Michelle O'Neill and her colleagues are developing programmes that will focus on farm health and safety. They intend to continue to maintain the Farm SafeNet online training package, which allows farmers to go online and complete farm safety-related training. Since July 2015, more than 950 farmers in the North have completed the FarmSafeNet package. Officials in that Department are also working with colleagues in the Health and Safety Executive to develop the Make it Safer tool, which allows farmers to assess the dangers on their individual farms and record actions to make their farms safer. They are hoping to launch that later this year. They have also engaged with colleagues from the Farm Safety Partnership via the slurry working group, which was set up to specifically examine the dangers associated with slurry handling. Its work is ongoing. I outline that merely to say that we should, as we often do, take an all-island approach to some of the issues involved. We may not have to reinvent the wheel with respect to all the issues involved. I am sure that a transfer of knowledge, a sharing of experiences and a sharing of the expertise in this area in the Minister's Department would be useful.

Ba mhaith liom tréaslú leis an dream a chuir an tuairisc fíorthábhachtach seo le chéile. Tá go leor moltaí an-mhaith ann. Tá súil agam go mbeidh an tAire in ann cuid mhaith dóibh a thógáil ar bord agus iad a chur i bhfeidhm.

Senator Michael Mullins: I support the excellent work being done as a result of the publication of this report. I welcome the Minister and thank him for taking the time to listen to contributions from the various Members to the debate on the motion. I compliment Senator Denis O'Donovan, the Chairman of the Seanad Public Consultation Committee. I also compli-

ment the rapporteur, Senator Martin Conway, who was probably the first to raise the issue of farm safety in the House as a result of an unfortunate death in County Offaly.

As we discuss this issue, our thoughts are with the families of all those who have lost loved ones throughout the country in recent years as a result of farm accidents. As previous speakers said, the farm has turned out to be one of the most dangerous places in which to work and make a living. It is timely that we are having this debate on how to better educate people and raise awareness of the issue of farm safety. Unfortunately, we all know somebody who has been seriously injured or lost their life as a result of a farm accident. I have a friend, a farm contractor, who lost his leg 30 years ago as a result of an accident with a power take-off shaft, PTO. I always marvelled at how he coped. He was on his own and a long distance from the nearest house. It was only down to his physical strength that he was able to drag himself along the ground to a house, where somebody raised the alarm, and he was brought to hospital. Thankfully, he is still hale and hearty and has had a successful contracting business in east Galway down through those years. I always think of him when we discuss these issues.

The strength of this report is in the very strong recommendations it makes. I know of the Minister's keen interest in this area. He has devoted considerable time recently to publicising the need for safety on farms. Education is an important factor, and we need to talk to youngsters in primary and second schools about the importance of safety everywhere, particularly safety on the roads, safety on farms and safety at work. Education in those areas needs to be prioritised.

I am deeply concerned about the number of young people I see in charge of very large machinery, whether it is on farms around the country or on the public roads. Given the power of the machinery, it is different from the days when one would see an old Ferguson 20 on the road pulling small loads, bringing a small load of turf from the bog or carrying cocks of hay. We now have very powerful machines, and the young people who are in charge of them do not have the necessary experience and knowledge. Farmers need to take account of that and contractors need to be very wary of that also. The potential for serious injury or tragedy is very real.

In terms of raising awareness of the issue, there is a very fine recommendation in the report suggesting that well known personalities, leading GAA figures and well known people in our community should be used to front these campaigns, and that is happening to some extent. The more we can associate well known figures with any particular campaign but particularly in this area of safety which is critical for all of us the more we should do so.

I sat in on many of the consultations we had in the Seanad on this issue and pay tribute to all the organisations and individuals who made very fine contributions.

Another issue is the possibility of a scrappage scheme. We all remember a time, years ago, when there were a lot of clapped-out old cars and bad vehicles on the roads, which constituted a major safety hazard. As our economic fortunes improve over the next number of years, the Minister might consider some mechanism for taking some of the poor equipment and machinery that exists out of circulation. There are great opportunities for entrepreneurs to devise new technologies in the area of gas detection and ways of engineering out of the system some of the problems that are causing accidents. As well as trying to raise awareness, we can see small business opportunities for entrepreneurs in the area of safety improvement. Every business and industry is constantly looking at ways to improve technology and become safer. Much of that is done through good engineering and engineering problems out of the system.

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I thank everybody associated with this fine report, including the rapporteur, Senator Martin Conway, Senator Denis O'Donovan and everybody who contributed. It is a fine piece of work and we have done the Seanad proud by producing it. Along with other speakers, however, I want to see action on it now. Some of the fine recommendations made in the report must be embraced by the Minister and the various organisations and Departments in order we can make the farm a much safer place on which to earn a living, raise families and improve agriculture. As we head into better times in agriculture, we should make the farm a much safer place.

Senator Terry Leyden: I welcome the Minister, Deputy Simon Coveney, and thank him for remaining for the entire debate. I compliment all involved in producing this excellent report, which I had an opportunity to read while I was in the Chair, including the Chairman of the committee, Senator Denis O'Donovan, the rapporteur, Senator Martin Conway, and Mr. Martin Groves who was the liaison person and secretary of the group. The group produced a very professional report at no additional cost to the House. I heard the Minister express his very personal involvement in and knowledge of the issues involved in this report.

I will not go through the excellent recommendations but will refer to my personal experience of living on a live farm with single suckler cows. There is less handling of cattle now, as the Minister knows. In the past, calves were bucket-fed and they got used to humans, but what is happening now, and I see this regularly, is that calves born on the farm are very sensitive. My wife, Mary, who is very conscious of that, and my son, Conor, are wary of going near cows when they are calving. That is a very dangerous period on a farm and it is something of which people must be aware.

There is a walk, the Suck Valley Way Walk, that goes through our land, which brings its own risks. I also know from walking the land, and not being there as much as others would be on the farm, that the cattle are very nervous of strangers.

They get quite aggressive. That is why I am glad such good input has come from the submissions made to the joint committee. However, I witnessed myself a cow with meningitis attack my wife, Mary. She avoided being hit but it was a very close shave.

There are so many dangers and it is a matter of being aware. That is why the report has got such good coverage. It is making people very aware that a farm is an industry and somewhere children have to be protected. It is very hard to watch children on a farm when one is busy with silage making and other work. To keep an eye on children is practically impossible in that case.

4 o'clock No matter how much one might like to have one's son or daughter on the tractor going around the fields, one just cannot do it. It is not a social outing or something

I can recommend. I have seen too many cases of people coming from the bog with children sitting on top of the turf. We have to be more conscious of those things. The Minister has highlighted this himself and put a great deal of effort into the area. It was one of his objectives, as Minister for Agriculture, Food and the Marine, to ensure that this has happened.

I noted the point Senator David Norris made on a meter. It is a very good point and it should be looked at because far too often this invisible and tasteless gas comes out when slurry pits are being cleaned. Too many accidents have happened and people must be very careful in this regard. All the points made in the report are actionable. I believe the Minister will take action given his great involvement. In fact, having regard to his other role as Minister for Defence, I note that the Army's engineering corps is very knowledgeable about safety and equipment. Some of the points made on getting rid of old equipment and ensuring that there is

protection on the equipment itself are very important indeed.

I congratulate all of those involved in the report and hope it will be taken on board. Having participated in this process, the farming organisations will make their members very well aware of the recommendations and concerns expressed. Through the Minister and advertising, the Department will ensure that people are made conscious of what is involved. Farming is a very demanding industry at this stage. I note a terrible tragedy in our area a few months ago where a cow attacked and killed a woman on a farm in Kilrooskey. What spooked the cow was a cat following the woman on the farm. More than a dog, it spooked the cow which went for the cat. All of these little things are matters people have to be conscious of. One has to be aware of the dangers in a dangerous business. Animals are not as passive as they were. When one goes into a field one has to take protection with one and ensure one can defend oneself against restless animals. One does not know what they are concerned about. They get nervous because they have calves.

I thank the Cathaoirleach for allowing me to contribute to the debate from the practical point of view of living on a farm.

Senator Maurice Cummins: I thank the chairman of the committee, Senator Denis O'Donovan, the rapporteur, Senator Martin Conway, and all the other members. I thank all of those who made written submissions and who attended for the oral hearings. The submissions that were made here on the day were very informative. It was a productive day and the report is a very good one which reflects what was said at the oral hearings. Education is obviously the key and quite a number of recommendations have been made in that regard. I hope they will be acted on. Neither the Minister nor Minister of State was able to attend the hearings. They were away and had apologised but we have seen from his work that the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, is very interested in and proactive on farm safety. We look forward to his comments in that regard. The Seanad did a good day's work in producing this report. Let us hope we have the necessary action as a result. One life is too many to lose in a farm accident. Unfortunately, we have lost many more than that. Let us hope our work will help in some small way to bring light to people and inform them of the difficulties and dangers that exist for farm families and on every farm in the country.

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I thank the House for the invitation to attend and for devoting so much time to this issue. I congratulate Senators Denis O'Donovan and Martin Conway who acted as chairperson and rapporteur, respectively, for this report. I have read it and looked at the recommendations and will try to accommodate as many of them as possible. Some of the recommendations are already being implemented and I will outline to the House what we are doing in this area.

I welcome those who have taken time to be here this afternoon, including Brian and Norma Rohan from Embrace FARM, Patrick Duffy from Teagasc, Elaine Farrell from the IFA and others who have taken time out to listen to the conclusions and statements on the back of a comprehensive piece of work. Unfortunately, I was not able to attend for the hearings but I assure the House that I have had no shortage of conversations around farm safety over the last two or three years. Some of the actions I will outline that we are putting in place and some of what we are planning is reflective of this.

While we can do a lot and spend a lot of money, the truth is that the innovation that is needed here is a change of mindset on farms. It is all well and good talking about scrappage schemes

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for PTOs or alarm systems but, ultimately, people need to apply self-discipline and a change of attitude to farm safety. There must be strict rules that farms are not playgrounds for children, certainly in terms of particular areas. I refer in particular to the management of machinery and the handling of livestock which are powerful and unpredictable. We must stop the excuses and start to require that the hard things are done, which involves challenging people, including family, neighbours and fellow members of farming organisations, and working with the Department, the Health and Safety Authority and a multitude of other stakeholders who are trying to change attitudes. I refer for example to the FBD campaign Champions for Change, which is a great one. It is challenging people to think differently about farm safety.

This is no different from the fishing industry which has also had to change. Thank God, we have made significant progress in the last two to three years and the number of fatalities in the fishing industry has dramatically reduced. While it was one too many, only one life was lost last year and one the year before. It was seven lives the year before that. I was shocked by the 30 fatalities on Irish farms last year. The next closest figure to that in the last 11 years was 22. There were only three years in that period when it was over 20. Last year, we had this figure the cause of which we are still trying to get our heads around. Was it just a freak year or is there some trend in agriculture which is making it much more dangerous? When 6% of the working population are suffering the burden, trauma and grief of 60% of workplace fatalities, something is very seriously wrong. This year, 2015, must be the change year with everyone working together from Seanad Éireann to farming organisations, the HSA, my Department, support organisations like Embrace FARM and the young people who are determined to make a difference because of what they may have experienced or on foot of the ideas or innovations they want to bring forward. Everybody is working together and they range from Seanad Éireann, to farming organisations, to the HSA, to my Department, to support organisations like Embrace FARM, to young people who are determined to make a difference because of what they may have experienced or wish to bring forward ideas or innovations. We need to embrace all of that to fundamentally change the way farm families collectively address farm safety in their homes and on their properties. That is the big difference here. Ten years ago, in many ways, the figures for tragedies on farms were a little disguised by the number of tragedies that took place on building sites because so many young men worked on building sites. We were building nearly 90,000 housing units a year which meant four in every ten young men worked on building sites and accidents came with such activity. Due to what has happened in recent years, and in particular last year, a line must be drawn in the sand to say "To this extent, this must stop." Many of us are trying to do that this year and for the future.

It is important to be honest and say that farms are dangerous places. Even if one carries out a safety audit on one's farm, even if one spends a fortune to get the most modern machinery available, even if one has a breeding programme to breed out negative traits from one's herd in terms of temperament, ease of calving, and all of the other things that we are trying to do with better breeding programmes and even if one is the best farmer in the country, sometimes freak accidents happen. Sometimes animals get spooked in a way that nobody can predict. Sometimes, when one is in a tractor or on a powerful piece of machinery, unexpected things happen that result in tragic accidents. Unfortunately, that will always be the case in agriculture, as well as fishing. Many farmers work on their own. They are up mountains looking after flocks or herds, they plough and harrow on their own and particularly when people are on their own unexpected things can happen that result in accidents. Therefore, we must do everything we can to change what we do control to try to reduce the risk of those accidents occurring. I do not think we have done enough which is why we are spending more money and having this debate.

We are trying to reduce that level of risk by using technology, better design and changing attitudes. Quite frankly, we are spending money to reduce the risk on farms to children, elderly people and fit adults who are involved or linked to a farm.

I shall say one final thing about changing attitudes and then I shall talk about the suite of measures the Government is taking. One of the things that really struck me recently, at the Embrace FARM commemoration event and service, was the number of women in attendance who had lost husbands or sons to farm accidents. Women living on farms can play an important role in promoting safety. Some women are farmers themselves while others are involved in work that brings an income into the household. There is a need for families, internally, to challenge one another in terms of attitudes towards these issues. There is also a role for women in the fishing industry to challenge their husbands before they go to sea in terms of their approach towards safety, equipment, and communications and so on. No farmer should go to work on their own for the day without being able to contact home. I refer to basic things like carrying a mobile phone, and making sure that one has the capacity to communicate and call for help if required. A safety mindset has nothing to do with technology. We need a change in attitude towards what might go wrong. Unfortunately, many farmers talk about farm safety but they never really apply it to themselves. They never think that they could be the next statistic or the next person being treated in the accident and emergency ward and I know that from my own family. As a family we grew up on the sea and I remember talking about marine safety, drownings and so on but we never thought it could happen to our family. That outlook is what must change in order to really make a difference. We can assist in that and we will seek to effect a change.

Let me talk about some of the things we are doing because they are relevant to the some of the recommendations. On expenditure, we launched the first capital investment programme for farm safety last year which is called the farm safety scheme. We had 6,299 applicants which means the full €12.5 million that was available for the scheme is going to be drawn down. By the way, the scheme is way ahead of the other TAMS programmes which have not all been drawn down. That shows there is an appetite to respond.

In terms of the kind of things we have asked farmers to do, we have asked them to spend money on their farms to reduce risk but in obvious practical ways. That may mean putting new lids on slurry storage facilities, replacing slats in slatted sheds, erecting better handling facilities such as guards for when one is handling livestock or providing railings on steps. These are practical sensible measures.

In terms of the money, 4,850 applicants out of the original 6,299 have now been approved with an average of four items per approval and the remainder will be approved over the next couple of months. We deliberately put a tight timeframe on the scheme and the money needs to be spent by the end of August. I will not tolerate people seeking an extension unless there is a really good reason for doing so. This scheme is about trying to get people to spend money now. It is not about building up a credit that they can spend over the next couple of years. We want change to happen now on farms to reduce risk in terms of farm safety and that is why the scheme is generous. We will have a follow-on new farm safety scheme. We have learned lessons from the last scheme and will add areas where farmers can spend money. We will spend another considerable chunk of money on a new TAMS II round which will be launched later this year. As part of the new TAMS schemes, whether it is dairy TAMS, young farmer TAMS or livestock management TAMS, a whole series of schemes will be rolled out over the summer and into the autumn.

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Before anybody gets money for the new TAMS II schemes it will be mandatory for all applicants to have completed a minimum of a half day's farm safety course. The only exception may be the direct injection slurry system which is a different type of TAMS. One can forget about getting money from my Department for new buildings and extensions, or anything that has to do with changing one's farmyard, if one has not done the half day farm safety course. If farmers want the Department to support them then they need to provide the edge. We want to support and help finance the modernisation of farmyards and, in return, we expect people to at least spend half a day on a certified farm safety course. I do not think that is unreasonable and the initiative is supported by all of the relevant organisations.

A number of people mentioned knowledge transfer groups. They have been very successful and we can do a lot through them. The dairy discussion groups were successful from the start. When I tried to introduce sheep discussion groups, I received a lot of criticism at the start of the initiative. Some sheep farmers told me that I was sending them back to school, etc. and asked if I could not just give them the money in some other way for turning up. If I tried to remove discussion groups for sheep now people would march on my Department because they see their value, and not just in terms of monetary support for turning up. Farmers listen to each other an awful lot more than they listen to me or, with respect, to anybody else in this House. Farmers listen to their neighbours when they are sitting next to them talking about what works on their farms and sharing knowledge. The most effective way, in my experience, of changing the way in which farmers approach things is learning from and wanting to get the best from different experiences by other farmers. We need to bring farm safety into that discussion. All of the new knowledge transfer groups, which is a snazzy name for discussion groups, are going to involve a mandatory farm safety course. In that way we will get farmers to talk to each other as well as talk to experts on farm safety and discuss how, in a practical sense, farmers need to respond in order to reduce the risk to themselves and to their families.

I want to talk about Brian and Norma from Embrace FARM. When they came to see me last year, after Embrace FARM was set up, they asked if I would set up a single point of contact in the Department so that families who have had a bereavement or a serious accident on a farm could contact a particular person in the Department who would give them more time and be more flexible with them in terms of the information they need. We get a lot of questions and queries from lobby groups every day - from farming organisations, farmers and people questioning decisions we have made and also on inspection results and so on. A person might telephone the Department to say she has lost her husband and is trying to find a way of understanding how the farm business works but does not know where to start. She does not even know the deadline for applying for the single farm payment and needs to talk to somebody and get some help. That type of call needs to be treated differently. Likewise, if a person's husband, wife in some cases, son or whoever is the key person on the farm is in hospital or in rehabilitation, there is a need for someone in the Department who is trained and has the time and the approach that is appropriate for that type of call. We now have that single point of contact set up. I understand that the cases it has been dealing with have been quite successful. The number is relatively small but it is really important.

At the Embrace FARM commemoration last year I met a brave young woman trying to raise her family on a farm, having lost her husband in very difficult circumstances in a farm accident, trying to forge a way forward. We want to help those people and give them the flexibility, the options and the time they need, as opposed to adding to their stress levels through missed deadlines, cross-compliance concerns or whatever. We will show flexibility in that regard. I thank

Embrace FARM for that suggestion.

In terms of getting the message out, this report has been very helpful. I agree with other speakers who said that if nothing else happens, this report has got quite an amount of media coverage. Things will happen following on from the report. This year, we sent out with our basic payment application packs more than 130,000 leaflets specifically focusing on farm safety and machinery. We will have a different theme each year. Last year it was livestock; this year it is machinery. We are using every opportunity when corresponding with farm families about basic payments or other schemes to raise the issue of farm safety to get a discussion going. Guidelines on building specifications that are being drawn up for the construction of agricultural buildings and structures will include health and safety guidelines as a mandatory aspect. We have a text alert system for farmers if we need to get a reminder out quickly in the event of a deadline change or the extension of an application process for a scheme. We are now using it actively for farm safety, reminding farmers at certain times of the year that they need to be looking out for certain dangers. There are times when more accidents occur - for example, in late spring, when the silage season starts, in the calving season on dairy farms, when slurry storage is at capacity, at harvest time on arable farms, and when there is pressure on families, with young teenagers piking bales and walking after balers making sure they are collected and dropped off. I did this myself for years. There is interaction that normally would not happen at other times of the year between the whole family in trying to get a harvest in before the rain comes. Those are the times of year when we need to be more careful, and we need to get messages out that people will listen to.

We are an active part of the farm safety partnership advisory committee. It is important to recognise the breadth of this committee, which has been in place for some time. It comprises organisations such as the Health and Safety Authority, Teagasc, the Irish Farmers Association, Farm Relief Services, the Farm Tractor and Machinery Trade Association, the Irish Countrywomen's Association, the Health Service Executive, Veterinary Ireland, the Department of Agriculture, Food and the Marine, FBD, the Irish Creamery Milk Suppliers' Association, Macra na Feirme, Professional Agricultural Contractors of Ireland, Irish Rural Link, Agri Aware and a few others that have joined recently. There is a real effort by many people to try to make a difference this year, and we hope it will make an impact. However, it is not yet having the impact we would like. There have been eight fatalities on Irish farms this year, and another person could be added to the number because a farmer on farm machinery died in a road accident which was categorised as a road fatality rather than a farm fatality. The figures are high but not as high as last year. However, last year is not the benchmark against which we want to measure in terms of where we need to be. We need to be in single figures, at worst, in trying to get the figures down. There is no acceptable figure, but certainly, fatality figures in the 20s or high 20s are not acceptable. For every fatality there are hundreds of accidents. For every fatality there are many families who are coping with rehab and lifetime injuries, physical and mental disabilities, trauma and post-traumatic stress, and many other things that scar families deeply. In many cases, members of the family never get over it in terms of the impact on family life.

Some comments were made about slurry gas meters and alarms. I have spoken to Teagasc about this issue at length. There are many in Teagasc's advisory service or among those who deal with farm safety who would say that although these are interesting pieces of technology, they can sometimes be more damaging than beneficial. When one has an alarm, one assumes that if it is not going off, everything is safe. It is in the very nature of farms that it might be fine for the first couple of weeks but the battery may go dead or the alarm may be disconnected.

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When people are agitating slurry in a shed, they will say they are fine because the alarm will go off if there is a problem. The reality is that in many cases the alarm will not go off on time and by the time it does go off it may be too late. When one has an alarm one gets sloppy. What is needed is behavioural guidelines on how to agitate slurry. One does not agitate slurry when one is in the same building as it. It should be done from the outside and when the wind direction is appropriate. The Teagasc advisers to whom I spoken about this and who are experts in farm safety are passionately opposed to this technology, but there are others who would make a strong case for it. I am not pretending I am judge and jury here. All I am saying is that there is a downside to an alarm system. It is not like a smoke alarm, because people can survive in smoke for quite a while. The gases that come from agitating a slurry tank can knock one out in five seconds. Once that happens, one is in deep trouble. Other people will come in and try to rescue the person and they will be knocked out also. We have seen in Northern Ireland and here the tragic consequences. All I am saying is that there is a place for technology, and there may be a place for alarm systems, but it is no replacement for sensible, practical guidelines on issues such as wind direction and ventilation to ensure when doing the practical things that have to happen on a farm, such as agitating slurry, people do it in a way that prevents the inhalation of gases in the first place.

The Health and Safety Authority is doing a great many things. Some comments were made regarding the reduction in the number of inspections, which I thought were a criticism of the HSA. The HSA does not talk about inspections any more; rather, it talks about farm safety visits. The impression farmers have of inspections is a negative one. When an inspector walks in through the farm gate, the farmer freezes. There are many reasons for that, but we will not go into that today; we can deal with it another day. We want farmers to encourage farm safety visits. It needs to be an educational and not a threatening process. The HSA is saying to me that this is not about inspecting farms. These are visits to help farmers create better farms that are safer places in which to work. We will not solve this problem by having more inspections. We do not solve many things on farms, be it animal welfare issues or cross-compliance issues, by having more inspections. We need to have a certain number of inspections to make sure there is that stick but, in the case of farm safety, changes of attitude are far more likely to happen if we are proactive and positive rather than adopting a critical approach and trying to expose people. The reality is that not too many laws are being broken in farmyards, and farmers could do much more to address farm safety. If farmers do not have a railing or have a broken or cracked slat, they are not breaking any rules, but it is something they need to change. Inspections need to be become farm safety visits, and the HSA is working on that issue. It is trying to focus its resources on changing attitudes rather than simply making the claim at the end of year that it had X number of inspections and that is its job done. Members might bear that mind.

The HSA also has many initiatives around education and advocacy in schools, as well as at farming events and so on. We have launched some great initiatives, often led by young people, whether they be online or through poetry or imagery in books. There is a great book, the title of which I can always remember, *Only a Giant can Lift a Bull*, which says a lot about how a child looks at the size and power of livestock on their farms. They may be ushering an animal along with a Wavin pipe or whatever, but if the animal moves in the wrong direction in a serious way they can do nothing about it. It has many interesting stories, including stories about children being carried while standing on baler twine between the two arms at the back of a tractor, watching the PTO shaft spinning around between their legs. That is the type of experience to which many children who grew up on farms can relate, including me - getting a spin down the road or laneway standing on baler twine, with no proper guard on the PTO shaft. Those types

of practice are not breaking the law, but they must not happen any more.

It is strange to make a comparison between climate change and farm safety, but the way attitudes are changing among a new generation towards something their parents would never have thought about is similar to the change in approach to recycling, emissions and so on. In the same way we saw a change in attitudes towards seatbelts and drink driving, we need a change of mindset towards farm safety. Getting young people to target their parents in terms of what is and is not acceptable is appropriate. In that regard, we may have to make some unpopular decisions. We have to ask ourselves the question: is it appropriate for a 15 year old, or a 12 or 14 year old in some cases, to be driving a tractor around a farmyard? It is legal, but is it appropriate? Is it appropriate for a 14 or 15 year old to be bringing in 30 tonnes of grain and tipping it into a dryer? I do not believe it is, even though I was that 15 year old. Without appropriate training, I am not sure that it is. We need to consider making some changes that may cause problems but perhaps are necessary in order to change attitudes and outcomes in terms of the number of tragedies that occur, with many of which farm families struggle to deal for years afterwards.

I hope that will give the Members a flavour of how we are responding to this issue. It is one that we are taking very seriously. It is probably the highest priority for me this year in terms of policy change. We are obviously implementing the Common Agricultural Policy, which is introducing a great deal of change that has been decided on at this stage, but when it comes to farm safety and saving lives, this year needs to be the year of change. I thank the Seanad for the contribution Members have made to that discussion and the contribution they will continue to make to it for the remainder of the year as people read these recommendations.

Senator Denis O'Donovan: I am very encouraged by what I have heard from the Minister. It is important that we had this debate. It is like a big 600-piece jigsaw puzzle that a young person is trying to put together. The work we have done through our committee is just one small piece of that jigsaw puzzle. We, the Minister, his Department and the organisations concerned all have a role to play. The Minister was correct in saying that attitudes will have to change. With regard to farm inspections or farm safety visits, it is a matter for young farmers, in particular, to have peer-to-peer discussions and learn from each other. An interesting statistic in our report is that the smallest number of accidents occurs among those aged between 12 and 60, because young farmers are educated, smart, efficient and capable, and that is important.

I pay a sincere compliment to Mr. Martin Groves who did tremendous work as secretary to the committee. To use a west Cork expression, he did the donkey work and the heavy lifting, and we probably had the easier job in discussing the subject and coming up with policies.

On a matter related to changes in attitude, I read in today's *Irish Examiner* about an issue that was raised by the Minister's former colleague from Cork South-Central, Deirdre Clune, MEP, namely, that €4 billion is being spent in the EU each year on farm compliance issues - in other words, to enforce farm regulations. When we consider the difficulties facing Greece and those that our economy has had and still has, we can see that €4 billion would go a long way towards dealing with some of those. We as a European community are spending €4 billion to ensure that farm regulations are complied with. That money is being spent on policing farmers.

We find there is the same attitude to farm safety. Human error will occur on farms. Incidents will happen on farms, particularly involving children and people over the age of 70 years who are elderly and vulnerable. It is important to be focused and aware. I was encouraged by

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the various groups who made submissions and came to our committee hearings, some of whom are here today, and they are very welcome. I was particularly encouraged by a group of young people from the Mizen Peninsula, a very remote area, who are involved in a local GAA club. Not only have they done tremendous work in encouraging farm safety, but they have taken lessons in the new driving centre in Bantry, my home town, and they have also done work in their community with underage children on highlighting depression and other issues. If the communities and the public became more active and farming families a little more acutely aware of the potential danger on farms and what could happen, the work we have done would represent a small step towards improving the lot of farmers.

I understand and acknowledge the Minister's wonderful commitment to this issue. I have no doubt, le cúnamh Dé, that this year the number of people killed on farms will be down, and in the coming decade we should never again have the number of fatalities that occurred in 2014. We should strive to ensure the number is reduced to single digits, even though one death is one too many, and apart from that, many farmers suffer serious injuries. It is important that we have in some small way highlighted the issue through our work on farm safety. This debate brings the issue into focus for farm organisations, farming bodies and companies such as FBD that are involved in farming. As farming and agribusiness is pivotal to this small nation's economy, we cannot allow these tragedies to happen. The Minister was correct about over-inspection. We should refrain from using the word "inspection" and instead provide more encouragement in terms of farm visits, farm safety days and so on. If 5,000 gardaí were deployed to police our roads, that would not prevent all road deaths when we take human error and other causes into account. We can only do so much, and the carrot rather than the stick approach should be taken in this area. Farmers are already heavily regulated. They resent the use of inspections. If a farmer is told that he or she will be subject to an inspection the following week for health and safety reasons, the antenna go up and immediately they go into reverse rather than forward mode. We need to encourage farmers to allow farm safety visits.

I do not mean to be derogatory but someone over the age of 70 years must do certain tests to be allowed to drive a car. It was frightening to learn that in 2014, many people over the age of 70 years, and some over 80, were involved in farm accidents, some to do with machinery. We might have to consider if there is an age beyond which someone should not be actively farming. It is not for me to decide that but we must examine all angles to see if we can reduce the number of deaths.

I thank the Minister sincerely, and everyone who contributed to the debate. We have had a good discussion and I am confident that with other similar debates and all of us working together, and if we save one life this year and perhaps two next year, we will be going in the right direction.

Question put and agreed to.

Sitting suspended at 4.45 p.m. and resumed at 5 p.m.

One-Parent Family Payment: Motion

Senator Paschal Mooney: I move:

That Seanad Éireann, noting that:

- from July 2015, lone parents with children aged seven years and older will no longer be entitled to the one-parent family payment; and

- in 2012, the Minister for Social Protection pledged to only proceed with the measures to reduce the upper age limit to seven years in the event that she got a credible and bankable commitment on the delivery of a system of safe, affordable and accessible childcare, similar to what is found in the Scandinavian countries, by the time of budget 2013;

acknowledging that:

- no credible and bankable commitment on the delivery of a system of safe, affordable and accessible childcare, similar to what is found in the Scandinavian countries was forthcoming in budget 2013, budget 2014 or budget 2015;

recognising that:

- the effects of the changes on working lone parents and those in education are devastating;

- a lone parent working 20 hours per week on minimum wage with one child will have lost a total of €108 per week when all the one-parent payment reforms introduced by the Government have been implemented;

- those lone parents who cannot obtain enough hours to qualify for family supports will be in an even worse situation;

- the cuts to the one-parent family payment will force low-income single parents to give up paid work and rely on welfare as they will not be able to work and pay for childcare on low wages; and

- to force low-income lone-parent families to choose between poverty by living on welfare alone and in-work poverty by doing low-wage part-time work with minimal State support is both anti-care and anti-family; and

accepting that:

- the changes show scant regard for the recent research showing that levels of poverty and deprivation in one-parent families in Ireland have risen significantly since the recession;

- the survey of income and living conditions data for 2013 shows that 23 per cent of one-parent families with dependent children live in consistent poverty, almost three times as many as in the general population;

- there was an increase of 32% in the consistent poverty rate for such families from 2012 to 2013;

- as almost two thirds of the poorest children in Ireland already live in one-parent families, cuts to the one-parent family payment will further impoverish the most vulnerable children in the State;

- the changes are a direct attack on poorer mothers and on the welfare of children as

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98% of those on the one-parent family payment are women; and

- the changes are being introduced without any assessment of their social impact;

calls for the Government to:

- reverse the cuts to the one-parent family payment that came into effect this month;
- and

- heed the advice of the report on the single working age payment proposal agreed to by the Joint Committee on Jobs, Social Protection and Education in March 2012, which recommended that no reform of social welfare policy should take place until childcare and other family supports are fully in place.

I welcome the return of the Minister of State, Deputy Kevin Humphreys, to the House. There is a real sense of *deja vu*. When the Minister for Social Protection, Deputy Joan Burton, first introduced the relevant legislation we opposed it and we are opposing it now. The storm clouds that have gathered since the proposal was first introduced have now generated a gale force right across the country that has resulted in several demonstrations outside the House not just by representatives of a lobby group but lone parents themselves who would have to face the reality of losing significant sums of money from 1 July 2015. That has now come to pass. Already the e-mails telling us about the financial reality that is facing lone parents as a result of this proposal are tumbling out to Members .

The motion states: “from July 2015, lone parents with children aged seven years and older will no longer be entitled to the one-parent family payment”. One of the key statements made by the Minister when she introduced the legislation has come back to haunt her. I wonder if she has reflected on whether she would have said she would only proceed with the measures to reduce the upper age limit to seven years in the event that she got a credible and bankable commitment on the delivery of a system of safe, affordable and accessible child care, similar to what is found in the Scandinavian countries by the time of the 2013 budget. No credible and bankable commitment on the delivery of a system of safe, affordable and accessible child care has been forthcoming not only in budget 2013, budget 2014 and budget 2015 but it does not look that a credible Scandinavian model of child care will be available.

An interesting aspect of the debate since 2013 is that the focus has not just been on the financial ramifications of the proposal since 1 July but that cost and access to child care have moved centre stage. What comes up time and again in e-mails and in street demonstration is the problem facing lone parents in providing care for the children. The statistics show that 60% of lone parents have one child but some have two or three mouths to feed. Those who are fortunate enough to be working, even if they work for the minimum 19 hours a week, find that when the cap on the rent supplement is factored in, they are really struggling. Part of the problem for this cohort relates to the excessive cost of child care. They are struggling to put food on the table.

As a result of the implementation of the withdrawal of the one-parent family payment from lone parents with children aged seven and older on 1 July, many will have to reconsider whether to continue to work the 19 hours or more. The Minister acknowledges that working the 19 or 20 hours a week is a pathway to work, that the lone parent will get more hours at work, and that the numbers affected are relatively low. I know the figures that have been bandied around that the overall figure of those affected was down to 10,000. I heard another figure that 4,000 lone parents were supposed to be affected. Even if the figure is 4,000, it is 4,000 too many. It is a

penny pinching measure. For the level of fury it has generated among those who are affected, and the extent of the savings that will result, it does not seem to me to be worth the candle. I know the Minister of State will put forward the argument the Minister has put forward from day one that this is about getting people out of the poverty trap and that it will move them to engage in further education and in upskilling, which will lead to more jobs.

I am involved with a committee of the British-Irish body which is dealing with a report on youth unemployment. Youth unemployment is a variable figure and can include people up to 30 years of age. A recent survey published by employers showed they thought more of a person with work experience rather than academic qualifications. I am not for one moment dismissing the notion that people should not go into further education and that they should not upskill but it is not the panacea, that is, if one pursues further education, one will get a job. That is not what is happening on the ground.

What is at issue is that people who have been relying on a certain amount of money at a period critical to the development of their child or children will no longer will get that money. I believe this change has been devastating. A lone parent with one child working 20 hours a week on the minimum wage will have lost a total of €108 per week when all the reforms introduced by the Government have been implemented. Lone parents who cannot obtain enough hours to qualify for family supports will be in an even worse situations. The cuts to the one-parent family payment will force lone parents to give up paid work and rely on welfare as they will not be able to work and pay for child care on low wages. This goes back to the original point I made, which is that the argument has now moved on from being simply about economics and money to being about the cost of child care and the dilemma that is facing people in the category we are discussing. They are going to have to decide whether to stay in low-paid jobs with small numbers of hours each week, all the while trying to figure out how their children are going to survive, or to come out of the employment cohort and stay at home to look after their children. Basically, this proposal is forcing low-income lone-parent families to choose between welfare poverty caused by living on welfare alone and work poverty caused by doing low-wage part-time work with minimal State support. We believe that is anti-care and anti-family.

I do not want to sound totally negative about this. I hope that when the Minister of State replies to this debate, he will offer some hope to people in the category we are talking about. While it is obvious that there will be no row-back on this decision, I suggest that one way of dealing with the problems caused by it would be to address the challenges of child care costs and access to properly funded child care. The Minister of State is aware that the one year of free child care that is currently provided is proving insufficient. I know the Government has been signalling its intention to extend the scheme. When the Minister, Deputy Fitzgerald, was in the Department of Children and Youth Affairs she said that a second year would be provided, but that has not materialised yet. I hope it will be considered in the budgetary framework. There is certainly a need in this area. I understand perfectly that this is a challenge for the Government in the context of budgetary considerations.

If I leave the Minister of State with any message, it is that the child care issue needs to be addressed. If that is done, the impact of this issue on the people we are discussing might be minimised. I know that various figures are being bandied around. I spoke to someone recently who said that between 4,000 and 5,000 people could be affected. Others have said that the correct figure is closer to 10,000. Regardless of the accurate figure, it is clear that this involves a significant group of people in this country. If one knows just one lone parent who has suddenly found the ground being taken from under him or her financially, one's heart will go out to him

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or her and one will ask why this is being done to someone who has no other options. I fully understand that one size does not fit all. Every case is different. There are some people who might not be capable of getting involved in further education, or who might not have the inclination to do so. There are others who might have to attach a certain priority to their children and therefore cannot move out of the particular lifestyle they have, in terms of the amount of work they have or the contract they are working under. All of those factors have to be taken into account. That is why I am saying that if the Government is not going to row back on its decision, the least it should do is try to address the child care issue.

Acting Chairman (Senator Jillian van Turnhout): I ask Senator Thomas Byrne to second the motion.

Senator Thomas Byrne: I was not expecting that, but I am happy to second the motion on this important issue, which has been the subject of a great deal of public debate in recent weeks and is causing severe anxiety, stress and worry among those who are affected by it. It is a fact that those who comprise one-parent families - mothers or fathers and their children - are generally among the poorest people in society. We can all talk about the most vulnerable people in society, but if we look at this from an economic perspective we will see that many of the most vulnerable people in society are members of one-parent families. That is the reality of it.

The Minister of State has given many reasons that sound good to explain why this scheme has been changed. The Tánaiste, Deputy Joan Burton, originally promised that Scandinavian-style child care would be available when the lone-parent limit was reduced to seven years of age. In fact, that was supposed to happen much earlier than now. It is absolutely outrageous that this has not happened. It was not a pre-election promise, or a case of “isn’t that what you tend to do during an election?”; it was a commitment made by a Minister of the Government as part of a solemn statement in Dáil Éireann. The reality is that there has been no credible commitment on the delivery of safe, affordable and accessible child care similar to that provided in Scandinavian countries, as promised by the Tánaiste. As a result of her toing and froing and breaking of promises, a political party that has been set up today is talking about promising the delivery of a Scandinavian social democratic model at the next election. A member of the Government of this country has already made a commitment to that effect in our Parliament. Can one not rely on the statements of Ministers in Parliament? It is no good saying that the Minister for Children and Youth Affairs has not followed it up.

It is outrageous that the Government amendment refers to “increased investment in child-care programmes”. The child care needs of one-parent and two-parent families is still a huge matter of political debate in this country. It is not an issue that is in any way decided or finalised. We are still trying to work out what is best and most affordable for families. Three years ago, the current Tánaiste had worked it out. She knew that she wanted Scandinavian child care to be brought in for one-parent families. Of course, it is necessary. The effect of the Government’s decision to put these new arrangements in place in the absence of proper child care provision will be absolutely devastating for lone parents who are working and in education. The Labour Party often states it is the party of work and seems to pride itself on that. I suggest that as a corollary to that, it has a suspicion or distaste for welfare. It might refer to “welfare dependency” but it is talking about what many people simply refer to as the welfare they need to prevent themselves from falling into poverty. It is not right to force people to do something that will cause them to be financially short and leave their family lives in tatters. We cannot do that because we are talking about the most vulnerable people in society. That phrase gets bandied about all the time, but I put it to the House - I am sure people will agree - that this

debate is about the most vulnerable people in society.

The Tánaiste and the Department have shown scant regard for research showing that levels of poverty and deprivation in one-parent families have increased significantly since the start of the recession. The 2013 survey of income and living conditions shows that almost a quarter of one-parent families with dependent children live in consistent poverty. That level is over three times as high as the level among the general population. That is what we are talking about. There was an increase of almost one third in the consistent poverty rate within such families from 2012 to 2013. Almost two thirds of the poorest children in Ireland live in one-parent households. The cuts in this payment that are being proposed and implemented by the Minister - they have already been brought in - will further impoverish the most vulnerable children in the State.

This is a direct attack on the poorest of the poor and it has to be said that it is another attack on women. This Department has had a very bad record on women in recent years. I remind the House that the contributory pension for people who do not have the full set of stamps was cut massively. Although this applied on paper to both men and women, in practice it was mainly an attack on women because almost all of those who are short of stamps are women who left the workforce during their careers to have children. I have given two key examples of policies implemented by this Department that have particularly attacked women by singling them out for treatment in the name of reform. That is wrong. There has been no assessment of the social impact of these changes. I am pleased to see that our motion has been signed by a number of Independent Senators because that does not often happen with party motions. The motion calls on the Government to “reverse the cuts to the one-parent family payment” and to “heed the advice of the Report on the Single Working Age Payment Proposal agreed by the Joint Committee on Jobs, Social Protection and Education in March 2012, which recommended that no reform of social welfare policy should take place until child care and other family supports are fully in place”. The Minister went much further than that when she made her commitment about Scandinavian-type child care.

Senator Terry Brennan: I move amendment No. 1:

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

recognises that:

- the one-parent family payment scheme as previously constituted has not worked effectively to lift lone parent families out of poverty: instead it operated in some cases as a welfare dependency trap, often until the youngest child of the lone parent was 18 or 22 years;

- despite significant levels of investment in the one-parent family payment, lone parents have always been more at risk of consistent poverty when compared to the population as a whole - even in 2004, during the height of the economic boom lone parents were more than four-and-a-half times more at risk of consistent poverty than the population as a whole - survey of income and living conditions data;

- in 2003, reforms to the scheme were recommended by the OECD to provide greater support in getting lone parents back into education, training or jobs at an earlier stage;

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- the previous Government started implementing these recommendations in early 2011 by reducing the age threshold of the youngest child to 14 years but did not introduce any supporting activation measures to accompany this change;

- the Government is now in the process of introducing the necessary support measures to facilitate lone parents in getting back into the workforce and to reform the scheme in order that welfare payments to lone parents whose youngest child is over seven years are no longer based on relationship status and these measures include:

- support from the local Intreo offices;

- easier access to family income supplement and the back to work family dividend;

- activation measures into education and training; and

- increased investment in childcare programmes;

- in June 2013, in recognition of the difficulties that many lone parents continue to have with childcare, the Government introduced the jobseeker's transitional payment in order that any lone parent whose youngest child is under 14 years is not required to seek work but will get support in accessing education and training; - even during the economic boom, Ireland's rate of lone parent employment was substantially below the OECD average of over 70% and it continues to remain substantially below this level; and

- the aim of the reforms is to provide lone parents with better opportunities to get out of poverty by securing employment and financial independence;

recognises the Government's commitment to:

- maintain core social welfare weekly rates of payment;

- enhance lone parents' access to the range of education, training and employment supports and services in order to develop their skill sets with the aim of securing employment and financial independence;

- support lone parents to make the transition from the one-parent family payment onto another social welfare payment;

- support low income families in employment through family income supplement which supports over 50,000 families and more than 100,000 children at a cost of €350 million in 2015; and

- acknowledges the increases in child benefit, the partial restoration of the Christmas bonus the Government introduced in budget 2015 and also the retention of the one-parent family payment weekly income disregard at €90;

welcomes the steps the Government have taken to ease the transition of affected lone parents from the one-parent family payment, including:

- introducing a new payment, the jobseeker's transitional payment, after budget 2013, which ensures that no lone parent whose youngest child is under 14 years of

age is required to work;

- providing for activation for lone parents on the jobseeker's transitional payment into education and training, while their children are under 14 years, to prepare them for labour market participation;

- the reforms, including the jobseeker's transitional payment, compare very favourably with the current threshold of years years of age, which applies in other jurisdictions such as the United Kingdom;

- the automatic reviews and increases of family income supplement for affected lone parents, following their transition from the one-parent family payment;

- the introduction of the back to work family dividend for all lone parents who transition off the one-parent family payment into employment, which allows them to retain their child proportion of their social welfare payment, which is worth approximately €1,550 per child in the first year and half that amount in the second year;

- the approximate 750 information sessions held by the Department of Social Protection around the country since February, where almost 25,000 lone parents were advised on the best options available to them;

- the Government's annual investment of €260 million in high quality, accessible and affordable childcare for parents, benefiting over 100,000 children: this is delivered through a range of childcare programmes for children, including the free preschool year and as a range of supports provided for low income parents, that is, community child care subvention programme, child care education and training support programme, after-school child care programme and community employment child care, CEC, programme, the latter two of which were introduced in budget 2013 and budget 2014, respectively;

- the establishment of an interdepartmental group to carry out an economic and cost benefit analysis of policies and future options for increasing the supply, accessibility and affordability of quality child care;

- the decision to allow lone parents in receipt of half rate carer's allowance to retain their one-parent family payment until their youngest child is 16 years of age;

- allowing lone parents who were, prior to the reform, undertaking an education course and who were in receipt of a SUSI maintenance grant to maintain both their one-parent family payment and the SUSI maintenance grant until they have completed their course of study;

- disregarding SUSI maintenance grants under the jobseeker's transitional payment means test for all lone parents who are undertaking an education course; and

- the fact that a lone parent affected by these reforms and in receipt of rent supplement may have their personal contribution re-assessed on foot of the reforms, which may result in a reduction in their weekly contribution towards their rent;

welcomes the research the Department of Social Protection is sponsoring into an active inclusion approach to lone parents which is examining best practice and innovative

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approaches to assisting lone parents to improve their well-being;

recognises that, on foot of the reforms, approximately 1,650 lone parents are now claiming family income supplement for the first time and combined with the back to work family dividend are now financially better off than they had been on the one-parent family payment;

recognises that, after the reform, lone parents with children who are aged seven years or older and in employment continue to receive substantial support from the Department of Social Protection, for example:

- a lone parent with one child who has no work will receive a jobseeker's payment of almost €218 per week;

- if they work 19 hours at the national minimum wage they will receive, on top of their wages, €235 per week between family income supplement and the back to work family dividend, a total family income of €400 per week, which is a gain of €182 per week;

- this individual is in approximately the fifth income decile;

- a lone parent with three children and no work on a jobseeker's payment will receive almost €278 per week from the Department;

- if they work 19 hours at the national minimum wage, they will receive, on top of their wages, €413 per week between family income supplement and the back to work family dividend, a total family income of €578 per week, almost a €300 gain; and

notes that the Government looks forward to examining the various supports available to all families with children, including single parent families, in the next budget.

Cuirim fáilte roimh an Aire. The Government has a plan to make work pay. We cannot allow a recovering economy to bypass thousands of families who are locked into jobless households. Jobless households with children are at particular risk of perpetuating a cycle of inter-generational poverty.

The purpose of the phased one-parent family payment scheme is to reduce long-term social welfare dependency. The positive impact of this incentive has been evident from the increase in new FIS, family income supplement, applications from lone parents who were affected by the reforms in both July 2013 and July 2014. This indicates that many transitioning lone parents have increased their hours of employment in order to claim family income supplement.

Despite significant levels of investment, in excess of €1 billion per annum from 2008 to 2012, the scheme has not been successful in preventing lone parents from being significantly more at risk of consistent poverty compared to the population as a whole. In 2004, lone parents had a risk of consistent poverty that was more than four and a half times that of the general population. Prior to the reforms to the one-parent family payment scheme, lone parents could have been on the scheme until their youngest child turned 18 years of age, or 22 years of age if they were in full-time education. The non-conditional nature of the payment, coupled with its very long duration, consigned many lone parents and their children to long-term welfare dependency. Ireland's supports for lone parents have been out of line with international norms, where there has been a movement away from long-term and non-conditional support towards a more

active and supportive approach. In New Zealand, the Netherlands and the United Kingdom, the equivalent lone parent supports cease when the youngest child reaches the age of five years.

The reforms are aimed at increasing social inclusion and reducing poverty and long-term welfare dependency. A number of issues that arose during the reform process have been resolved. The Government has addressed the carer's allowance issues by ensuring that a lone parent caring for his or her child continues on the current arrangements. It has ensured those who have returned to education can continue to access their Student Universal Support Ireland, SUSI, maintenance grant while retaining their underlying payment. The Labour Market Council has been requested to engage with employers to make them aware of the reforms and, where possible, to ask them to offer extra hours that work for lone parents and recognise their situation. We recognise the sacrifice and contribution that lone parents make in raising their children. The State provides one-parent family income support until the youngest child reaches seven years of age. The jobseeker's transition payment has been introduced to support lone parents with children over the age of seven years until their 14th birthday.

With regard to the changes to the one-parent family payment, it is anticipated that approximately 30,200 one-parent family payment recipients will transition from that scheme from the beginning of this month. Of these, approximately 20,000 lone parents will experience no income changes or will gain after the transition. The gain for individuals will be in the range of €10 to €150 per week, depending on their level of earnings and the number of children they have. The remaining 10,000 lone parents who are in employment, based on their current circumstances, will have an incentive to increase the number of hours they work. Of that 10,000, approximately 6,000 lone parents will have an immediate incentive to increase their number of work hours to 19 to claim the family income supplement and the back to work family dividend. These individuals will then be financially better off than in their current position. Many parents in this situation may be able to increase their hours to 19, which is four hours per day, given that their youngest child will be at school.

An example of the gain is that a lone parent with one child who increases her level of work from 15 to 20 hours per week at the national minimum wage and claims family income supplement for the first time will gain almost €38 per week. She will also be entitled to claim the back to work family dividend for each additional child, increasing her income by a further €30 per week per child. That is a total of €68 per week where the lone parent has one child.

Senator Katherine Zappone: I welcome the Minister of State back to the House. I support the motion.

Exactly three months ago we debated this issue in the House when my Independent colleagues, Senators Jillian van Turnhout, Mary Ann O'Brien and Fiach Mac Conghail, and I raised it. More importantly, lone parents and their representative organisations have protested vehemently against the implementation of these cuts without the provision of child care support, but their voices and ours have fallen on deaf ears. This is what I find most difficult to understand. Why are the citizens whose lives are directly impacted by this policy not listened to?

I recently published the findings from a civic forum I held in Leinster House in April, attended by more than 30 lone parents. I am privileged to have met and engaged with these self-advocate lone parents who gave of their time, energy and ideas for this transparent, inclusive and dynamic process. It resulted in recommendations for progressive changes which were presented in an outcome report from the civic forum. A couple of them - Lynn Ruane, from the

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Students' Union at Trinity College Dublin, and Stuart Duffin, from One Family - are in the Visitors Gallery and I welcome them. I provided a copy of the report to the Tánaiste and I will be delighted to provide a copy to any of my colleagues who are interested. The message of the report is clear. Lone parents wish to reduce long-term social welfare dependency, on which they are in agreement with the Government. They wish to balance their ambitions to learn, earn and care and to achieve financial independence and well-being for themselves and their children.

However, it must be recognised that demanding that lone parents achieve financial independence and lift themselves out of poverty through employment alone, when it is often of a precarious and low-paid nature, is a lot to ask. The Government appears to assume that lone parents are poor because of the one-parent family payment. This is not the case. Lone parents are poor despite the payment. In an economy where two-income households are the norm, a one-parent-led household will always be in a disadvantaged position financially. Effectively, it is trying to compete with the greater earning potential of two-parent families. While two-parent households have, between them, 48 hours to manage care, paid work, family responsibilities and rest, lone parents have 24 hours for the same. The assumption that paid employment alone will lift lone parents out of poverty is incorrect and must be reviewed. However, through education, high-quality employment and affordable and accessible child care and income supports, this can be achieved. I welcome, as do lone parents, the provision of access to Intreo's education, training and employment services to allow lone parents to develop skills and qualifications that will assist them in securing high-quality employment. I also welcome the recent change to the policy to allow access to the SUSI maintenance grant for those in receipt of the jobseeker's transitional allowance. However, I am still concerned about access to higher education for lone parents whose youngest child is 14 years old or above. They will only be able to access the back to education allowance, and I have concerns about the suitability of that scheme in providing a sufficient level of support for lone parents and their teenage children to realistically allow them to undertake a course in education. I know from my experience of working in parts of Tallaght that providing access to and sustaining courses in higher education contributes significantly to lifting people out of poverty.

I would be interested to receive an update on the research referred to by the Tánaiste when we tabled our motion a number of months ago which was sponsored by the Department of Social Protection and carried out by Dr. Michelle Millar. The aim is to identify the best practice in how to assist lone parents in improving their access to education and employment. It would be great to get an update on the research.

I would like to hear if the Department is planning on conducting a review on the outcomes for the women who are leaving the one-family payment scheme for jobseeker schemes. As their status as lone parents will not be evident in our social welfare system anymore, I hope we will have a mechanism of tracking these families in order to review the impact of the reform. This was suggested by the National Women's Council recently.

Based on my experience of working with self-advocates, I recognise that it is essential that the one-parent family policies are informed by the experiences of lone parents and that they are included in the policy-making process. That is not a lot to ask. Hence, I have called for the establishment of a special working group with a predominance of lone parents, their representatives and leading policy experts in this field to review the recent changes to one-parent family policies and make recommendations for budget 2016. These matters should be treated as a priority. Also, the working group could consider the constructive suggestions to improve the jobseeker's transitional allowance scheme as has been advocated by the organisation called

One Family.

The working group could consider lowering the hour threshold for family income supplement for lone parents to accommodate the needs of those parenting alone, especially in the absence of legislation to protect low hour workers as proposed by the Civic Forum.

Senator Marie Moloney: I thank the Minister of State for coming to the House to take this motion. Its tabling has given us an opportunity to debate the issue of the reform of the lone parents payment, a debate which needs to take place. As many of us have called for this debate in the past few weeks, it is time that the matter is discussed in detail.

My opinion on this matter has been well documented and aired in the past week or two. It is a well known fact that I have, with a number of my colleagues, had a private meeting with the Minister to raise some concerns about the reform, to highlight the impact the initiative is having on lone parents and to put some proposals to her. I have also been vocal about this matter at parliamentary party meetings.

I fully support reform, as do many of the people in this Chamber, but I have a difficulty with anyone losing income in the name of reform. As I said before, and will say again, nobody should be worse off working than on social welfare. The reason I strongly support reform is because I have worked in politics for the past 25 years. During my time I have worked with many lone parents. I have dealt with many people who lose the lone parents payment, sometimes after 22 years and even longer, depending on the number of children they have had. I encountered women who felt bewildered and intimidated by the process of applying for the jobseeker's allowance. I refer to the fact that people suddenly had to comply with the rules for the jobseeker's allowance and be actively seeking employment. Under the scheme of jobseeker's transitional allowance, lone parents do not have to satisfy the availability for work clause until such time as their youngest child reaches 14 years of age. They can, if they so wish, engage with the Department and avail of the services in the Intreo office, the local employment service and the Jobs Club. They can then be ready, when their youngest child reaches the age of 14 or earlier, if they choose to enter the labour market.

I appreciate the fact the Minister said in 2013 that changes would not go ahead unless there were adequate child care provisions. Since that statement she has made a number of changes to the scheme. The jobseeker's transitional payment has been introduced which does not necessitate the requirement to be available for work. The back to work family dividend has been introduced. There has also been a concession whereby lone parents can work up to five days a week without it affecting them, like those in receipt of the jobseeker's allowance. However, I am 100% convinced that even if we had state-of-the-art child care facilities in this country, we would still have this debate today because nobody likes to lose income. If nobody was losing income, we would not be here today and everybody would welcome the reform.

Senator David Norris: Politicians love it but it will be old news by the time they get it cut.

Senator Marie Moloney: I read the motion carefully and disagree with some of the issues outlined. I refer to the statistics from the survey of income and living conditions for 2013. The motion stated that the survey stated that 23% of one-parent families with dependent children live in consistent poverty which is almost three times as many as in the general population. The Government cited the same report but claimed lone parents were two and half times more at risk of consistent poverty than the rest of the population. However, if one goes back to 2004

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- the height of the boom - they were more than four and a half times more at risk of consistent poverty than the population as a whole. These details speak for themselves and prove this did not work at the height of the boom.

In regard to the paragraph seeking a reversal of the cuts, is Fianna Fáil proposing to reverse all of the changes that were made in respect of lone parents? These are the same proposals that Fianna Fáil's then Minister, Deputy Éamon Ó Cuív, signed off on prior to the general election. Is Fianna Fáil seeking to reverse the cuts its Government made to the rates of payment to lone parents? Is Fianna Fáil seeking to reverse its decision to abolish the Christmas bonus? Is it just asking for the changes that have happened this month to be reversed? What about the people who have changed over to the jobseeker's scheme in the past two years? Perhaps some Senator from Fianna Fáil can address this matter. I ask that party to state what it proposes to do if it is in government after the next general election.

Senator David Norris: Yes.

Senator Marie Moloney: In 2004 the personal rate for the lone parents' payment was €134.80. When we entered government, it was €188 - a difference of €46.80 per week. Senator Thomas Byrne said this could not be done to vulnerable people, but the Fianna Fáil Government obviously seemed to think that it could be done.

I wish to refer to the loss of €108 for a lone payment on the minimum wage and working 20 hours. I have made some calculations based on the details given in the motion. For a person who works 20 hours earning the minimum wage, under the newer arrangements, he or she will receive family income supplement amounting to €200 per week, have an income of €173 and will also receive the back to work family dividend of €29.80 which amounts to a little over €400. Under the arrangement for lone parents that was in place, that person would receive €444 which means there is a loss of over €40. The financial loss is still too high and nobody should lose €40, but the loss is not €108.

I have received written confirmation that customers who move from the one-parent family payment to the jobseeker's transitional payment or jobseeker's allowance will retain an entitlement to a fuel allowance. That is another thing which we were told was not going to happen.

As I have said, I fully support reform. However, we must find a mechanism that ensures nobody loses money in the name of reform. I know the argument can be made that lone parents have found themselves in the same position for years, since the introduction of the one-parent family payment, when their youngest child reached the age of 22 years or earlier if they were not in full-time education.

I had a meeting with the Minister of State, the Minister and officials. I raised concerns and put forward proposals that may help avoid or at least reduce income reductions for lone parents on low wages, in particular. I want to ensure no lone parent on jobseeker's transitional allowance, who chooses to return to education, would lose entitlement to the SUSI maintenance grant. This matter has been dealt with since I raised it and I thank the Minister of State for sorting the matter out.

I want the JobsPlus extended to lone parents in receipt of the jobseeker's transitional allowance. I would like a payment akin to JobsPlus introduced, such as an employers' support package, which will target the employment of lone parents but provide flexi-hours. I would like such criteria applied to employers in terms of this payment. I want an increase in the disregard

for people in receipt of jobseeker's transitional allowance. I want the back to work family dividend scheme extended to people who work fewer than 19 hours. I also seek an impact report on welfare allowances, especially covering the period of the past two years since these arrangements were introduced. Lone parents are being encouraged to retrain or upskill and I would like courses to work around school hours because a start time of 9 a.m. and finish time of 4 p.m. is not an option for lone parents.

I fully support the concept that the only way out of consistent poverty is through work. I am also aware consultation has taken place with stakeholders and of the establishment of the Labour Market Council by the Minister, which is supportive of reform.

There has been a significant level of investment, which amounted to in excess of €1 billion per annum from 2008 to 2012. Such investment has not proved successful in preventing lone parents from being significantly more at risk of consistent poverty compared with the population as a whole. Therefore, reform must take place. We must bring lone parents to a better place. I hope, in the long term, that reform of the scheme will eliminate long-term welfare dependency experienced by some parents. I hope that the Government will put in place services that will lone parents to become financially independent.

While I appreciate that it is highly likely we will lose this motion tonight, I ask all concerned not to go back to where we were but to move forward in a constructive manner. Also, I ask that the Minister would review the matter with a view to helping those who have been negatively affected by a loss of income following these changes.

Senator David Cullinane: Can I ask the Acting Chairman how many Members are required for a quorum?

Acting Chairman (Senator Jillian van Turnhout): I believe it is 12.

Senator David Cullinane: It is a bit much that a party would propose a Private Members' motion and its members would not be here to debate it. They should be present for the debate on their own Private Members' motion.

Notice taken that 12 Members were not present; House counted and 12 Members being present,

Senator David Norris: I express my sympathy to the Minister of State for being stuck in the shooting gallery for this, and to the people on the other side. I sat in my office and listened to limp speeches being read out with an utter lack of conviction.

I have had a very large volume of mail about this issue and a huge number of people telling me that they were my constituents, that they voted for me and so on. It is utter rubbish. None of them did, but I am used to that and it actually does not matter. I do not have a geographical constituency. I do not care whether people are constituents or not; it does not bother me. I am interested in the issues. I thought it might be useful, rather than going on with a lot of old rhetoric, to read one or two of the communications I have received because they put a human face on the situation. The first one is from a woman who states:

Wednesday is a big day for me as you are voting on my daughter & my future. Being a lone parent has completed life for me, my daughter has been the missing piece of my life up to nearly 5 years ago. When I called into my local social welfare office after I had my

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daughter asking what supports are there for being a lone parent and self employed, I was told 'we never have had a lone parent in our area that is self employed'. So there was no box for me.

The way the self-employed are cut off from support is another issue. We are talking about somebody who creates a business and employs many people, but when the business goes wallop, all the employees are looked after and the person who took the initiative does not. That is an issue Government should examine. She further stated:

These cuts to lone parents are going to affect me in two years time when I will be down €55 a week.

Where is the child care promised by Minister Burton?

That is a very important question because when the Minister for Social and Family Affairs, Deputy Joan Burton, introduced this idea originally, she said she would not implement it until there was a Scandinavian-type child care system. Everybody knows there is no such thing. In its absence, it is insupportable that the Government should attack and impose cuts on the most vulnerable and the weakest members of society. Another communication states: "For me personally, as a working lp [lone parent], these cuts have cost me €140pw..." How many of us would like to be slapped with a cut of €140 a week if we were lone parents trying to put food on the table, educate children and so on? It is disastrous. It continues:

...or approx. €5,600 p.a. calculated on 40 weeks employment. I could now, work for my p.t wage or be €30p.w better off on jobseekers allowance, therefore, I have had to leave my job.

There is an achievement for the Government: somebody who wants to work and has been put out of a job by this measure. It continues:

I suffer from a prolapsed disc and chronic pain and was told by sw [social welfare] and a labour td that a disability payment would be an option. I do not want this. I chose to work. But now I receive more money from the state than before the cuts and I have also been taken out of the tax system. And I am not the only one.

I do not know what has happened to the Labour Party but it looks to me as though some kind of suicidal virus has got into it, if it is introducing this kind of measure in the run-up to a general election. The next communication states:

I am 37 and have one son who is 9. I have worked since I was 16. I have been working part time since my son was born 9 years ago. My job is a Customer Service Agent in Dublin City Council. I have a mortgage on a house I bought 12 years ago. If these cuts go ahead I wont be able to pay my mortgage or keep food on the table.

This is the kind of situation people are facing. It continues:

These cuts are only affecting the working lone parents. How are these cuts suppose to get lone parents back to work when its the working lone parents who are only being penalised?

I cannot take on any more hours because the child care is not there and even if it were then my wages would be entirely paying someone else to raise my child.

That is a potent argument. The last communication states:

I work part time in a local secondary girls school with 700+ students. I am a cleaner and work 2.5 hrs a day and this work can be very physical. As I employed by the B.O.M. [board of management] there is a limited budget for cleaning staff so an increase of hours is not a possibility. Therefore we are let go in June and re employed in August.

There is a period in the summer, therefore, when she is not employed. It further states:

Financially, this can be quite difficult but I know I can look forward to a wage in August. This also affords me the opportunity to be here to care for and supervise my 14 year old daughter during the summer months. How lucky am I?

I receive a reduced rate of [allowance] of €175 p.w.

My wages after tax is €179 p.w.Total €354. These cuts have decimated my income by €142 pw. I will now receive €217 p.w. Jsa.

Next week we will be asked to renew our contracts. I cannot do that. In fact I rang my employer last week to explain my situation and I cried for 3 hrs after that call.

That is a genuine letter.

I will give some facts. First, the 2006 report on which these changes are based show that the average time people spend on lone parent allowance is 5.6 years, with just over 7% of beneficiaries remaining on the payment for more than 15 years. Of those, many may be carers, working or in education. That lone parents are languishing in welfare dependency in any great number is a myth. Second, every single Government report identifies child care as the structural barrier that needs to be addressed, in addition to reforming the one parent family allowance. This is reiterated by TASC, the ESRI, the OECD, One Family, Barnardos and so on. Few countries give children such long school holidays. That has to be paid for.

I will conclude by referring to the Mac Mathúna case, No. 105 of 1997. The Supreme Court specifically said that it was proper for the Government to tailor specific elements of the tax and welfare rules in recognition of the specific barriers that lone parents face compared to two-parent families. The income disregard was introduced with this case in mind, but the specific reduced income disregard is now removed for lone parents with children over seven. The income disregard was designed to facilitate the paying of costs associated with working. The advantage gained through the Mac Mathúna case is being lost, and recognition of specific lone parents' needs is practically gone. I have many more facts, but I rest my case.

Senator Catherine Noone: I welcome the Minister of State and this debate. There has been much debate and complaint about this issue in recent weeks and months and it is good to have the Minister of State present to hear from him on the issue.

It is clear that this particular welfare reform has caused much disquiet and distress to families and it is difficult not to be struck by some of the examples given by Senators David Norris and Marie Moloney. It is the Government's intention through this legislation to make work pay, but I agree with Senator Marie Moloney that to make work pay we should ensure people are not affected so seriously. One hundred and fifty euro a week appears to be a huge deduction for somebody to withstand, especially if he or she has to feed a child or children. However, it is quite simply the case that we cannot allow our economy, with its nascent recovery, to allow a

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cycle of long-term unemployment in families to continue.

Senator David Norris: It is lone parents who pay.

Senator Catherine Noone: It is very unhelpful when the Senator consistently interrupts when a person is trying to express-----

Senator David Norris: I only interrupted once. That is not constant.

Senator Catherine Noone: The Senator interrupts everybody. It is very off-putting.

Senator David Norris: Oh dear.

Senator James Heffernan: This is the most off-putting thing I have seen. The cuts to lone parents are quite off-putting.

Senator Catherine Noone: If Senator David Norris had been listening to me rather than talking, he would have heard that I agree with what he said. He is still not listening to me; he just wants to speak when he has something to say.

These households, especially those with children, are at particular risk of ending up in cycles of poverty with generations of a family out of employment. This reform is intended to minimise this. I would like to hear the Minister of State give some explanation as to how the reform is useful in response to the examples given by other Senators.

On the face of it, the purpose of the scheme is quite clear, and the intention is to see a reduction in long-term social welfare dependency. Previous reforms have been successful in this respect. The number of family income supplement applications from lone parents affected by the reforms in 2013 and 2014 tends to highlight that many lone parents have increased their hours of employment to claim family income supplement, which indicates the policy has worked, to be fair to the Government. When it comes to this payment, the facts are quite stark. They show the policy might need changes and I look forward to hearing from the Minister on what will be proposed.

It is anticipated that approximately 30,000 people previously benefited from the payment. Of these, two thirds will experience zero income changes or gain after the measure is introduced, and these gains can be up to €150 per week. It is important to point out the other side of the argument. Obviously, the very difficult situations people endure must be highlighted and are more important. Breaking it down further, the remaining one third of the beneficiaries of the payment, approximately 10,000 lone parents, are in employment and based on their current circumstances will have an incentive to increase the number of hours worked. Of this cohort, approximately 6,000 lone parents will have an immediate incentive to increase the numbers of hours worked to 19 to claim family income supplement and the back to work family dividend. These individuals will then be more financially better off than their current position, but this is dependent on them actually getting 19 hours of work. Many of the parents in this situation may be able to increase their hours given that their youngest child may well be in school at that stage. I acknowledge there is a presumption and that some of this cohort will not be able to increase their hours of work.

There are multiple scenarios where a lone parent would be better off under these reforms. Senator Terry Brennan mentioned that a lone parent with one child who increases his or her level of work from 15 hours to 20 hours per week and claims family income supplement for the

first time will gain almost €38 per week if he or she is on the minimum wage. He or she would also be entitled to claim the back to work family dividend for each additional child, increasing income by a further €30 per week per child. This is an improvement and must be pointed out. In addition, a number of child care supports are available and, if required, individuals can avail of the subsidised child care supports provided by the Department of Children and Youth Affairs. It subsidises approximately 25,000 child care places, with many for low-income parents. This includes the after-school child care scheme, which provides up to 500 subsidised child care places for children of primary school age.

We need to commit to ensuring the provision of a better child care model in the forthcoming budget. This is something the Government intends to work to continue to improve. As such, while I appreciate where the motion comes from, I do believe some of the reforms have been worthwhile and it is already the intention of the Government to continue to improve the child care component to match the welfare system. I agree with Senator Marie Moloney and I look forward to hearing from the Minister of State, in particular regarding the Senator's queries.

Senator Brian Ó Domhnaill: Like others, I am delighted to have an opportunity to raise this issue. My colleague, Senator Mary White, has been pivotal in raising the matter on the Order of Business day after day in the Chamber. She set up a campaign and championed the issue, and she will contribute to the debate in a few moments.

I have listened to the Government try to defend this during the debate, and to be honest there is no defence. Whatever way it is dressed up, one really cannot defend child poverty. The EU survey of living and living conditions report of 2012 showed that in Ireland 30.5% of the general population suffered two or more forms of deprivation but this rose to 63.2% in the case of lone parents and their children. The consistent poverty rate is higher among lone parents than among the general population. This fact has been raised by many State organisations and many research organisations in the State.

The changes introduced from a public policy point of view hit the weakest hardest. In 2014, the budget for the back to school allowance for clothes and shoes for primary school children aged between four and 11 was slashed from €150 to €100, which was a 33% cut. This is from a budget of approximately €45 million in the Department of Social Protection. The overall budget in the Department is more than €20 billion. Why are we targeting those people who are most vulnerable, such as young children and lone parents?

This is not something new. Poverty among children is not something that happened overnight on the Government's watch. I do not want to make a political point. In 2008, approximately 6.8% of children were living in consistent poverty but today approximately 11.7% of children live in consistent poverty. This is almost double the 2008 figure and this is under the Government's watch. This represents approximately 140,000 children living in consistent poverty in Ireland.

Senator James Heffernan: Shameful.

Senator Brian Ó Domhnaill: Many of them come from lone parent families. This represents approximately the population of the five seat constituency in Donegal. In the Republic, the number of children living in consistent poverty is the same as the population of the constituency of Donegal. This is a shame. I am not throwing political snowballs across the room, but all of us collectively need to stamp it out. One way of doing this is to ensure that particularly

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those most in danger of child poverty, those children growing up in lone parent families, are protected by the State. It has an obligation as guardian of those children and supporter of lone parent families to support this family dynamic and unit. Unfortunately, the cut to this payment from a public policy perspective does not do this. It is wrong.

The measure will save some money in the biggest spending Department in the State, but the money saved is a drop in the ocean in the overall amount of money being saved. A total of 15,000 parents had already been affected by the end of June and an additional 40,000 families have been affected since 2 July. This is absolutely and totally wrong. As has been stated, on 18 April 2012 the Tánaiste promised not to proceed with the legislation unless a credible affordable Scandinavian child care system was in place. Initially, the Department announced 6,000 places, which fell considerably short of the places needed. At a Department of Social Protection briefing in January, it was announced only 500 such child care places would be available.

That is far short of the Scandinavian child care system the Tánaiste was talking about back in 2012. In fact, Ireland has the worst child care system in the developed world. That is an outrage. We have to decide where we spend our money, how we spend our money and how we spend taxpayer's money. We have to decide whether we want to bring in policy decisions on spending that are going to bring about massive cuts to lone parent payments. I will give an example of the impact of the loss of the one-parent family allowance on a family unit of one parent and one child, with the parent earning the minimum wage of €8.65 per hour exclusive of previous losses due to cuts to the income disregard, for example. If the parent works 20 hours a week, they will receive a wage of €173; one-parent family allowance of €176.30; a family income supplement, FIS, payment of €94; and a fuel allowance of €10. Before the cuts in July this year, their take-home pay was around €453. That is now being cut by €50, or 11%, in July, down to €400. From July next year, it will go down by a further €15 to €387 and in July 2017 that will go down to €372, giving a cumulative total cut of €80. This is wrong. It is hitting children. We are going into 2016. Remember the words of the Proclamation: cherish all the children equally. Unfortunately, some children will have less of a chance to develop than others, given the State's intervention in slashing these payments.

6 o'clock

Acting Chairman (Senator Jillian van Turnhout): The Senator's time is up.

Senator Brian Ó Domhnaill: Even at this late stage, I appeal to the Minister of State, Deputy Kevin Humphreys, to do something about this. It is not right. It is just wrong. The money can be found somewhere else. There is wastage and there are inefficiencies in the Department of Social Protection that could be addressed.

Acting Chairman (Senator Jillian van Turnhout): The Senator's time is up. I have a long list of speakers and want to include everybody in the debate.

Senator John Kelly: I welcome the Minister of State. Unlike most Senators here today, I will not be talking about statistics or Scandinavian models, or whatever. I want to focus on one thing, which relates to what Senator Paschal Mooney said. I worked with lone parents as a community welfare officer for many a year and it is as simple as this. There is a lone parent, who has been getting the lone parent's allowance until last week. She might be working ten or 12 hours and might have that extra income. She could have €350 take-home pay per week, but she would be budgeting for that amount of money. Most likely because she had extra money on top of the lone parent's allowance, she could have a loan taken out, perhaps for education purposes, or perhaps a car loan. She could be taking out a loan to pay for a washing machine.

Now that money is gone from her. This is the problem. Her budget is gone. That is the perspective we need to start looking at this from. I do not think that when the Minister, Deputy Joan Burton, initiated this two years ago she envisaged that people were going to lose money and it is acknowledged that many have gained money. Fianna Fáil is calling for the reversal of these changes, but that would mean the people who gained money would now lose money. That is not a good idea either. Some 4,000 or fewer people have suffered cuts to their money. I know the Department is working with each of them to figure out a way to improve their lot, but while somebody in Dublin might easily be able to get an extra couple of hours to get them over the 19-hour threshold, that is not the case down the country. If someone has 12 hours, that is it. There is no way an employer would be able to give them 19 hours so that they would benefit from the family income supplement.

That brings me to a suggestion. We should have a graduated FIS payment for people who have fewer than 19 hours, targeted at the lone parents, purely because of the cut they have suffered. It could be done very easily. Somebody who has 17 hours could be given 55% of the difference, rather than the 60% with family income supplement. It is something we should look at so that they do not lose out. The back-to-work family dividend should not only apply to people who have 19 hours. It should apply to anybody who is working and under the 19 hours. Those are two areas the Minister of State should look at seriously. I know, as does the Opposition, that even if this motion is passed today, it will not change anything.

Senator David Cullinane: Why not?

Senator John Kelly: The only thing that will change anything is us influencing the Minister of State and the Minister to look realistically at this suggestion. I do not want to lose the Whip in order that I will lose my power of trying to influence them.

Senator David Cullinane: The Senator has made a big impact so far.

Senator Gerard P. Craughwell: There is a seat over here.

Senator Fidelma Healy Eames: Check it out.

Senator Brian Ó Domhnaill: Buzz Lightyear.

Senator John Kelly: Senator Terry Leyden has said once before that he knows these motions are only aspirational. It will not achieve anything. What is achieved will be achieved by Government parties on this side of the House trying to influence the Minister of State. I will certainly be one of them.

Senator Averil Power: Earlier this month, lone parents were subjected to the last of a series of cuts to welfare payments that were announced in 2012, with 30,000 lone parents with children over seven losing their one-parent family payment entirely, some of them losing up to €140 a week. I will start by correcting my colleague, Senator John Kelly, in saying that while some parents will lose nothing as a result of the changes, nobody is gaining from them. Let us be honest about this and let us be very clear on what is happening and what we are voting on this evening. Nobody is gaining as a result of this change and the loss for some families is up to €140 per week. For a lone parent who is already facing pressure at this time of year, trying to organise school uniforms, back-to-school costs and all of that, this is the worst possible time to be hit with these costs. I am sure all of us have had people contacting our offices who have been made homeless. I have heard from several lone parents from my area who are living in bed and

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breakfast accommodation and hostels and who have been there for months. As the Minister of State knows well, people are in temporary accommodation for six or nine months and Dublin City Council is saying that it is trying to get to them, but it cannot. It is shocking.

The cuts also have to be seen in the context of broader cost increases on families in the past few years and what has been happening to the most vulnerable families in our society. It is also ironic that these cuts are being implemented at what the Government tells us is a time of recovery. It tells us the recession is behind us and that we have nothing to worry about anymore while cuts like this are being implemented. It is also worth noting that the Government gave its rationale for these cuts in 2012 as wanting to help lone parents and lift them out of poverty. We have seen from the earlier cuts that were imposed since then that more lone parents have had their poverty levels increase. Some 63% live in deprivation as a result, so the consistent poverty rates among lone parents have increased since the Government set out to help them. What kind of help is that?

When we discussed these cuts back in 2012, I voted against them. I tabled an amendment that stated they would only be implemented if the child care provisions were in place. I said to the Tánaiste that I really hoped she would be the Minister to bring in Scandinavian-style child care in Ireland but that I was afraid it would not happen and was afraid of the consequences for families if it did not. At the time, the Government Senators told us their reason for supporting the changes was that they believed the Tánaiste's word. They said they would not vote for the changes only that she had given that commitment. When the facts change, the only rational thing to do is to change one's mind. It is very clear now that that child care has not been delivered, that consistent poverty rates among lone parents have increased, not decreased, as a result of earlier tranches of this policy, and that it must be stopped now. I was astonished at the time that Government Senators for whom I have a lot of respect supported these cuts, because I felt, particularly for some of the Labour Party members, that it would be a red line for them and that they would not stand over them, but I will be disgusted if they do so again today. This is an opportunity to stand up for the most vulnerable in our society and to do the right thing. I appreciate that it is difficult from a political point of view. People do not want to lose the Whip and do not want to find themselves outside their party, but sometimes in politics, one has to do the right thing and must take the consequences. I have been there in recent weeks.

Senator John Kelly: The Senator is justifying her own position.

Senator Averil Power: Sometimes one has to be able to live with oneself, to sleep at night, to look people in the eye, to answer that telephone call from a homeless lone parent and tell him or her one stood with him or her and that they were not just words of sympathy, but that one really stood with him or her and stood up for him or her when it counted. We have an opportunity to do that today. It is not too late to reverse these cuts. If the Government comes back to us and is able to implement proper child care, I would be the first to support that. As Senator Katherine Zappone and others said, lone parents, as well as two parent families, want us to address the outrageous cost of child care.

Every parent wants to do the best for his or her family. I do not think there is any point in pushing people out into crappy jobs for two or three hours that pay very little and where people are losing money as a result of working. Work should carry a certain amount of dignity. When people get to a point where they can balance family and work, it is good for the self-esteem of parents to have a job or course that they enjoy and it is good from the point of view of children for them to see their parents earning money. We are not in such a position and all the cuts have

done is force people out of work. Lone parents who worked very hard prior to this to get themselves back into education and training and get a job now have to quit their jobs because it has been made financially less attractive for them to work. I call on Members of both sides of the House to stand up, do the right thing and support the motion. The most vulnerable families in the State are relying on them to do so and I hope they will have the courage to do so.

Senator Tony Mulcahy: I want to bring some reality to proceedings. I have been an elected representative for 22 years and have worked with lone parents since I was first elected. I employ three lone parents. People would want to tell the truth. There are anomalies and some systems do not work. I have had six representatives in my office over the past two weeks, of whom five have been better off since the changes. Their income has increased from €56 to €116. One is not better off and is short €42 a week, something I raised with the Minister of State today. I have a serious problem with people being left short.

I often wonder who thinks up these schemes, whereby jobseeker's allowance, family income supplement, the back to work family dividend and jobseeker's transitional payments are mixed. I would rather have a family where the income comes from work, family income supplement or whatever brought up to a decent living income, be it a one parent family with one or two children or a two parent family supported by family income supplement.

Every year, the Vincentians send us a breakdown of what a family income should be, and that is to where we should be trying to get. I can only refer to facts. I have seen the Government spiel about a one parent family with three children which, if all the right boxes are ticked, earns €578 a week. I do not deny that is a fact. An income of €578 a week equates to a gross income of €45,000 a year, something an employer needs to consider. I hired a woman last year who had been unemployed for 14 years and had a child. She was never happier than when she was back at work and I can honestly say she was the best employee I ever hired.

One cap does not fit all. There is an anomaly in the system, which Senator John Kelly identified. The rule on 15 to 19.5 hours per week needs to be tweaked. One may be able to work those hours in Dublin, Limerick or Shannon, but one will not get them in Ballydehob or Ballygobackwards to allow one to be eligible for family income supplement. Family income supplement should be used to bring a family's income up to a decent living income. I have no problem supporting such a policy.

Senator Brian Ó Domhnaill's contribution was interesting. Some 20,000 people will experience little or no change and, as I said, five of the six people I know received a large increase in their income. It is not right that a small percentage are losing while others are gaining at their expense. That is where the balance is wrong. I can never understand why, given all the expertise available in the Departments, somebody cannot do the sums correctly to determine what one parent with one child or two children needs to live on. We make things convoluted and confusing. The six people in my office did not have a bull's notion of what had happened. We helped them with the paperwork and applications, and five of them gained money which was positive.

We need to tweak the system because it is wrong. I have no notion of voting against the Government and I am a member of the parliamentary party, but there is something fundamentally wrong when any group, in this case one parent families, are targeted. I sent two women to the Minister of State's office yesterday because I thought there was something wrong if they were losing money. It would never be my intention for any family to lose money in a budget

change like this.

This is only a motion, but it would be wrong of me to say we should not revisit this issue. We need to seek out the individuals affected. We have their PPS numbers and I would like the Minister of State to address the issue I raised with him today. We should ensure family incomes are improved rather than diluted.

Senator David Cullinane: I welcome the Minister of State. I commend the authors of the motion. I hope it is passed and there is a good chance it will. That should not necessarily mean that nothing happens because we are one House of the Oireachtas and that should mean something to the Government. If one House states it will not support cuts, surely that should be a wake-up call for the Government if democracy is to mean anything. I do not accept what Senator John Kelly said, namely, that the Seanad has voted in favour of a motion and nothing should change. That would be a sad day for democracy.

The last speaker was incredible, in terms of how out of touch he is with reality and how the cuts will impact on many families. We see this sort of Thatcherite nonsense time after time, when Governments bring forward measures like this and point to extreme examples such as where a family with three children is living on €578 a week. That is very much the exception, if such families exist at all.

Senator Tony Mulcahy: On a point of order, I said if it ticked all the right boxes.

Senator David Cullinane: The Senator had his say and this is my opportunity to have my say.

Senator Tony Mulcahy: Whatever he says will be horseshit, to be quite honest.

Senator David Cullinane: He can call it what he likes, but I am dealing with-----

Senator Tony Mulcahy: That is what it is.

Senator David Cullinane: I am dealing with reality.

Acting Chairman (Senator Michael Mullins): That is out of order, Senator Mulcahy.

Senator Tony Mulcahy: As am I, every single day of the week.

Senator David Cullinane: I am dealing with reality, which is the large number of people who contacted me and the meetings I attended with lone parents who are losing, rather than gaining, money. For any Senator on the Government side to say five out of the six people who contacted him will gain money is incorrect. The majority of women in receipt of lone parent's allowance will lose money because of the measures the Government introduced. It is women in work who will suffer the most.

This is ideological. We see the same with the Tories in Britain. We heard the mantra from a Government Senator that this is about making work pay. It is about cutting money and supports for women who are in work. The women who will lose out are those in work. We have heard examples of those who will receive less in their pay packets. One Labour Party Senator agreed and gave examples of women who will be down €140 a week, which is a significant amount of money. That is the reality that will impact on many lone parents because of the changes being introduced.

The reason the Tánaiste said in this Chamber and in the Dáil in 2012, I understand, that she would not introduce these measures unless Scandinavian, as she put it, or universal child care was available, was because she recognised at the time that if she proceeded with these changes in the absence of child care, it would be a disaster. Women would not have the money to pay for child care and it would not be in place for them. She accepted that at the time, but has now proceeded with the changes and will continue with the cuts.

The Government cannot defend these cuts. How can work pay when 20% of the workers in the State are on low pay? Many of the workers we are discussing are on low hour contracts, even some of those who want to work extra hours, and the Government has done precious little about it. They may work in the retail sector on low hour contracts and want more hours, but they cannot get them. Therefore, it is illogical for the Government to state this cut is about encouraging women to work more and about ending a dependency that some lone parents may have on welfare. These are some of the arguments cited by the Fine Gael side also. It is absolute nonsense. This is a cut and that is all it is. It is meant to save money. It is an ideologically driven move by the Government, supported mainly by Fine Gael. It is, as other Senators have said, amazing the Labour Party is supporting these changes. If the Minister of State was standing where I am and his party was in opposition - it was in opposition, it railed against everything the previous Government did, it was often right and it stood on the same side as Sinn Féin, Independents and others when it opposed many of the changes introduced by the previous Government - and if a Fianna Fáil Government tried to introduce these changes, he would not support it. Therefore, why would he do it in government and why would he expect me or anybody else on this side to support him? He knows this is wrong. The Labour Party people know it is wrong. Deputy Emmet Stagg in the Lower House wrote to one of his constituents saying it was wrong but yet voted differently. Many Labour Party Senators say they do not like a lot of this but they do not want to lose the Whip because they would lose their influence. Labour Party Senators have no influence in government and that has been proved time and again in this Chamber when they voted for all the Fine Gael budgets and all the cuts. It is again supporting Fine Gael on this cut.

Sometimes the medicine has to be doled out. We are the people, along with members of the Labour Party, who must look the people affected by this cut in the eye and say we made the arguments but again the Government did not listen. It has pressed ahead with changes which it knows are unfair and which we and the Minister of State know will drive more women into poverty. There are more people in poverty in the State than when the Government came into office. Report after report shows that and this cut will deepen child poverty. For that, the Government should be ashamed of itself. It has done it over and again with many of the measures it has introduced and here it goes again. I wholeheartedly support the motion. I hope it is passed and that the Government comes to its senses and reverses a cut which will drive more people into poverty.

Senator Fidelma Healy Eames: I welcome the Minister of State. I am disappointed the Minister, Deputy Joan Burton, is not present. I feel deceived by the Minister. I voted for this cut when I was on that side of the House on the basis that she said she would not introduce this change to reduce the age for the one-parent family payment from 14 years to seven until, to quote her famous phrase, there was a Scandinavian child care model in place. Today, we learn that the European Union welcomes our efforts to reform the lone parent family payment but again it highlights the structural barrier of child care. The Minister of State is hanging himself out to dry.

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I find the lone parent cut very difficult because I am always struck with admiration when lone parents come to see me. It is always the mother who comes to see me. They come to talk about the challenges to stay in education and continue to rear their child and generally it is to do a master's degree. I am struck by the mothers who rear their children and manage alone. The key word for me in all of this is "alone". When I had younger children I was grateful for the fact that I had a partner, a husband, to help me rear the children because, truly, it is tough work. I can only imagine what it is like rushing home from a few hours of work, worried about traffic, collecting a child and having to manage alone for the evening. Around 5 p.m. is a really tough time with young children so it is nice to have an extra pair of hands. Why are we singling out lone parents? Some 98% of them are mothers and there are children involved. They are our future. These are the people in whom we should be investing. Senator David Norris told some stories. The following is what a mother said to me:

I will be watching the Seanad vote on lone parent cuts tomorrow. Due to my job and salary being halved because of reforms which have disadvantaged me and my daughter I can hardly believe that the Labour Party who were voted in by people like me, because of their equality policies, do not get the huge disadvantages being created in a failure to recognise at any level that lone parents have issues which sometimes mitigate against employment. If you believe that my losing my work and salary and being directly casualised is of advantage to my daughter, then the feminism that the Labour Party purported to support is a lie and not worth my time.

That is what I question. The Labour Party is not pro-woman, pro-child or pro-family. I will not even speak about the fact that I have not got an answer from the Leader or the Minister about the 17 pregnant and homeless women in Dublin, whom I mentioned here last week. I have tried to get coverage for them. Who cares? It does seem as if anybody really cares. Children, women and family must matter. They are the bedrock on which we build the society in which we are going to create some stability.

According to the Department of Social Protection, 11,000 parents, not 4,000, immediately lost income after the changes to the one-parent family payment were introduced. Many will not be able to increase their hours to qualify for family supports and many will lose their jobs. Those taking up work will be poorer than they would have been under the 2012 rules. Each Government report identified that child care is a structural barrier that needs to be addressed in addition to reforming the one-parent family payment. I welcome reform if it is met with supportive measures. This is reiterated by Task, the ESRI, the OECD, One Family and Barnardos. Blaming the one parent families is something I have a great difficult with. As Senator David Norris said, the average time on one-parent family payment is 5.6 years, with just over 7% on it for more than 15 years, which I agree is a long time, but many of these are carers or in education. That lone parents are languishing in welfare dependency in great numbers appears to be a myth. There are contradictions. I want to say something which I am sure it will be very controversial.

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

Senator Fidelma Healy Eames: I need about one minute. Every parent, every mother, has a father, a partner. There are two things the Minister, Deputy Joan Burton, should have done. She should have come in with a proper child care system to allow parents go back to education and to allow them to work. She has not done this. The other question is, why are we not pursuing the father? When one creates, one should be able to take responsibility for it. Whoever

procreates should contribute. I have family members and friends who have gone through this. They have been in and out of courts trying to get the dual responsibility of the father to pay up for his children. If it fails in the courts, let us have direct payments from social welfare or from salaries. That is a policy I want to see implemented. What type of society are we propagating that we are making victims of our children? We are making pariahs of our women. It is wrong. Let whoever creates contribute. I would like to hear the Minister of State's response.

Senator Mary M. White: I will take the liberty of reading a letter from *The Irish Times* of 26 June from Fr. Peter McVerry. I am appalled. My siblings and I were reared in a Labour Party family but my father and mother, if alive today, could not identify with what is going on in the Labour Party. The trappings of power has gone to the head of all the elected Members. Absolute power corrupts absolutely. There is a lack of compassion because the trappings of power are so pleasurable and sensuous. I read a letter from Fr. Peter McVerry:

The abolition of the one-parent family payment from 1 July for parents whose youngest child is over seven years of age in an effort by the Department of Social Protection to save money will cause unnecessary hardship for thousands of lone parents and their children and should be abandoned.

Fr. Peter McVerry knows more about poverty and inequality than anyone else in this country. He calls for this measure to be abandoned. He says that many lone parent families will face increased financial difficulties and some may be forced to give up their part-time employment and become fully dependent on social welfare. When I spoke on this before, I made the point that the women in the House are all ambitious and have pleasant lifestyles with good jobs and partners to support and help them with their children. As Senator Fidelma Healy-Eames has so eloquently said, it is hard to think of anything more difficult than a single mother or lone parent who is working and who must also head home to mind the children. I do not understand how the Minister, Deputy Joan Burton, is so cold. I really do not. The power has gone to her head; I am not afraid to say it.

Fr. McVerry goes on to say that this is only the latest of a number of policies from the Department of Social Protection which has caused huge hardship and he refers to another serious cut; the reduction in the jobseeker's allowance for those under €25 to €100 per week. That targeted a group of people who are not politically organised or active. The rationale for the measure was, ostensibly, to get young people off their couches, away from the television set and out to look for work. It is a mindset that reflects the policies advocated by the right wings of the conservative parties in the United Kingdom. Fr. McVerry also stated that he met a young man who had been living in a long-term homeless hostel for which he had to pay €50 per week. Unable to survive on the other €50, he fell behind with his rent, was evicted and is once more living on the streets. He says he knows many young people who are drug free but are refused social welfare payments because they have no address due to an unwillingness to stay in hostels which are full of drugs.

Having observed the Minister of State over the years, I note that he is a genuine human being. He must plead with the Tánaiste on the cruelty of it. I was just at a meeting of the Taoiseach's committee on the commemoration of 1916. We will shortly commemorate and revere the people who died for their country. They were willing to put their lives down. As such, will the Minister of State for God's sake ask that woman to reverse what she is trying to do? She is destroying the Labour Party as far as I am concerned.

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Senator Jillian van Turnhout: I wish to share my time with Senator James Heffernan.

Acting Chairman (Senator Michael Mullins): Is that agreed? Agreed.

Senator Jillian van Turnhout: I welcome the Minister of State. I have listened very carefully to the debate. Senators across the House are either calling for us to reverse or, at the very least, pause this cut. That is what I am hearing and I hope the Minister of State is hearing similar. When the Government took office, I supported a number of cuts that had to be made because we had to cut our cloth to our measure, but this is one cut that was flawed from the very start. With colleagues such as Senator Katherine Zappone, I opposed it. This was one that went too far and which did not have a clear policy basis. We have had time to review and fix it, but that has not happened. Senator Katherine Zappone and I have organised several debates in the House on the issue but we have not sorted it out. Many of the issues people have raised in the House yet again today have been raised before. I commend and support my colleagues Senator Katherine Zappone and Averó; Power in everything they said. I totally agree.

The difficulty I have is as follows. The Government has established an interdepartmental group on child care and everyone agrees that there is a need to invest in child care. We have to remember the context. When we were making these cuts, we were lectured that to improve outcomes for children, we had to invest in services. Last year's budget was our first opportunity to begin, but we increased child benefit by €5 without actually investing in child care and the services everyone says we need. Nevertheless, another increase of €5 in child benefit has been mooted again. I really do not see it. We were lectured about the importance of investment in child care, but the Government, which holds the cards, and the Tánaiste, in particular, took the decision to say "No, let us increase child benefit by €5". The reality is that those who have the wealth will not necessarily notice the €5 increase while that sum will not stretch very far for those who do not. We really need to invest the money where it will make a difference.

My vote this evening will be in solidarity with lone parents and their children. I have issues with both the motion and the amendment and I could debate that, but it is the clear principle on which we are voting here this evening that my vote will be for.

Senator James Heffernan: I thank Senator Jillian van Turnhout for sharing time with me. I see a great deal of Labour Party bashing going on today.

Senator Mary M. White: It is not bashing.

Senator James Heffernan: Yes there is and there is a bit of politicking going on also, Mary.

Senator Mary M. White: Excuse me. How dare you speak like that?

Senator James Heffernan: Senator White.

Senator Mary M. White: You are a novice and talking like that.

Senator James Heffernan: There is politicking going on. Certainly, it has been a dreadful decision by the Labour Party, which many of its members have recognised. Former colleagues of mine have told me of fraught Labour Parliamentary Party meetings and I just cannot fathom where the party thought it was going with this. There was a wave of goodwill after the marriage equality referendum, but then this was lashed out.

I studied in Finland, a country with a similar population size and demographics to our own. I visited Copenhagen. It would not require a massive change in the way we think through child care to implement the child care system that is operating in the Scandinavian countries. It does not take a massive leap of faith to get our act together to do that. The idea of increasing, as Senator Jillian van Turnhout said, child benefit by €5 for everyone is insane. I have always said the universal child benefit payment was wrong. The reason I left the Labour Party was over cuts to child benefit because it was a promise that was made but was not kept. This is another thing that is a promise and it is what people are missing. The Tánaiste promised that these cuts would not be implemented until the safeguard of a Scandinavian child care system was in place. That has not materialised. Instead, we see the handy option of going back to give everyone an extra fiver and all will be safe and well. That is not the case. It is ridiculous that we still have families in this country that can save up their children's allowance to go on a skiing holiday at Christmas while other families are struggling to put food on their tables and to bring children to school. It is just not right.

Connolly, 1916 and cherishing all of the children of the nation equally will be quoted back to the Labour Party *ad nauseam* in the run up to the commemoration. This cut does not go any-way towards treating children equally. In fairness to the Minister of State, he is a fair man and has been fair in my interactions with him. He knows about the social welfare system and about what works and what does not. This is a retrograde step and something that needs to be looked at. I hear other Government Senators saying it is a motion and will not go anywhere, but it will be symbolic if this House sends a loud and clear message that we want to see a reversal of a cut with which we do not agree and wish the Government to rethink. There have been some suggestions about how it can be thrashed out and rethought. Perhaps that is where the Government needs to go with it and where the Department needs to go; back to the drawing board to sort out child care. The €5 increase in children's allowance does not make sense. I could go on, but I am out of time.

Senator Gerard P. Craughwell: I thank the Minister of State, Deputy Kevin Humphreys, for being patient. I would like to begin my contribution to this debate by referring to a section of the website of the Department of Social Protection on which a number of ready reckoners are set out. I am sure the Minister of State is aware that four of the seven examples given on the website show lone parents losing money as a result of these changes. My contribution is based on the words of a lone parent living in the country who wrote to me. She made the point that many small-business employers simply do not want to sign family income supplement forms or formalise anything. They want nothing to do with Departments. If a lone parent in a vulnerable position who is looking for work gets a job for a couple of hours a week, he or she will have to try to get the relevant forms signed. The Minister of State knows the way the system in this country works as well as I do. It is unfortunate that he is in the firing line this evening because he is one of the few Ministers or Ministers of State in this place who would go out of their way to help people.

Lone parents are one of the few minority groups that society forgets. They are predominantly women who act as both mother and father to the future of our nation. Since 2012, these people have been particularly targeted for regressive cuts to allowances and social welfare payments. The impact of this is severe. I believe it will have dire consequences for society. These parents, who should be viewed as champions, stand to lose vast amounts of income because they work. This loss in income will result in them being financially unable to provide for their children. It is the children who will suffer. Extracurricular activities will be sacrificed and

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spending on essential clothing will be reduced. The few rare treats that these children get, like a day out or a trip to the cinema, will become a thing of the past.

Children need social skills. These cuts will see children become socially isolated. Their self-esteem and confidence will suffer. This will have further social impacts for the State as the children of one-parent families mature and realise that the State views them as less than the children of two-parent families. They will see the State punish their parents for working. They will become latchkey kids as a result of this measure. They will see themselves stigmatised, which is most worrying. Stigma should have no place in today's society. The cuts in one-parent family payments have inadvertently caused stigma. They have brought us back to the days when the child of a single woman was considered in a certain way. I will not use the word because there are children in the Visitors Gallery. I doubt that this was the Tánaiste's intention when she made these decisions, but it has become the outcome.

Everything I have said so far is a reflection of the views of a single parent who has written to me about her own personal circumstances. Like every Senator who has spoken on both sides of the House, I am concerned about this issue. Like others, I have received countless e-mails from people who will lose up to €142 per week. It is simply not good enough. The single parent who wrote to me referred to another payment and said that if these cuts are not reversed, lone parents will be in even worse financial circumstances two years from now. The back to work family dividend will have expired and they will no longer be eligible for jobseekers' transitional payments. Therefore, she argues, these people will stand to lose a minimum of a further €90 a week. The woman who wrote to me also pointed out that the €60 offset is not available unless one is working three days a week. If one is working just one day a week, the offset does not apply and one gets just €20.

As I have said, the website of the Department of Social Protection shows the problem with the lone parents' payments that are coming on stream. The European Anti-Poverty Network Ireland has issued a position paper on activation as it applies to lone parents. I do not think I will have time to go through each of the ten recommendations in the position paper, but I will mention some of them. According to the network, the Government should:

...pause and review the rollout of the reform of the OFP so that the underlying problems can be addressed. Reform should only progress if it can be properly resourced so it can be successful for one-parent families.

As the Minister of State has been here for two hours, I will hand him a copy of the other nine recommendations that are set out in the position paper. I ask him to address them back to me through his office so that I can go back to the parent who gave them to me. I thank him for his time. I sincerely hope that when he walks out of here today, he will have lost a vote and will have to tell his senior colleague, the Tánaiste, that she needs to wake up because the country is screaming that this has failed. The Government needs to back out of this flop now before it damages families.

Minister of State at the Department of Social Protection (Deputy Kevin Humphreys): I support the Government amendment. I thank everyone for their contributions. I was present for the entire discussion. The Senators who have remained in the Chamber are probably familiar with my record in this House. I come in, I listen and I try to work on the basis of any viable and good ideas I hear. It is very rarely that I take offence in either House, but I have to say I took grave offence from the comments of Senator Mary White because I do not come from a

privileged background. The Labour Party is not a populist party. We have had to come in and fix this country twice after it was crashed and burned by the party she represents and for which she intends to stand as a candidate at the next general election. I believe her comments were more about the next general election than about what she actually believes. I will debate that issue with the Senator at another stage. I was particularly saddened by the tone of her remarks. As she know, I rarely respond to remarks in this House.

There is no doubt that this country has gone through an incredibly tough and painful period. The people have toughed it out through the very worst of times. The reality is that we protected the most vulnerable people when the public finances were at their most vulnerable. Our system of social transfer, as welfare payments are known, is the single most effective in the European Union when it comes to preventing poverty. We can stack up report after report. People have mentioned reports. Senator Jillian van Turnhout is not here, but I would like her to be aware that in budget 2015, the Government correctly increased child benefit and partially restored the Christmas bonus. It is a fact that in January this year, we retained the weekly income disregard of €90 under the one-parent family payment. That is the Government's record.

This is a reforming Government. The reform of the one-parent family payment scheme, which has been under way for three years, is vitally important because over time it will greatly help to reduce poverty among lone-parent families. The Government has reformed the one-parent family payment because for too long, the previous systems failed lone parents. Since the scheme was created in 1997, lone parents have been more at risk of poverty than the population as a whole. According to the most recent data from the CSO, which comes from its 2013 survey of incomes and living standards, some 23% of lone-parent families are at risk of consistent poverty. This is 2.5 times the level among the population as a whole. It is simply not acceptable. In 2004, at the height of the greatest economic boom this country has experienced, some 30% of lone parents were at risk of consistent poverty. To put it another way, they were 4.5 times more likely to be at risk than the population as a whole. Incredibly, this figure had increased by 2006 to the extent that lone parents were five times more likely to be at risk than the population as a whole.

The easiest thing to do in politics is nothing. Senator Paschal Mooney spoke about “the level of fury” and matters like that. In the past, Fianna Fáil sometimes responded to fury by trying to be populist. I would like to think the Government is prepared to take decisions that are unpopular in the short term in order to do the right thing. I do not think these decisions will be unpopular in the long term. The Government is not prepared to tolerate certain outcomes without looking at how they can be improved for lone parents and their families. Before these reforms, Ireland was alone internationally in its system of supporting lone parents. Lone parents were able to stay in the one-parent family payment scheme until their youngest child turned 18 years, or 22 if he or she was in full-time education. According to a 2003 report published by the OECD, *Babes and Bosses - Reconciling Work and Family Life*, the one-parent family payment scheme needed to be reformed to reduce the expectation that lone parents would be in receipt of this payment for the long term. Other countries have moved away from providing income supports for such long durations and towards a shorter and more engaged approach that is designed to support lone parents as they make the transition into employment. In New Zealand, the Netherlands and the United Kingdom, for example, the equivalent support for lone parents ceases when the youngest child reaches five years of age. More recently, OECD research shows that single mothers in Ireland have one of the lowest employment rates in the OECD. Less than 48% of single mothers in Ireland worked in 2011 compared to the OECD average of nearly two

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thirds. Forthcoming research by the OECD will show that this disparity continues with only 51% of single parents in Ireland in employment in 2014 compared to an EU-15 average of 69%. In Ireland's case, these numbers have been remarkably stable over time, at 50% in 2002, 51% in 2007 and 51% in 2014, which clearly indicates that the gap was apparent before the crisis and points to a structural problem.

It should be recognised that Ireland has the highest lone parent penalty in the OECD. On average, single parent households in OECD countries have a disposable income equivalent to two thirds of that of a household with children and more than one adult. Ireland is the only country where single parent households have less than half the disposable income of households with children and more than one adult. This is the principal reason single parents are consistently more at risk of poverty in Ireland than the population as a whole. However, we know from the research that being at work reduces the risk of poverty rate for lone parents by three quarters. That is why there had to be a change in our approach to supporting lone parents.

The Government is committed to improving the provision of child care, including the supports that are available to lone parents. We have introduced schemes that offer heavily subsidised child care places to assist lone parents to take up community employment placements or jobs. Both of the schemes build on an annual investment of €260 million to provide high quality child care which benefits approximately 100,000 children.

I am anxious to respond to the points that were made in the debate. In response to Senator Paschal Mooney, the Tánaiste has said she will examine, in the context of the budget for 2016, the various supports available to all families with children, including single parents who are in full-time and part-time employment. The Senator asked me to address that directly. Regarding the Scandinavian child care system, the reforms were announced in budget 2012. I have listened to the debate on this in the House previously, and Senator Marie Moloney referred to this in her contribution. The reforms announced in 2012 are very different from the reforms implemented last month. The original reforms required lone parents, whose youngest child was seven years of age, to be actively seeking employment. This has changed and now only applies at 14 years of age due to the introduction of the jobseeker's transitional payment. That gives parents the advantage of being able to engage with the Intreo centres and the different possibilities of support in education.

Senator Katherine Zappone asked about the research of Dr. Michelle Millar. That research is continuing and is due to be finalised by the end of the month. As part of the research, Dr. Millar has undertaken an extensive consultation process, including meeting with lone parents' representative groups. We hope the research will be completed by the end of the month and I am sure the Tánaiste will share that information with the Senator as soon as she has it.

Senator David Norris raised the issue of access of self-employed lone parents to one-parent family and jobseeker payments. I will address that with him at a later stage. On child care, there are 100,000 State subsidised child care places supported by the Department and 25% of these are supported for low income parents.

Senators raised a number of other matters. The back to work family dividend is linked to people who exit core social welfare payments, that is, jobless or lone parent payments, and they are not required to be in receipt of family income supplement. Senators have quoted a number of figures but the early indications of the number of people who are gaining - we only have early indications and I do not accept the 4,000 figure for those who are losing - are that 1,650 will

have an increase in income. There is a change in that way.

Senator Fidelma Healy Eames brought up the issue of the father. I was in the House when the Children and Family Relationships Bill was debated. The Senator will recall that it is now required that the father's name be put on the birth certificate. That is the beginning of recognising that there is a father and partner involved.

I hope I have addressed the vast majority of the points raised. It has been a full and informative debate and I have taken several notes. Senator Marie Moloney asked about access for lone parents to the JobsPlus scheme. Some of that has been addressed by the Tánaiste. The best way to move out of poverty is through employment and to break down the barriers. That is what the Tánaiste has been doing.

Again, I thank Senators for their contributions. There is a great deal more work to be done in helping lone parents to get back into the workforce and to move out of poverty and I will be doing that work for the remainder of my time in office. I am not concerned about re-election. We must concentrate on doing the right thing, not be populist and not respond to the fury of Fianna Fáil when it is expressed at times. In many ways, that is what got us into this situation. Twice in my lifetime the country has crashed and burned and the Labour Party has had to step in and rebuild it.

Senator Paschal Mooney: I thank the Minister of State for his candid comments. It occurred to me during the debate, although I am not sure it has occurred to the Minister of State or Members on the Government side, that all sides outside the Government and all shades of opinion in this House have opposed the Government's proposal. All of them support the Fianna Fáil motion. That is a powerful statement. I am not saying that all non-Government Members will support it but all shades of opinion have expressed opposition to this proposal in one form or another. I have the height of respect for the Labour Party spokesperson and I am sometimes in awe of her breadth of knowledge of social welfare, which would sometimes redden the face of a Minister, although not the Minister of State present.

Senator Mary M. White: That is correct.

Deputy Kevin Humphreys: She is very knowledgeable.

Senator Paschal Mooney: She continues to champion the cause. The main theme of her contribution was reform of social welfare and that nobody on social welfare should lose money. That is essentially the core of this motion.

I must take issue with the Minister because ultimately this is a political Chamber and it is nothing personal but I am not standing here and hoping that by defeating the Government, it will be kudos to Fianna Fáil. I support this motion because I believe it is the right thing to do. That is the reason. It is also the reason the other Members made their contributions. They think what the Government is doing on this issue is wrong. It is a wrong decision. There was a rather interesting montage on the screen when I was listening to Senator James Heffernan, a former Labour Party Member who put his money where his mouth is, which we respect. However, in the frame of the screen image one could see a young child nestling in the arms of her mother. I presume it was her mother; I did not look around but just looked at the picture. Why should that child be an innocent victim of a Government policy that is essentially inhuman and is affecting people's right to be able to live a proper life?

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I wish to refer to the other element of my contribution because the Minister only mentioned it briefly in his comprehensive reply. The key to this might not necessarily be about rolling back all that the Government has done; the key to it might be to examine the child care issue.

Child care is the single most expensive element, particularly for lone parents, even taking account of the free year of early childhood care and education, as that provision ceases at the end of school term and those parents then have to provide sustenance, protection and care for their child or children. The issue of child care was raised in all the e-mails we received, to many of which various contributors referred. We read in those about the amount of money it costs those parents to live and that they have to factor in rent supplement, mortgage repayments in some cases, the cost of food and the cost of child care. However, we would all accept that the cost of child care is excessive.

I made a plea in this respect in my earlier remarks - I make it again now - namely, that I have every hope in the Labour Party, and I have no difficulty with the compassion that party, traditionally, has shown towards the most vulnerable in society, and I would see myself, traditionally, as being on the left of my party. Many of its policies, and we were in government with it previously, have worked successfully. There is a meeting of minds in that regard. I have no monopoly on compassion. I understand the budgetary priorities and constraints that are imposed on the Government as a result of the crash make life very difficult in terms of making decisions, particularly in social welfare areas. However, I believe there is a way out and, admittedly, the Government will want to hold the line, as it has been doing on existing social welfare payments, but it would be worthwhile for it, with whatever resources are available, to examine if the cost of child care could be addressed.

A statement was made by a Limerick academic at a conference in the past day or two, which was reported in the newspapers, to the effect that the cost of child care is the single most difficult obstacle for people and that one of the reasons it is so costly is that 80% of the income received in the sector goes on wages which leaves only 20% to cover overheads and other costs. At the same time there are people working in the child care sector who are living on very poor wages. Ultimately, there must be some way the Government can come up with all the necessary resources, with some formula, to address the cost of child care, targeted at lone parents and those vulnerable people at the lower end of the income bracket. It must do something about that issue. This is seen as an unfair financial imposition on a very vulnerable sector of society and that is the reason it has prompted the response the Minister of State has heard here.

Amendment put:

The Seanad divided: Tá, 23; Níl, 24.	
Tá	Níl
Bacik, Ivana.	Bradford, Paul.
Brennan, Terry.	Byrne, Thomas.
Burke, Colm.	Craughwell, Gerard P.
Coghlan, Eamonn.	Crown, John.
Coghlan, Paul.	Cullinane, David.
Comiskey, Michael.	Daly, Mark.
Conway, Martin.	Healy Eames, Fidelma.
Cummins, Maurice.	Heffernan, James.

Seanad Éireann

D'Arcy, Jim.	Leyden, Terry.
Gilroy, John.	Mooney, Paschal.
Hayden, Aideen.	Mullen, Rónán.
Henry, Imelda.	Norris, David.
Higgins, Lorraine.	Ó Clochartaigh, Trevor.
Keane, Cáit.	Ó Domhnaill, Brian.
Kelly, John.	O'Brien, Darragh.
Landy, Denis.	O'Brien, Mary Ann.
Moloney, Marie.	O'Donnell, Marie-Louise.
Moran, Mary.	O'Donovan, Denis.
Mulcahy, Tony.	Power, Averil.
Mullins, Michael.	Reilly, Kathryn.
Noone, Catherine.	van Turnhout, Jillian.
Sheahan, Tom.	Walsh, Jim.
Whelan, John.	White, Mary M.
	Zappone, Katherine.

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Thomas Byrne and Paschal Mooney.

Amendment declared lost.

An Cathaoirleach: Is the motion agreed to?

Senator Maurice Cummins: No.

Senator Paschal Mooney: Vótáil.

Senator Darragh O'Brien: Why is the Senator calling a vote? There is to be no vote on this question.

An Cathaoirleach: A vote has been called.

Senator Paschal Mooney: For the benefit of the House, I had to request guidance on this issue. I was the one who called the vote and I am proceeding with it.

(Interruptions).

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

The Seanad divided: Tá, 24; Níl, 23.	
Tá	Níl
Bradford, Paul.	Bacik, Ivana.
Byrne, Thomas.	Brennan, Terry.
Craughwell, Gerard P.	Burke, Colm.
Crown, John.	Coghlan, Eamonn.
Cullinane, David.	Coghlan, Paul.
Daly, Mark.	Comiskey, Michael.

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Healy Eames, Fidelma.	Conway, Martin.
Heffernan, James.	Cummins, Maurice.
Leyden, Terry.	D'Arcy, Jim.
Mooney, Paschal.	Gilroy, John.
Mullen, Rónán.	Hayden, Aideen.
Norris, David.	Henry, Imelda.
Ó Clochartaigh, Trevor.	Higgins, Lorraine.
Ó Domhnaill, Brian.	Keane, Cáit.
O'Brien, Darragh.	Kelly, John.
O'Brien, Mary Ann.	Landy, Denis.
O'Donnell, Marie-Louise.	Moloney, Marie.
O'Donovan, Denis.	Moran, Mary.
Power, Averil.	Mulcahy, Tony.
Reilly, Kathryn.	Mullins, Michael.
van Turnhout, Jillian.	Noone, Catherine.
Walsh, Jim.	Sheahan, Tom.
White, Mary M.	Whelan, John.
Zappone, Katherine.	

Tellers: Tá, Senators Thomas Byrne and Paschal Mooney; Níl, Senators Paul Coghlan and Aideen Hayden.

Question declared carried.

Senator Terry Leyden: I urge the Government to call a general election. Today's result requires the Dáil and the Seanad to fall. Therefore, we need a general election. I say no more delays.

Senator David Norris: The Senator needs one like a hole in the head.

(Interruptions).

An Cathaoirleach: Senator Terry Leyden should be careful what he wishes for.

Senator Paschal Mooney: As we are beating the Government, come on.

Senator Maurice Cummins: Senator Terry Leyden would get a big shock if an election was to happen.

Senator Paul Coghlan: He might have one sooner than he wished for.

Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014: Second Stage

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

An Cathaoirleach: I welcome the Minister of State, Deputy Simon Harris.

Minister of State at the Department of Public Expenditure and Reform (Deputy Si-

mon Harris): I am happy to be here to deputise for my colleague, the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, in addressing the Seanad on the subject of the Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014. The Bill is as passed in Dáil Éireann on 9 July last. Its main purpose is to change the method of appointing the chief executive of the Houses of the Oireachtas Commission - the Clerk of the Dáil.

The commission is the governing board which oversees the provision of services to the Houses of the Oireachtas and its Members by the parliamentary administration, the Houses of the Oireachtas Service. It is a statutory corporate body and is independent in the performance of its functions. It is accountable to the Houses of the Oireachtas and has responsibility for ensuring value for money. It considers and determines policy in relation to the Oireachtas Service and oversees the implementation of that policy by the Secretary General of the service.

As Senators will be aware, the commission is composed of 11 members under the chairmanship of the Ceann Comhairle. The Cathaoirleach of the Seanad is an *ex officio* member. There are also seven ordinary members, four from the Dáil and three from the Seanad who are appointed by the Members of each House and one representative of the Minister who would be a Member of one of the Houses. The final position on the commission is allocated to the person who, as stipulated in the Houses of the Oireachtas Commission (Amendment) Act 2009, “for the time being holds the office of the Clerk of Dáil Éireann and (who) may also be referred to as the Secretary General of the (Oireachtas) Service”. The Act states that the Secretary General is to be the chief executive of the Oireachtas Commission and the officer accountable for the accounts of the commission for the purposes of the Comptroller and Auditor General Acts 1866 to 1998.

The Clerk of the Dáil post encompasses functions, as set out in Dáil Standing Orders, as well as specified functions as set out under the Electoral Acts and related legislation. The Clerk of the Dáil is the chief procedural adviser to the House and the Ceann Comhairle and is also the registrar of political parties. He or she is required to carry out specific functions relating to the Dáil, the Seanad, presidential and European election process. He or she is a member of the Constituency Commission, the Referendum Commission and the Standards in Public Office Commission.

Under section 15 of the commission Acts, the person who holds the position of Clerk of the Dáil is also Secretary General of the Houses of the Oireachtas Service. He or she has been specifically allocated a very extensive range of administrative duties under the Houses of the Oireachtas Commission legislation. These duties include the following: managing and controlling the staff and administration of the Houses of the Oireachtas Service; implementing and monitoring the policies of the Oireachtas Commission appropriate to that service and delivering outputs as determined by the commission; providing advice to the Oireachtas Commission and the Ceann Comhairle on the performance of their legislative functions under the Houses of the Oireachtas Commission Acts; subject to the Civil Service Regulation Act 1956 and the Public Service Management (Recruitment and Appointments) Act 2004, managing matters relating to appointments, performance, discipline and dismissals of staff below the grade of principal, or the equivalent, in the Houses of the Oireachtas Service and assigning responsibility for performance of the functions for which he or she is responsible to members of the staff of the Houses of the Oireachtas Service, of an appropriate grade or rank, in order to ensure coherence of policy across the service. In addition, under the terms of the Civil Service renewal plan published by the Government last year, the Secretary General and Clerk of the Dáil will be expected to play a key role in raising morale and productivity among staff, creating opportunities for staff to

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develop their talents, strengthening strategic planning capacity, assigning the appropriate staff to the right areas in order that they can encourage and develop excellence and drive the modernisation process in the Oireachtas Service and, overall, ensuring the Houses of the Oireachtas Service has a strong culture of leadership, excellence and continuous development.

Acting in all of these capacities represents a formidable list of procedural, electoral, administrative and governance tasks for the leading official of the Houses of the Oireachtas Service. Under current legislative arrangements, the Clerk of the Dáil is appointed by the Taoiseach on the recommendation of the Ceann Comhairle, following consultation by the latter with the Houses of the Oireachtas Commission. Where the Ceann Comhairle, following such consultation, is satisfied that no member of the staff of the Houses of the Oireachtas is suitable for appointment, he or she may recommend for appointment a person who is not on the staff of the Houses. If the Ceann Comhairle, after consultation with the Houses of the Oireachtas Commission, fails to recommend a person for appointment, the Taoiseach has power to nominate a person from within the staff of the Houses for appointment and, with the concurrence of the Dáil, appoint that person. Where the Taoiseach is satisfied that no member of the staff of the Houses is suitable, he or she may nominate a person who is not on the staff of the Houses.

It can be seen from this arrangement that, in the first instance at least, eligibility for appointment as Clerk of the Dáil is confined to existing members of the staff of the Houses of the Oireachtas and that other persons are excluded from the process, unless no member of the staff of the Houses is considered suitable. The previous Government had indicated its desire to change this arrangement. On Second Stage of the Houses of the Oireachtas Commission Bill in 2009, the then Minister for State at the Department of Foreign Affairs, who was piloting the Bill, stated the following:

The distinct role of the Civil Service staff and senior management structures of the Oireachtas is specifically recognised in the Staff of the Houses of the Oireachtas Act 1959. These structures have served both Houses extremely well and remained in place following the establishment of the Commission in 2003. However, significant changes in Civil Service management systems have taken place in the 50 years since the Staff of the Houses of the Oireachtas Act 1959 came into force and it is accepted that the configuration in that Act, particularly in terms of senior management structures, needs to be modernised. In that regard, the Minister is committed to ensuring, in co-operation with the commission, that the administrative structures of the Oireachtas do not become out of step with Civil Service norms in terms of adapting flexibly to the needs and demands of modern management practices.

The Government is in full accord with that viewpoint. It agrees that current arrangements for the appointment of the Clerk of the Dáil are out of kilter with the general arrangements for the system for senior appointments, notably the Top Levels Appointments Committee, TLAC, system. This system incorporates nomination by boards comprising a majority of members from the private sector with specific skills in management and human resources, and provides opportunities for new blood to be introduced into public service organisations. The Government believes the appointment procedure for the Clerk of the Dáil should mirror the procedure for appointing the normal run of Secretaries General. TLAC makes a selection of persons following a competition for Secretary General, but not in an order of merit. In such instances, the Government is afforded appropriate leeway in which to arrive at the optimal choice.

The purpose of the arrangement proposed by the Government in the Bill would provide the

same broad latitude which the Government possesses in regard to Secretaries General at present to the Ceann Comhairle in respect of the Clerk of the Dáil, as the Ceann Comhairle could justifiably be regarded as the public face of the Houses of the Oireachtas. In that light, the Government decided that heads of a Bill be prepared which would provide for the appointment of the Clerk of the Dáil by the Houses of the Oireachtas Commission on the recommendation of the Ceann Comhairle following an open competition organised by the Top Level Appointments Committee, which would make recommendations for appointment to the Ceann Comhairle.

At the same time, in the context of the relationship between the Executive and the Legislature, the Government was most anxious that due weight would be given to the views of the Oireachtas on what it proposed. Accordingly, in the course of 2014 it referred this proposal to the Oireachtas Joint Committee on Finance, Public Expenditure and Reform for its consideration. In due course, the committee reverted to the Government, indicating that it did not wish to record any conclusion or recommendation on the draft heads. On that basis, the Government has proceeded on the lines it had envisaged.

The Bill has four sections, the first of which deals with amendments to the Staff of the Houses of the Oireachtas Act 1959. The first subsection of that section defines the 1959 Act. The second subsection provides that the Clerk of the Dáil shall be appointed by the Houses of the Oireachtas Commission on the recommendation of the Ceann Comhairle, that this recommendation shall be made by the Ceann Comhairle from among the persons selected by TLAC, and that this selection shall be based on an open competition, that is to say one not confined to persons who are civil servants. This subsection also provides for a similar arrangement to be used in the event of the TLAC system being replaced at some time in the future.

In addition to the Clerk of the Dáil post, the Government proposes that arrangements following the enactment of the Bill for the filling of three other posts in the Oireachtas Service, namely, Clerk of the Seanad, Clerk-Assistant of the Dáil and Clerk-Assistant of the Seanad, would be altered. The rank of the officers concerned, not more than the equivalent of principal officer, would be appreciably lower than that of the Clerk of the Dáil and the involvement of the TLAC would not be appropriate. Rather, under the third subsection of the section, the appointment would be made by the Houses of the Oireachtas Commission on the recommendation of the Ceann Comhairle or the Cathaoirleach of the Seanad, as the case may be.

Section 1(4) provides for the imposition by the Houses of the Oireachtas Commission of a time limit on the tenure of persons appointed to the posts of Clerk of the Dáil, Clerk of the Seanad, Clerk-Assistant of the Dáil and Clerk-Assistant of the Seanad following the enactment of this legislation. Section 1(5) provides for the exemption of existing postholders from the arrangements which I have outlined. The posts of Clerk of the Seanad and the Clerks-Assistant of both Houses are filled at present. This constitutes the major part of the Bill. There are a number of other items in it, which I wish to bring to the attention of the Seanad.

Section 2 is a technical provision which amends section 13(3)(b) of the Houses of the Oireachtas Commission Act 2003 which provides that a statement of Estimates of the commission shall be furnished by the Secretary General to the Minister for Public Expenditure and Reform not later than 30 days before the presentation by the Minister to Dáil Éireann of the Estimates of the receipts and expenditure in that year. It is proposed that the 30 day provision should be removed to allow time for the Houses of the Oireachtas Service to submit Estimates much closer to the budget in the light of the reduced interval between the end of the summer recess and an earlier budget day in mid-October. In 2013 and 2014, the changing of the date of

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the budget from early December to mid-October compelled the Houses of the Oireachtas Service to finalise the next year's Estimate in the summer, in advance of half-yearly figures being available. The service would benefit from the opportunity to finalise figures in September or October in the future, when current year expenditure trends are clearer.

Section 3 provides for the performance by a designated official of the duties of the Secretary General of the Houses of the Oireachtas Commission in his or her absence or when the post is vacant. It fills a lacuna in the existing legislation. Section 4 contains standard provisions dealing with the Short Title, construction and citations. I commend the Bill to the House.

Senator Darragh O'Brien: Cuirim fáilte roimh an Aire Stáit go dtí an Teach. I thank the Leader of the House because earlier we requested that all Stages of the Bill not be taken today. I thank the Minister of State for deputising for the Minister for Public Expenditure and Reform, Deputy Brendan Howlin. I am not sure whether the script was changed in the light of the amendments tabled. I will table an amendment on Committee Stage on behalf of Fianna Fáil and Senator Paul Bradford has also tabled an amendment. We will deal with them on Committee Stage which will be next week or after the recess.

I thank the Minister of State for outlining the Bill. I do not have a difficulty with most of it. My main concern with it as it is constructed is with regard to section 1(4) which refers to the term of office of certain appointees. It states a person may be appointed to an office to which this section applies for a term specified by the Houses of the Oireachtas Commission to be a period of a number of years or a number of years and months or days. In practice how will this work? The Clerk of the Seanad sits on the Standards in Public Office Commission, the Referendum Commission and the constituency boundary commission for Dáil elections. He or she also oversees the verification of nominations to the various Seanad panels and the Seanad elections. In my experience of the Seanad and the Oireachtas in the past eight years, the office of the Clerk of the Dáil, the office of the Clerk of the Seanad and the offices of the Clerk-Assistants are very important to the functioning of the Houses. They also have functions outside the Houses. If the legislation is passed as it is, the commission will appoint someone for a period of five years or less. That would be an issue come a Seanad election, which is after a Dáil election, with the nomination procedures and everything that follows with such a complex election. The experience that office holds is crucially important to the running of this House of the Oireachtas, to the verification of nominations and to the holding of elections. That is one aspect of it. It concerns me, if it is in the gift of the commission to set a term, that if the officer is new to the Houses, he or she may not have after a five-year time the requisite experience to carry out those functions properly. That is a big issue for me.

If one thinks of the other roles with regard to the election such as the nomination process - we had a kerfuffle last year with regard to nominations, but I will not go into that again - it is crucially important that one has a strong individual who will not bend to pressure in that role. Having someone new to the process of looking at Seanad nominations and holding an election does not make any sense. That is why, in setting down in legislation a term, the Government is being prescriptive in stating one must set a term. I cannot see any commission stating the person has a term of 20 years. It looks as if one would set it, in the case of the post of Clerk-Assistant of Dáil Éireann, the Office of the Clerk of Seanad Éireann and the Office of Clerk-Assistant of Seanad Éireann, for a term of the Seanad or the Dáil. My amendment would deal with those time limits. I am merely letting the Minister of State know my thinking in that regard.

The other element is the role that office has with regard to Standards in Public Office Com-

mission, the Referendum Commission and the constituency boundaries. One needs someone experienced there as well. One will always have an experienced person at Clerk of the Dáil level because he or she will have come up through the system. He or she probably would come up through the Clerk-Assistant of the Dáil post or would be in that office. What the Government is stating is the appointment of the other officers can be made outside of that process, effectively, as the Minister of State said, outside TLAC. I understand that, and that is fair enough. However, if the term of someone in the position of Clerk-Assistant or, for that matter, Clerk of the Seanad was up and the commission wanted to appoint someone else, where would he or she go? The Clerk of the Seanad is at the higher principal officer grade and the assistant is at the principal officer grade. It is a big problem and I ask the Minister of State to bring this back to the Minister. That, potentially, could be a really big issue.

A commission will not necessarily be made up of members who have been around a long time as it would depend on Dáil elections. Members of the commission could simply say that it makes sense to set a term of five years because the Bill states one should set a term, but it makes no sense to me. The Minister does not need to set a term. If there was a difficulty with a Clerk of the Seanad or one of the other two roles to which I have referred, where a replacement was required, that could be done through the normal Civil Service process. If one sets a time limit, one will have to look to reappoint the person. How will that be dealt with? That was not covered by the Minister of State. What happens when someone reaches the end of the term and he or she is doing a damn good job? Does the person go through the process again? Does he or she have to go before the commission again to be ratified? If the person had in some way, shape or form discommoded members of the commission or, as happens from time to time, did not get on with them, will the commission say it does not like the person in that role as he or she is causing it too much difficulty and is too independent, that it will not have that person there and will appoint someone else who may be more pliable? I am not saying that would happen but the Bill leaves it open for that to happen. That section is a major problem for me and for many other Senators, including Senators on the Government side. This must be looked at before Committee Stage.

The independence of the Seanad is set out in the Constitution. The Seanad, in whatever form, has been ratified by the people. It is a valid House of the Oireachtas. The main officer of the Seanad should not be subservient, by way of his or her term, to a commission or to a whim of any future Government, Ceann Comhairle or Taoiseach. That is a big problem and it needs to be changed. I ask the Minister of State to go back to the Minister and ask him to remove the term. That is what my amendment on Committee Stage would do and I intend to press it. Obviously, if the Minister brings forward his own amendment to do that, we will support it and the Bill will go through without difficulty. If that is not changed, we will push our amendment on Committee Stage and we will oppose the Bill. Obviously, I am happy to let the Bill go through on Second Stage. I ask the Minister of State to have a think about this issue. He understands the process, as do all Senators. I hope I have made the point as to how it could be manipulated in the future. I accept that is not the intention in the Bill. However, it needs to be changed and strengthened.

I have no idea when it is proposed to take Committee Stage. I imagine it will be next week. I implore the Minister of State to raise this point with his Government colleagues. It is a serious point and we may regret this in the future, in five or ten years time, perhaps when the Minister of State is Taoiseach. This genuinely needs to be looked at as it is far too loose and could be abused.

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Senator Tom Sheahan: I listened to Senator Darragh O'Brien. He makes some sense-----

Senator Paschal Mooney: Praise, indeed.

Senator Tom Sheahan: -----but I query his confidence in the process that TLAC goes through. I understand the Bill will come back to the House on Tuesday next. Senator Darragh O'Brien makes valid points which the Minister of State is taking on board, but one has to have confidence in TLAC, its procedures and the way it works.

I suppose I have to come clean. I am a member of the commission and hope Senator Darragh O'Brien has confidence in it.

Senator Darragh O'Brien: Of course, I do. That is because the Senator is on it.

Senator Tom Sheahan: The other point that comes to mind on this issue is that this is being done, in essence, for the purposes of transparency, clarity and openness. It is an open process, but, realistically, few people will leave the private sector to come here to do the job that needs to be done.

Senator Darragh O'Brien: The Minister of State clarified that TLAC will only appoint the Clerk of the Dáil.

Senator Gerard P. Craughwell: I welcome the Minister of State. I will not delay him long other than to say that, as a member of a trade union and a trade unionist who has spent the past 20 years of my life trying to rid the country of the scourge of fixed-term contracts, zero-hours contracts and all sorts of other contracts where people, unfortunately teachers, found themselves working in schools more hours than they had purely because they had the sword of next year's contract hanging over their head, the thought that we would pick the two most senior officials in the Houses of the Oireachtas and award them a contract that at some stage in the not too distant future is repugnant to the role. I refer to trust and faith.

Senator Tom Sheahan spoke about confidence. The only confidence I have is that when the person is appointed, he or she is suitable for the role and is suitable to retain that role until such a time as he or she reaches retirement age. We must have faith in the commission to appoint the officials, but once an official is appointed, we must have faith in the person who is appointed to carry out the role. Given the onerous nature of the role, one needs persons of experience. One needs persons who are able to offset some of the unforeseen issues that arise in both Houses.

When the Bill comes back, like my colleague, Senator Darragh O'Brien, I will be opposing it on Committee Stage, particularly if it still contains section 6A(3). In this country, we seem to be gone mad on public hearings, short-term contracts and having a situation where somebody in a senior role spends half his or her life worrying about the next interview. It is not the way to do business and I ask the Minister of State to remove that provision from the Bill before it is brought back to the House.

Senator Lorraine Higgins: In any situation where a vacancy arises those responsible for finding a suitable candidate are charged, rightly, with finding the best person for the job. In the Oireachtas we are charged with the important work of representing the best interests of the Irish people, and appointing the best possible candidates is therefore vital.

I wholeheartedly welcome these proposals as they tackle a significant failing in the current legislation. In particular, the Clerk of the Dáil is a key role that requires the highest professional

standards. With that in mind, it is a problem that the current situation only permits the sourcing of external candidates when internal candidates cannot be found. While I do not doubt the ability of those who go forward for this role, I believe talent and expertise that could benefit citizens never get the chance even to be considered. Hence, I endorse the utilisation of the independent selection mechanism such as features in the wider public service and the opening up of competition for the position.

The Top Level Appointments Committee, TLAC, approach for senior appointments, which sees candidates put forward by expert boards with the majority membership from the private sector, is effective but is not compatible with the appointment process currently in place. Addressing this is something I welcome as it is in keeping with the ethos of the Government.

In updating the hiring process for the position of Clerk of the Dáil, it makes sense that this legislation would also update the hiring process for similar roles, specifically Clerk of the Seanad, the Clerk-Assistant of the Dáil and the Clerk-Assistant of the Seanad. I understand the current hiring system for these roles is similar to that for the role of Clerk of the Dáil, the problems with which have been outlined already by a number of speakers. Given the rank of these roles, filling them from those currently in the Houses of the Oireachtas Service is not something I am opposed to and I accept the trajectory of appointment selection as it is proposed. However, I emphasise the benefits of open competition, that is, external and internal competition between suitably qualified candidates, and the potential that outside blood could bring to these roles. While not the Clerk of the Dáil, these are still key roles within the Oireachtas.

I emphasise our duty to the people to find the best candidates possible for these positions, but I want to make a suggestion raised earlier by several of my colleagues which might be considered. It relates to the permanency of the positions of Clerk of the Dáil and Clerk of the Seanad. I appreciate the rationale behind the rotation of these roles, but security of tenure is vital if we are to attract the most able and diligent people.

Senator Gerard P. Craughwell: Well said.

Senator Lorraine Higgins: Imposing time limits might preclude the people best suited to these roles from applying. I urge that this be considered before the next Stages of the Bill.

In general, I am broadly in favour of these new proposals, particularly those relating to the appointment of a new Clerk of the Dáil. Overall, I am in favour of increased competition. Our greatest resource is our people and I would like to see a larger talent pool being available to those seeking to fill vital positions within the Oireachtas.

Senator Paschal Mooney: I welcome the Minister of State. The contributions of Members so far will have given him food for thought.

This is a sloppy Bill. It does not address key issues. I am thinking in terms of people outside these Houses who might be contemplating applying for the position of Clerk of the Dáil. There are no guarantees in the Bill. There is no indication of how long it will be for or the terms and conditions.

Senator Gerard O, Craughwell made reference to a trade union background. I am sure the trade union movement would have a particular view of this Bill if it were happening in another part of the public sector. Those in the private sector might have a view on this also.

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The other aspect that concerns me is the independence of the appointments, notwithstanding that the TLAC will be concerned with the appointment of the Clerk of the Dáil. I am always curious to know why, in the drafting of legislation like this, a distinction seems to be made between the Dáil and the Seanad in terms of its principal officers. I do not want to embarrass anybody present, but I do not see why the role of the principal officer in the Seanad should be in any way inferior to that of the principal officer in the Dáil. As Senator Darragh O'Brien said, there are two Houses of Parliament and we probably have an even stronger mandate for our continuing existence because the public gave it to us.

I am also concerned that the appointment of the Clerk of the Seanad, the Clerk-Assistant of the Seanad and the Clerk-Assistant of the Dáil would fall to the commission. The commission is a political body. It is appointed following an election and has an inbuilt Government majority. The Ceann Comhairle is almost certainly a Government representative unless the mathematics in the Dáil suggest otherwise, as has happened on one or two occasions, but, generally speaking, the position of Ceann Comhairle comes from the combined strength of the Government majority. It does raise issues of independence and as Senator Darragh O'Brien correctly said, what if the decisions being taken by the Clerk of the Seanad or the Clerk-Assistant of the Seanad did not square with the views of the commission? To put it another way, one of the most important roles the Clerk of the Seanad has is that they sit on the Constituency Commission, whose members must be seen to be absolutely independent and have integrity and there is not a scintilla of evidence to suggest otherwise. However, somebody somewhere might dig into the past of the person appointed and find, as is human, that they have a political affiliation or a political inclination, and all of a sudden questions are being raised to the effect that this person is now sitting on the Constituency Commission and was appointed by a commission that has a majority of Government members, endorsed by the Ceann Comhairle, who is a former member of the same party. There are wheels within wheels. We only have to consider the way the social media has gone here, and the way the media takes up an issue, blows it out of all proportion and creates a perception in the public mind that probably is far removed from reality; it just happens. That is my only concern about the process of the appointments, notwithstanding what all of us have been saying about the terms and conditions of the appointment and its tenure.

I do not want to give the impression that I am putting forward a conspiracy theory.

Senator Tom Sheahan: The Senator seems to know how it works.

Senator Paschal Mooney: I am only making the point that inferences could be drawn because of the manner in which the process would be set up under this legislation. That is all I am suggesting. I am not saying it would in any way reflect on the individual concerned. There is an old cliché, as Senator Tom Sheahan well knows, that perception is all, particularly in politics. It is not my main concern. My main concern echoes that of other Senators who have contributed, namely, the specifics relating to the appointment in terms of the duration and the terms and conditions.

The thought was also framing in my mind as to what happens at the end of the contract. Am I right in suggesting that under local government reform, which introduced the seven year contract for then county managers, now chief executive officers, it does not prevent them from transferring to other local authorities? Has it happened in some cases that when their contract ended in one county they ended up in another? I do not know whether that is a seamless or a random process but it raises the question that if I were the person outside, once this legislation is passed, and saw an opportunity to serve for a particular period as a senior officer in the Houses

of the Oireachtas, I would want to first compare it with my current position in the private sector and I assume it would be somebody from the private sector and then compare it with what I am being offered. Unless the terms and conditions and duration are specific, perhaps the Minister might not attract the calibre of person he wants. These are hypothetical issues. I am not trying to be clever. It is just that in the context of what is before us it leaves wide gaps that need to be addressed.

Senator Jim Walsh: Cuirim fáilte roimh an Aire Stáit go dtí an Teach inniu. I want to make three or four brief points. Everybody prefaced his or her remarks by saying he or she would be brief, but he or she did not always succeed; I suppose that is in our nature as politicians. I concur with what Senator Darragh O'Brien said. He articulated the point well without me embellishing it, but I believe the independence of this House is paramount and any structure in place must reflect this. I urge the Minister of State to look at the Bill again to ensure it reflects this, rather than dividing the House on a Bill on which we should not divide because everyone has the same objective, that is, a system that is robust and reflects the independence of both Houses.

The second point is that I do not concur with my colleague, Senator Gerard P. Craughwell, in regard to mobility between the private and the public sector. Public sector jobs are very attractive compared to private sector jobs in many instances. I am a strong advocate of mobility between the public and private sector. There is a depth of integrity within the public service generally which would be good for corporate governance in the private sector. A transfer of such values would be good. There is more dynamism and more of a can-do attitude within the private sector because of the needs of that sector. It is more efficient and we need to inject that into public services. That is a challenge to us. I would like to see that mobility and think we need to facilitate it.

That brings me to the third point which concerns the selection process of the Top Level Appointments Committee, TLAC. When I was in local government, I saw the local appointments committee in operation which was nothing short of atrocious. Some of the appointments were inexplicable, even to people working in the public service who were working with people who were promoted into jobs in which they were way out of their depth. Unfortunately, the taxpayer picks up the tab for their inefficiencies and ineptitude. Unfortunately, we have many such people in the public service. Let me acknowledge that we have also many very good people who would command senior positions in any organisation, public or private, but we need to root out those who are not up to it. In that regard, the selection bodies must be sufficiently independent and sufficiently skilled. That should include outside expertise being called in. I have seen it more in the local appointments committee than in the Public Appointments Service because I am more familiar with it, but the old boys' network certainly worked very well in it. There was no doubt that county managers and others in senior positions were able to pull the strings long before they sat down to select who got the jobs. That is strong criticism, but it is justified. I could go further, but I will not. I hope the Minister of State might address that issue.

My last point arises from observing as a Member of the House and certainly when I was a member of the commission that there is no justification or no logic whatsoever for combining the positions of Clerk of the Dáil and Secretary General of the Houses of the House of the Oireachtas Commission. It is absolutely wrong to do it. We have heard already about the external activities of the positions of Clerk of the Seanad and the Clerk of the Dáil who sit on various boards and, as a consequence, have to give of their time and their expertise to external matters.

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For the Secretary General of an organisation, who is on a very high salary, to sit in front of the Ceann Comhairle listening to debates for hours is not the best way to spend hard-earned taxpayers' money, nor do I think it is productive for the Houses. I ask the Minister of State to look at that issue. I would prefer if the Secretary General of the Houses of the Oireachtas was a person whose position focused exclusively on that. I am operating on the basis that the current practice continues in this Bill, which, from a reading of the explanatory memorandum, I believe is the case. I think the two positions should be separated. The skill sets required for the two activities are entirely different.

When we look around the Houses of the Oireachtas, or any Department, we can see where improvements could be made, where expenditure could be saved and where there is waste. The Oireachtas is not the worst in that regard, but a singular focus is needed on it. It will have a budget of €130 million next year. I do not think any company would employ a chief executive to be in charge of an organisation with a budget of €130 million and have him sitting at a desk twiddling his thumbs listening to debates in order that he can give some advice to the chairman of whatever committee is taking place. I do not think that should be the case. I am a strong advocate of separating the two positions. I know it is probably late in the process, but serious consideration should be given and, perhaps, outside advice sought, because it makes no economic sense and it is not in the interests of efficiency and cost effectiveness. It does not make good use of people with expertise that should be applied in the best interests of, in this instance, the running of the Houses of the Oireachtas and, overall, the running of the State.

Minister of State at the Department of Public Expenditure and Reform (Simon Harris): I thank all of the Senators who participated on Second Stage of the Bill. The points made in the course of the debate were put forward in a manner that was meant to be constructive and reasonable. There is no doubt there is quite a level of interest in the Bill because of the importance of these roles in ensuring the smooth and effective administration of business in both Houses of the Oireachtas. The level of interest is also not surprising when one considers the very long interval since the method of appointing the Clerks and Clerk-Assistants of the Houses was set down in legislation in 1959. An enormous degree of change has occurred since then in Irish society and in Irish public administration and, certainly, in the business of both Houses of the Oireachtas. The pace of business in the Oireachtas was more sedate then, as I have been informed, although there was plenty of tension and competition, I am sure, between political parties and groupings then, just as there is now. It is fair to say the degree of involvement by the State in the economic and social affairs of the country has grown significantly since then, with a corresponding need for more legislation and, in many instances, legislation that is much more complex than in years gone by. In line with such changes, the role of senior administrators in the Houses of the Oireachtas Service, most notably the Clerk of the Dáil, has altered to a remarkable degree. Formerly, the main duties of the Clerk were directly connected with the day-to-day business of the House, which is perhaps to what Senator Jim Walsh was alluding. A detailed knowledge of parliamentary procedure was absolutely essential. Not that such a knowledge is unnecessary now - far from it - but the growth in the number of staff in the Houses of the Oireachtas and the establishment with effect from the beginning of 2004 of the Houses of the Oireachtas Commission has changed the position in a more radical fashion.

In the course of my statement to the House at the commencement of the debate, I mentioned the extensive list of duties that are placed under the responsibility of the Clerk of the Dáil under the Houses of the Oireachtas Commission legislation. It is fair to say that such duties are primarily managerial in nature, quite different from the duties related to the daily operation of

the Chamber. In addition, I referred to how the onset of an initiative such as the Civil Service Renewal Plan has placed very great responsibilities on Secretaries General in pushing reform and modernisation in their areas of responsibility. This wide area will form a major element of the responsibilities of the Clerk of the Dáil and he or she, as the case may be, will be expected to display considerable powers of initiative, reliability and managerial talent, as well interpersonal skills, in dealing with a sizeable workforce and more than 200 parliamentarians. The incoming Clerk of the Dáil will be assisted in his or her duties by other officers of the House and by the very significant number of senior officials working in the committees system.

I wish to give my own thoughts on some of the comments made. I do not agree with the comments, but I accept some of the practical challenges that Senator Darragh O'Brien very eloquently outlined. I tried to include this in my opening statement. The Houses of the Oireachtas Commission is effectively the board of directors for the day-to-day running of the Houses of the Oireachtas, and the Clerk of the Dáil is also the chief executive. The idea that a board would have a chief executive *in situ* for an infinite amount of time and would have no say whatsoever in the length of that tenure seems rather peculiar. Six terms at senior level are quite normal in the public service, as we see with Secretaries General. There was the issue of security of tenure. It is entirely up to the Houses of the Oireachtas Commission to decide the length of tenure, but why prescribe that in legislation? Why not give parliamentarians in a democracy the ability to decide that length of tenure in an open and fair competition? It is common practice to have fixed terms at this level.

People have said we need people of experience. I could not agree more. I have seen at first hand, as we all have, the important role carried out by these very senior officials, but the TLAC process in relation to the Clerk of the Dáil will obviously produce people in line with the criteria set out by the Houses of the Oireachtas Commission. One thing this Bill does not do was alluded to by Senator Paschal Mooney, who referred to the concern about politicisation in any way, shape or form. I would argue that the Bill depoliticises the process. One has to remember that the current situation is that the Taoiseach of the day has a role in the appointment of the Clerk of the Dáil. The Bill will remove such involvement from the Taoiseach or Executive of the day in the appointment and will instead place it with the Legislature. It is enhancing the power of the Legislature.

On the TLAC system to which Senator Darragh O'Brien referred, it will only apply to the Clerk of the Dáil. This is about democracy in action and empowering the Members of the Houses of the Oireachtas to decide the skillset that is needed and the length of time involved. I accept the very practical difficulties, outlined by Senator Darragh O'Brien, regarding somebody being appointed for a certain amount of time, but I also trust my colleagues in both Houses to address those issues, as well as the Ceann Comhairle of the day to guide people on that issue. We are the people's representatives and trusted with passing budgets and laws, as well as with running the country. I have great confidence in the collective ability of people to get this right.

My officials and I will relay Senator Darragh O'Brien's concerns to my colleague, the Minister, Deputy Brendan Howlin-----

Senator Darragh O'Brien: The Minister of State will not do that because he disagreed with them.

Deputy Simon Harris: -----as well as his intention to pursue the matter on Committee Stage. There is no point in suggesting the current system is some sort of a panacea. Under the

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current legislative arrangements, as I said, the Clerk of the Dáil is appointed by the Taoiseach on the recommendation of the Ceann Comhairle, following consultation by the latter with the Houses of the Oireachtas Commission. Many of the criticisms people have laid here today could also be laid at the current system. The Bill is trying to modernise the system and give Members of the Oireachtas flexibility. It recognises that these posts are extremely demanding and there is a need to reflect on and reconsider that matter. It gives the Oireachtas the flexibility to make decisions on tenure that Members feel are most appropriate. I commend the Bill to the House and will relay the concerns of Senators to the Minister.

Question put:

The Seanad divided: Tá, 26; Níl, 9.	
Tá	Níl
Bacik, Ivana.	Byrne, Thomas.
Brennan, Terry.	Craughwell, Gerard P.
Burke, Colm.	Crown, John.
Coghlan, Eamonn.	Daly, Mark.
Coghlan, Paul.	Leyden, Terry.
Comiskey, Michael.	Mooney, Paschal.
Cummins, Maurice.	O'Brien, Darragh.
D'Arcy, Jim.	O'Donovan, Denis.
Gilroy, John.	Walsh, Jim.
Hayden, Aideen.	
Healy Eames, Fidelma.	
Henry, Imelda.	
Higgins, Lorraine.	
Keane, Cáit.	
Landy, Denis.	
Moloney, Marie.	
Moran, Mary.	
Mulcahy, Tony.	
Mullins, Michael.	
Noone, Catherine.	
O'Brien, Mary Ann.	
O'Donnell, Marie-Louise.	
Power, Averil.	
Sheahan, Tom.	
Whelan, John.	
Zappone, Katherine.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Thomas Byrne and Paschal Mooney.

Question declared carried.

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

Senator Maurice Cummins: Tomorrow.

Committee Stage ordered for Thursday, 16 July 2015.

Teaching Council (Amendment) Bill 2015: Report and Final Stages

An Cathaoirleach: Before we commence, I remind the House that a Senator may speak only once on Report Stage, except the proposer of an amendment who may reply to the discussion on the amendment. Each amendment on Report Stage must be seconded. I welcome the Minister for Education and Skills, Deputy Jan O’Sullivan.

Government amendment No. 1:

In page 6, line 10, to delete “Act of 1998” and substitute “Act of 1998, subsection (22) of section 33 (amended by *section 11* of the *Act of 2015*)”.

Minister for Education and Skills (Deputy Jan O’Sullivan): This is a consequential amendment to section 6 of the Bill arising from changes being made to section 33 of the principal Act by way of amendment No. 3 which I will outline when I come to that amendment. As such, while amendment No. 3 is quite substantial, amendment No. 1 is simply technical and consequential.

Amendment agreed to.

Government amendment No. 2:

In page 8, to delete lines 23 to 27 and substitute the following:

“31A. Where a person applies for registration under section 31”.

Deputy Jan O’Sullivan: As with amendment No. 1, this is a consequential amendment to section 9 of the Bill arising from changes being made to section 33 of the principal Act by way of amendment No. 3 which I will outline when I come to that amendment.

Amendment agreed to.

Government amendment No. 3:

In page 9, to delete pages 9 to 12, and in page 13, to delete lines 1 to 21 and substitute the following:

“Renewal of registration

11. The Principal Act is amended by the substitution of the following section for section 33 (amended by section 9 of the Education (Amendment) Act 2012):

“Renewal of registration

33. (1) Subject to subsection (13), registration shall be valid for 12 months from the

date of registration

(2) The Council may make regulations for the purposes of renewal of registration of registered teachers which shall provide for, but not necessarily be limited to, all or any of the following:

(a) the form and manner in which an application for renewal shall be made;

(b) the documentary and other evidence which the Council may request for the purposes of determining an application for renewal of registration;

(c) the documentary and other evidence which the Council may request to enable the Council to satisfy itself, for the purposes of subsection (8), that a registered teacher is a fit and proper person to have his or her registration renewed;

(d) any other requirements to be met for renewal of registration which may include requirements relating to—

(i) satisfactory completion of programmes of continuing education and training accredited under section 39,

(ii) teaching experience, or

(iii) medical fitness.

(3) A registered teacher may apply for renewal of his or her registration under this section for a further period of 12 months.

(4) (a) Subject to paragraph (b), an application for renewal of registration shall be made before the expiration of the period of validity of registration and the application shall be accompanied by the renewal fee.

(b) Where, in accordance with subsection (5), the Council notifies a registered teacher that it intends to seek a vetting disclosure in respect of him or her for the purposes of renewing his or her registration, the teacher shall comply with that notice within the period referred to in paragraph (d) of that subsection.

(5) (a) The Council may seek a vetting disclosure in respect of a registered teacher for the purposes of renewing the registration of the teacher in accordance with this section.

(b) The Council shall notify a registered teacher in writing where the Council intends to seek a vetting disclosure in respect of the registered teacher under paragraph (a) and the notice shall—

(i) request the registered teacher to provide the Council with a declaration of consent (within the meaning of the Act of 2012) and any other information specified in the notice which is required by the Council to enable it to obtain a vetting disclosure in respect of that teacher,

(ii) specify the time period within which the registered teacher shall comply with a request under subparagraph (i) and the form and manner in which the information requested under that subparagraph shall be furnished,

(iii) advise the registered teacher that the Council intends to consider the vetting disclosure for the purpose of determining if he or she is a fit and proper person, in accordance with subsection (8), to have his or her registration renewed upon his or her next renewal under this section,

(iv) advise the registered teacher that the Council may refuse to renew the registration of that teacher under this section if he or she fails to comply with the request under subparagraph (i) within the time period specified under subparagraph (ii) and the Council has not been in a position to make a determination that he or she is a fit and proper person to have his or her registration renewed, and

(v) advise the registered teacher that the Council may, having regard to the information contained in the vetting disclosure, where it is satisfied that it is in the public interest to do so, apply to the High Court under section 47 for an order that during the period specified in the order his or her registration shall be suspended.

(c) A notice issued under paragraph (b) shall be issued—

(i) not earlier than 10 months prior to the date of expiration of the period of validity of registration of that teacher, or

(ii) within such lesser period as the Minister may direct in respect of all notifications made to registered teachers under that paragraph.

(d) A notice from the Council under paragraph (b) shall specify the period within which the notice shall be complied with, which period shall be the same in respect of all registered teachers to whom a notice is issued in accordance with this subsection.

(6) In considering whether to seek a vetting disclosure under subsection (5) in respect of a registered teacher, the Council shall have regard to—

(a) whether a GCVU disclosure has previously been received by the Council in respect of that teacher,

(b) where a GCVU disclosure has previously been received by the Council in respect of that teacher, the period of time which has elapsed since the last GCVU disclosure was received by the Council in respect of that teacher,

(c) whether a vetting disclosure has previously been received by the Council in respect of that teacher,

(d) where a vetting disclosure has previously been received by the Council in respect of that teacher, the period of time which has elapsed since the last vetting disclosure was received by the Council in respect of that teacher, and

(e) where the Council has previously considered a vetting disclosure in respect of a teacher for the purposes of registration or renewal of registration under this Act, any periods prescribed under section 20 of the Act of 2012.

(7) Where the Council seeks a vetting disclosure under subsection (5) in respect of a registered teacher and the disclosure contains specified information which relates to conduct of the teacher which occurred prior to the coming into operation of section 11#

of the Act of 2015, the Council may not consider that information for the purposes of subsection (8) unless the conduct concerned would have constituted a criminal offence at the time the conduct occurred.

(8) Where the Council receives a vetting disclosure under this section in respect of a registered teacher the Council shall, for the purpose of satisfying itself that the registered teacher is a fit and proper person to have his or her registration renewed, consider—

(a) subject to subsection (7), the information contained in the disclosure,

(b) any submissions made by the registered teacher under subsection (9), and

(c) any documentary and other evidence submitted by that registered teacher to the Council in accordance with requirements (if any) prescribed under subsection (2)(c).

(9) Subject to subsection (14)(b), where a vetting disclosure received by the Council under this section in respect of a registered teacher contains information referred to in section 14(4)(a) of the Act of 2012 and the Council considers the information in that disclosure is of relevance to its consideration as to whether the teacher is a fit and proper person to have his or her registration renewed under this section, the Council shall notify that teacher accordingly and invite him or her to make submissions in writing to it in relation to that disclosure within such period as is specified in the notice.

(10) The Council may seek evidence from the registered teacher, or any other relevant person, to verify any of the information submitted by the registered teacher for the purposes of renewal of registration in accordance with this section.

(11) The term of a renewal of registration shall take effect from the expiration of the previous registration.

(12) On receipt of an application for renewal of registration and the prescribed fee, the Council shall, as soon as practicable, send to the registered teacher a receipt stating that the fee has been received.

(13) Where, in exceptional circumstances, notwithstanding that a registered teacher has complied with a notice under subsection (5)(b) within the time specified in the notice, the Council has—

(a) not received a vetting disclosure in respect of that teacher before the expiration of the period of validity of that teacher's registration, or

(b) received a vetting disclosure to which subsection (9) applies but does not have sufficient time before the expiration of the period of validity of that teacher's registration to seek submissions referred to in that subsection, that teacher's name shall not be removed from the register until the Council makes a decision under subsection (16) in accordance with subsection (14).

(14) (a) Where a vetting disclosure referred to in paragraph (a) of subsection (13) is received and the disclosure does not contain information referred to in subsection (9),

the Council shall make a decision under subsection (16) within 21 days of receipt of that disclosure.

(b) Where—

(i) a vetting disclosure referred to in paragraph (a) of subsection (13) is received and the disclosure contains information referred to in subsection (9), or

(ii) paragraph (b) of subsection (13) applies, the Council shall within 21 days of receipt of that disclosure, notify the registered teacher in accordance with subsection (9) and the period specified in the notice referred to in that subsection shall be 21 days and the Council shall make a decision under subsection (16) within 21 days after the expiration of the period for the making of submissions by that teacher.

(15) (a) Where a registered teacher fails to comply with a request under subparagraph (i) of a notice under subsection (5)(b) within the time specified in that notice, the Council shall notify the teacher in writing that the Council may refuse to renew that teacher's registration in accordance with subsection (16)(a)(iii) and that teacher may, within such time period as may be specified in the notice, make submissions in writing to the Council in relation to that failure.

(b) The Council shall consider submissions (if any) made by a teacher under paragraph (a) and where the Council is satisfied that there are reasonable grounds for the teacher's failure to comply with that notice, the Council shall notify the teacher in writing that the Council may refuse to register the teacher in accordance with section 16(a)(iii) and that the teacher may make submissions and include with such submissions any information which he or she considers relevant to the Council's determination under subsection (16)(a)(iii).

(16) The Council—

(a) may refuse to renew the registration of a person where—

(i) he or she does not satisfy the requirements for renewal of registration prescribed under subsection (2),

(ii) at the time the Council makes its decision, the person—

(I) stands removed from the register under Part 5 and is not eligible to apply to be restored to the register under section 31, or

(II) stands suspended from the register under Part 5 and the period of suspension has not expired,

or

(iii) the registered teacher fails to comply with the notice under subsection (5)(b) within the time specified in the notice, and having considered the submissions and information (if any) submitted under subsection (15)(b), the Council has not been in a position to determine if that registered teacher is a fit and proper person to have his or her registration renewed,

(b) shall refuse to renew the registration of the registered teacher where—

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(i) the Council receives a vetting disclosure in respect of a registered teacher under this section and is not satisfied, in accordance with subsection (8), that the registered teacher is a fit and proper person to have his or her registration renewed, or (ii) the Council is not satisfied that the teacher has provided reasonable grounds for his or her failure to comply with a request under subparagraph (i) of a notice under subsection (5)(b),

or

(c) may renew the registration of a registered teacher subject to such conditions (if any) as the Council considers appropriate and such conditions shall be complied with within such period as may be specified by the Council.

(17) A receipt issued by the Council under subsection (12), and a certificate issued by it under subsection (24), shall, without proof of the signature of the person purporting to sign the receipt or certificate or that such person was the proper person so to sign, be evidence in any legal proceedings that, as the case may be, the payment was made or the registration was renewed for the period specified in the certificate, unless the contrary is shown.

(18) Where the Council makes a decision under subsection (16)—

(a) to refuse to renew the registration of a person, or

(b) to renew the registration of a person subject to conditions, the Council shall, within 21 days of making the decision, inform the person, by notice in writing, of the decision, the reason for the decision and the rights of the person under subsection (19).

(19) A person may, within 21 days of the date of service of a notice under subsection (18), apply to the High Court for annulment of the decision concerned and the Court, on hearing the application, may—

(a) confirm the decision of the Council,

(b) annul the decision of the Council and as the Court considers appropriate—

(i) direct the Council to renew the registration of the person with or without conditions, as the case may be, or

(ii) direct the Council to make a further decision,

(c) vary the decision of the Council, or

(d) give such other directions to the Council as the Court considers appropriate, and the Court may make such order as to costs as it considers appropriate.

(20) Subject to any order that may be made by the High Court under section 47 suspending the registration of a teacher, where a teacher brings an application under subsection (19) within the time period specified in that subsection, that teacher shall remain on the register until the High Council makes a decision under that section.

(21) By leave of the High Court or the Court of Appeal, an appeal by the Council or

the teacher concerned from a decision of the High Court under subsection (19) shall lie to the Court of Appeal on a point of law.

(22) Where—

(a) the decision of the High Court under subsection (19) results in a registered teacher being removed from the register, (b) the High Court or the Court of Appeal grants leave to a teacher under subsection (21) to appeal a decision of the High Court to the Court of Appeal on a point of law,

(c) at the date of the grant of leave the teacher is employed as a teacher in a recognised school, and

(d) that teacher is remunerated in respect of his or her employment out of moneys provided by the Oireachtas, the High Court or the Court of Appeal, as the case may be, shall at the same time as it grants such leave to appeal direct whether that teacher shall continue to be remunerated pursuant to his or her contract of employment out of moneys provided by the Oireachtas pending the determination of that appeal.

(23) A direction of the High Court or the Court of Appeal under subsection (22) that a teacher shall continue to be remunerated shall be subject to such terms and be for such period as the High Court or the Court of Appeal considers appropriate. (24) When renewal of registration has been completed the Council shall issue to the registered teacher a certificate of registration in such form and manner and containing such information as the Council may prescribe.””.

Deputy Jan O’Sullivan: Amendment No. 3 substitutes the existing section 33 of the 2001 Act on renewal of registration. The Bill, as initiated, made a number of amendments to section 33 of the 2001 Act. Further amendments to section 33 were made on Committee Stage both in the Dáil and the Seanad and additional amendments are now being made on Report Stage in the Seanad. The substituted section 33 incorporates all amendments made to section 33 to date and those being made now on Report Stage. The substituted section now sets out all provisions of the amended section 33, making it more coherent and easier to follow.

The Bill, as initiated, amended section 33 to provide, *inter alia*, for a revised text in relation to the powers of the Teaching Council to make regulations for the purpose of renewal of registration and to also make provision for retrospective vetting and re-vetting arrangements for registered teachers in the context of renewal of their registration. Further amendments to section 33 were made on Committee Stage in the Dáil. These included amendments clarifying the requirements on the council in relation to notifying a teacher in writing where it intends to seek a vetting disclosure for the purposes of his or her renewal of registration; clarifying the requirements in relation to the council making a decision to refuse renewal of registration on foot of its assessment of a vetting disclosure; and providing for a certificate of registration to be issued to teachers. Amendments were also made to make it clear that where registration is renewed subject to conditions, a timeline may be set within which such conditions must be met. In addition, amendments were made to section 33 on Committee Stage in the Seanad to further clarify the wording on the requirements on a teacher in relation to complying with a vetting request within the required timeframe.

On Committee Stage in the Seanad, I indicated that, subject to legal advices, I would progress additional amendments to section 33 on Report Stage. With some minor technical and

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wording changes arising from the proofing of the Bill, those proposed Report Stage amendments have also been incorporated in the substituted section 33. As signalled on Committee Stage, provision has now been made that in exceptional circumstances where, notwithstanding that a registered teacher has co-operated with a vetting requirement in the context of the annual renewal of his or her registration, a vetting disclosure has not been received from the vetting bureau prior to the expiry of the teacher's registration, or it has been received but there has been insufficient time for the council to obtain and consider any submissions required in respect of that disclosure, the person shall remain on the register until such time as a decision on that person's renewal is made by the council having regard to the disclosure received and any submissions submitted by the person as appropriate. This is subject to the council making a decision in respect of that person's registration within 21 days after the receipt of the disclosure concerned or where the disclosure contains information of relevance to that person's registration, the council having invited submissions from the person within 21 days of receipt of that disclosure and making a decision in respect of that person's registration within 21 days of receipt of such submissions.

Subsection (15) of the substituted section 33 also now provides that where a person has not complied with a vetting request for the purpose of renewal of registration, before the council makes a decision in relation to that person's renewal, the teacher will be offered an opportunity to make submissions to the council as to why he or she did not comply and that the council will consider such submissions before making a decision in respect of that person's registration. Where the council is not satisfied that there are reasonable grounds for a person's lack of compliance with a vetting request, the council shall refuse to register that person. The council may, however, renew the person's registration where the teacher has satisfied the council that there were reasonable grounds for not complying with the vetting request, and having considered any further submissions from the teacher. These provisions ensure that a teacher who has a valid and genuine reason for not complying within the required timeframe with a vetting request - perhaps due to incapacity or other exceptional circumstances - is not unfairly removed from the register.

The amendment as proposed also now clarifies that where a teacher appeals the council's decision to the High Court, the teacher will remain on the register during the period of appeal. The only exception to this will be where the Teaching Council, where it considers it to be in the public interest, has successfully applied to the High Court for an order to suspend the teacher from the register under section 47. In such cases the High Court will, where the teacher is employed in a recognised school, determine whether the teacher continues to be remunerated out of moneys provided by the Oireachtas.

Section 33, as amended, now provides also that, following a High Court decision on an appeal, a teacher or the Teaching Council can make a further appeal to the Court of Appeal on a specified question of law. In such a case, the relevant court shall also, where the teacher is employed in a recognised school, determine whether the teacher shall continue to be remunerated out of moneys provided by the Oireachtas.

Amendment agreed to.

An Cathaoirleach: Amendments Nos. 4, 5 and 7 to 9, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 4:

In page 13, line 27, to delete “section 33(7)(c)” and substitute “section 33(16)(c)”.

Deputy Jan O’Sullivan: These are technical and consequential amendments arising from the renumbering of section 33 of the 2001 Act, as amended by amendment No. 3.

Amendment agreed to.

Government amendment No. 5:

In page 13, line 37, to delete “section 33(10)(b)” and substitute “section 33(19)(b)”.

Amendment agreed to.

Government amendment No. 6:

In page 13, between lines 37 and 38, to insert the following:

“Sharing of information in a vetting disclosure obtained under section 33

13. The Principal Act is amended by the insertion of the following section after section 33A (*inserted by section 12*):

“Sharing of information in a vetting disclosure obtained under section 33

33B. (1) Subject to this section, the Council may provide the employer of a registered teacher with information contained in a vetting disclosure received by the Council for the purposes of the renewal of teacher’s registration under section 33 where—

(a) the Council considers that the information in that disclosure is of such a nature as to give rise to a *bona fide* concern that the teacher may—

- (i) harm any child or vulnerable person,
- (ii) cause any child or vulnerable person to be harmed,
- (iii) put any child or vulnerable person at risk of harm,
- (iv) attempt to harm any child or vulnerable person, or
- (v) incite another person to harm any child or vulnerable person,

and

(b) the identity of the employer of that teacher is known to the Council.

(2) Where the Council proposes to provide the employer of a registered teacher with information contained in a vetting disclosure under subsection (1), it shall notify the teacher in writing accordingly and invite him or her to make submissions in writing to it in relation to that proposal within such period as is specified in the notice.

(3) The Council shall consider submissions (if any) made by a registered teacher under subsection (2) before making a decision under subsection (1) to provide the employer of that teacher with the information contained in a vetting disclosure re-

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ferred to in subsection (1).”.”.

Deputy Jan O’Sullivan: The purpose of this provision is to enable the Teaching Council, where it has received a vetting disclosure in respect of a registered teacher for the purpose of the renewal of his or her registration and information in that disclosure gives rise to a bona fide child protection concern, to provide that information for the employer of the teacher, where that employer is known to the council.

The amendment provides that before making a decision to provide such information to an employer, the council shall notify the teacher in writing and invite him or her to make submissions within a specified period and that any submission received shall be considered by the council.

Amendment agreed to.

Government amendment No. 7:

In page 14, to delete lines 13 and 14 and substitute the following:

“under subsection (16) of section 33 (amended by *section 11 of the Teaching Council (Amendment) Act 2015*) of the Principal Act.”.

Amendment agreed to.

Government amendment No. 8:

In page 14, lines 21 and 22, to delete “subsection (4A)” and substitute “subsection (5)”.

Amendment agreed to.

Government amendment No. 9:

In page 14, line 23, to delete “subsection (4A)” and substitute “subsection (5)”.

Amendment agreed to.

Government amendment No. 10:

In page 24, to delete section 46B inserted by amendment 8 on the list of committee amendments made by the Seanad and substitute the following:

“Information Council may publish in the public interest

46B. The Council, if satisfied that it is in the public interest to do so shall—

(a) advise the public when—

(i) a decision takes effect under this Part in relation to a registered teacher to remove the teacher from the register, suspend the teacher from the register, retain the teacher on the register subject to conditions or to advise, censure or admonish the teacher, or

(ii) a decision referred to in section 46A(1) comes to the attention of the Council,

and

(b) following consultation with the Disciplinary Committee, publish (with or without any information which would enable any party to an inquiry to be identified)—

(i) the findings of a panel under section 43(17)(b), and

(ii) the decision of a panel under section 44(1).”.”.”.

Deputy Jan O’Sullivan: Section 46B was introduced as an amendment on Committee Stage in the Seanad to provide for the publication of certain information on the outcomes of fitness to teach inquiries. This amendment to 46B sets out in a clearer manner the provisions in relation to the circumstances in which the council shall inform the public of such information. It provides that the council shall, where satisfied that it is in the public interest to do so, advise the public in the following circumstances when, on foot of a fitness to teach inquiry, a decision takes effect to remove a teacher from the register, suspend a teacher from the register, retain the teacher on the register subject to conditions, or advise, admonish or censure a teacher, or where a similar decision taken in another state comes to the attention of the council. Section 46B also provides that the council shall, where satisfied that it is in the public interest to do so and following consultation with the disciplinary committee, publish decisions made by a panel following a fitness-to-teach inquiry and, where there has been a finding against the teacher, publish that finding.

I indicated on Committee Stage in this House that I intended, subject to legal advices and compatibility with the National Vetting Bureau Act 2012, to further amend section 46B to include provision for the publication of reports and transcripts in the case of complaints made by the council on foot of information in a vetting disclosure. However, I have decided not to bring forward this amendment.

In addition, section 46B had previously included provision for the publication of reports and transcripts of inquiry proceedings. Having reviewed this provision, which went further than is provided for in other regulated professions, I have now decided to remove it. In doing so, I am satisfied that the provisions of this section, as now worded, along with the Bill’s separate provisions in relation to the hearing of inquiries in public, will ensure that the public can have confidence in the transparency of the procedures that follow from the Bill’s provisions.

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

Sitting suspended at 8.35 p.m. and resumed at 9 p.m.

Transplant Patient Services: Motion

An Cathaoirleach: I welcome the Minister for Health, Deputy Leo Varadkar.

Senator Mark Daly: I move:

That Seanad Éireann calls on the Government to ensure:

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- the vacant posts in Beaumont Hospital in urology, with an interest in transplantation, be categorised as very urgent and receive an exemption to the current pay scales on offer;
- the recent practice of instructing transplant patients to attend hospital emergency departments be complemented by providing access to senior specialist nurses or attending renal registrars first; and
- the commencement of the treatment abroad fund to provide dual kidney and pancreas and pancreas only transplants for people on the waiting list in order that the available donated Irish organs can be utilised.

The issue with respect to Beaumont Hospital and the situation regarding the retirement of Mr. David Hickey is causing great anxiety among the 526 people who are awaiting kidney transplants and the eight people who are awaiting pancreatic transplants. As we can imagine, the uncertainty surrounding organ donations services in such a life and death situation is a concern for a patient who is waiting for a telephone call regarding their situation.

We included the first point in the motion following consultation with those who are experts in the organ donation area. The current pay scale being offered to recruit a new surgeon is €110,000. That can be compared to a pay scale of €700,000 on offer in the United States for the same level of expertise. It is little wonder that the four attempts to fill the post have not succeeded. The description for the post needs to be changed to some extent and the pay scale on offer must be breached. Otherwise, it does not matter how many times the HSE advertises the post, when we are competing with Canada, the United States, England and Australia for the same very small pool of experts we will not win that battle. The Minister must overcome the issue of breaching the pay scale for this post.

I note from a reply the Minister gave Senator Colm Burke in response to a Commencement matter he had raised on this issue - I look forward to hearing the Minister's reply to this motion - that the Minister did not address the issue that these patients are being instructed to attend emergency departments. As the Minister will be well aware, the last thing a transplant patient, who is ill, should do, or should be told to do, is to go to an emergency department, but that is what these patients have been told to do. A clear message needs to be sent from the Department that such advice is being reversed and that access to specialist nurses will be made available for these patients, as it was available in the past. The advice that has been given beggars belief and obviously that came from someone who does not understand the risks of sending a transplant patient into an emergency department where he or she will pick up an additional infection, if he or she does not have one already. It can be life threatening for a person to go there. Those patients need access to specialist nurses and to the treatment abroad fund. I look forward to the Minister's reply on that point. I note that he stated in that reply that every effort was being made. Four attempts have been made to fill this post without success. A fifth attempt will hardly be successful if the same pay scale and conditions are offered. Unless additional funding is put in place, we will get the same result.

An Cathaoirleach: I ask the Senator to conclude.

Senator Mark Daly: The most important point is that the hundreds of people who are awaiting organ transplants are suffering anxiety and in a state of distress as a result of this uncertainty.

Senator Darragh O'Brien: I second the motion and thank the Minister for coming to the

House to take it. I have written to him about this issue and have had a response from the Department. Other colleagues in this and the other House have also written to him about this issue.

The bottom line is that I have met pre-transplant and post-transplant patients and what is being asked of them is extremely unfair. I know that there are problems with filling this vacancy. I am referring specifically to the pancreas side of services. Of course, the Minister cannot magic up a surgeon who will take the job. Some points set out in the reply he gave to Senator Colm Burke's Commencement matter last week are completely incorrect. It is stated in the reply Beaumont Hospital wrote to all the patients in May, but it did not. It did not write to the pancreas transplant patients. It is stated a joint assessment clinic for the eight patients who are waiting for a transplant will be held on 24 July, but those patients know nothing about it. It is also stated they will not have to go to the emergency department - they know nothing about this - and that they will go to the co-ordinators. That is not happening. I hope the Minister has come to the House in order that these points can be clarified.

With others, I have met these patients and know that the Minister wants to resolve this issue. I am raising this issue on a humanitarian basis, not on a political basis. The fact of the matter is that these people should not be going to an emergency department. The Minister will probably give a response to the motion about kidney and pancreas transplants, but I would like him to focus specifically on the pancreas side and the replacement of Mr. David Hickey. I am interested, first and foremost, to hear the Minister's response. What we are looking for is very clear. If we cannot provide the service here, let us pay for it to be provided abroad for these patients. The National Treatment Purchase Fund was in place to provide for this. Let us make sure these patients have access to the co-ordinators.

As I am very tight on time and I am more interested to hear what the Minister has to say, I will leave it at that. He knows what the situation is. This is a life and death situation which has to be sorted.

Senator Colm Burke: I welcome the Minister. He gave a comprehensive reply when I raised this issue as a Commencement matter. I want to refer again today to the issue of long-term planning and the need to ensure vacancies are flagged at an early stage. I know it is not within the Minister's powers to resolve that immediately. The last time I debated this matter with him, I made the point that the HSE was unable to tell me how many consultants intend to retire during 2015. This is fundamental to this whole issue. If we are trying to plan for the filling of vacancies, information needs to be available at central level. The HSE needs to know what positions are likely to become vacant in the next 12 months. That would enable the advertising process to start before the vacancy arises. If I offer a job to someone who is working in Canada, it is likely that it will take him or her at least nine to 12 months to come to Ireland to take up the job. It is extremely important for us to take that into account, especially in the very specialised area of transplantation. A degree of urgency is required in forward planning. We are experiencing problems as we try to fill vacancies. Reference has been made to the €110,000 pay level. In fairness, people can come in on different increments. They do not have to start at €110,000. There is discretion in how that is managed. I would make a complaint in this regard, however. If a person who has worked as a consultant for three years also has an MBA degree, that is not taken into account when the pay scale at which he or she should start is being calculated. I think there is some intransigence among HSE management regarding this matter. It is an issue that needs to be resolved. The manner in which we deal with this entire issue needs to be prioritised.

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Senator Averil Power: I welcome the opportunity to speak to the motion. I thank the Minister for making himself available at short notice to debate it with us this evening. It is literally a matter of life and death. I thank Senator Mark Daly for proposing the motion. I acknowledge the particular interest he has shown in the issue of organ transplantation in recent years. I am aware that it is a personal priority of his. I first raised this issue in April after I was contacted by someone who pointed out the delays occurring at that stage - four months into the year - in replacing Dr. Hickey and the other surgeon who left the team at Beaumont Hospital. I thought the delay was unacceptable at that stage; therefore, it is nothing short of frightening at this stage that we have not been able to organise pancreas transplant operations in all that time. I understand 15 donations have gone to waste because no surgical team was available to carry out the transplantation. That is deeply worrying and is putting lives at risk. Ms Ciara Kelly said in *The Irish Times* that she has been waiting three years for her second pancreas transplant and is getting weaker by the day. She is afraid that by the time the service is in place, she will be too weak to have the operation. That is genuinely frightening. Patients are really scared that they are not going to get this service.

I have a number of questions for the Minister, the first of which relates to appointments. I know he has said that a transplant service will be in place at St. Vincent's University Hospital from September this year. I would share the same concern as Senator Mark Daly. If it has not yet been possible to appoint somebody, how can the Minister be confident that the service will be available in September? Can he give us more detail of what is involved in the clinic that is supposed to take place on 24 July next? Is it just an assessment clinic? If so, in some respects it might just involve telling people what they already know, which is that they need to have a transplant as soon as possible. I would like to repeat a question that has already been asked. Why have we not been able to pay for treatment abroad? In the article I mentioned earlier, Ciara Kelly says she made such a request to the HSE but it refused to entertain it. I do not understand this because there is a procedure in place that enables us to send people to the United Kingdom and elsewhere to have urgent operations such as this. As I have suggested, it could be too late by the time this facility is available to people like Ciara Kelly here. I ask the Minister to respond to these questions.

Senator John Gilroy: I welcome the Minister to the Chamber to deal with this comprehensive and decent motion, which highlights an issue of extreme importance. I suppose the construction of the motion means we cannot support it in its current form. Surely there is no intention to ask the Minister to become involved in the recruitment of clinicians at any level. If we go down that route, we will open very dangerous territory. For that reason alone, the motion as it stands must fail. I suggest the idea that we should pay certain clinicians more or less than their colleagues is also something we would not like to explore. I think everyone understands the recruitment of clinicians depends on many variables other than pay alone. Perhaps other problems in the career pathway are preventing the recruitment of clinicians. I do not know whether that is the case. Senator Averil Power put a decent question to the Minister when she asked how it could be said that we would provide this service in September, given that we had failed to recruit these clinicians to date.

Senator John Crown: I thank the Minister for coming in at short notice. I know it is difficult. I should mention that I have a dog in this fight, as they say in the vernacular, because I am a member of staff at St. Vincent's University Hospital. In that capacity, I would like to welcome the new unit at the hospital and the new service that will be offered in our institution. I am trying to see beyond that today. As someone who has tried to become an expert on these arcane

dealings in the past eight hours, I wish to know whether my understanding is correct. It seems that St. Vincent's University Hospital intends to interview folks who are interested in becoming its new hospital-domiciled or hospital-resident transplant surgeon with an interest in pancreas transplant. I understand it is hoped these interviews will take place fairly soon. The aspiration is that one of the suitable candidates, all of whom are qualified to do pancreas transplants, will pass the interview, accept the job offer and turn up for the job. As the Minister knows - I do not mean this as a personal comment on him or his administration - many factors have conspired in recent times for a variety of reasons and, as a result, the movement from somebody sitting down in an interview to actually taking up a post is fraught with pitfalls. There has been many a slip 'twixt cup and lip.

At this time, we have a promise that a resident transplant surgeon based at St. Vincent's University Hospital will be performing this procedure. In that context, I will conclude by asking a bigger question that has to be asked about the health service. What kind of forward planning is involved in this? I would like to hear the Minister's honest opinion on the matter. Was the move from Beaumont Hospital to St. Vincent's University Hospital planned for a long time? Was it precipitated by the retirement of a distinguished person who has given heroic service, and whom I wish extraordinarily well for a long, happy and productive retirement? The doctor in question has really blazed a trail. How long has this move been known about? Is there something wrong with a system that does not have sufficient redundancy in it to cope with one retirement, one parental leave or one person going out sick? I know the Minister will turn his considerable talents and his attention to the issue of rationalising and developing a really good nationally-based transplant service, with national strategic goals. I wish him well with it.

Minister for Health (Deputy Leo Varadkar): I welcome this opportunity to update the House on the current position on pancreas transplants. Two consultant transplant surgeons left the renal and pancreas transplant programme at Beaumont Hospital at the end of last year, one on early retirement and the other on leave of absence for professional development purposes. Four consultant transplant surgeons remain and the renal transplant programme in Beaumont Hospital is continuing. Every effort will be made to fill the posts. Given the limited number of surgeons who specialise in transplantation, the filling of such vacancies poses a real challenge. Mr. David Hickey, who retired at the end of last year, performed pancreas transplants in Beaumont Hospital, as well as his kidney transplant work. I acknowledge the work he did and the outstanding care he provided to his patients over the years.

Beaumont Hospital is now collaborating with St. Vincent's University Hospital on a combined approach to kidney and pancreas transplants. It is proposed that pancreas transplants, of which six were performed in 2014, will move to St. Vincent's University Hospital. Most pancreas transplants are combined with a kidney transplant. The arrangements being put in place for such cases will involve transplant surgeons from St. Vincent's University Hospital and Beaumont Hospital working together on the St. Vincent's University Hospital campus. I am informed that the pancreas transplants will be carried out by an existing surgeon who is already a member of staff at St. Vincent's University Hospital. As Senator John Crown mentioned, other interviews are now planned by the hospital to fill other posts. A joint assessment clinic for patients who are waiting for a kidney and pancreas transplant, involving consultants and nurses from both Beaumont Hospital and St. Vincent's University Hospital, will be held on 24 July. Arrangements will be made shortly for the assessment of the three patients who are awaiting a pancreas transplant only.

Management and clinical staff at both hospitals are committed to ensuring an optimal ser-

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vice will be put in place for the long-term benefit of those in need of pancreas transplants. As St. Vincent's University Hospital is already established as the national liver transplant centre, and is a designated centre for pancreatic cancer services, it is well placed to undertake these transplants.

On exempting transplant surgeons from current pay scales, as has been suggested by Senators, revised scales were agreed for new entrant consultants in January and were endorsed by the IMO in a ballot. Under the agreed pay structures, it is possible for consultants with experience to commence at the sixth point of the incremental scale, that is €155,000, rising to €175,000. It is also possible to appoint a consultant to a type C contract, which could mean somewhat lower remuneration but the ability to make substantial private practice income as well. Furthermore, it is open to health service employers to seek approval from the Department of Public Expenditure and Reform for entry of new consultants at a higher point on the scale in exceptional circumstances. If it is considered appropriate, this mechanism will be available in the case of a very experienced applicant for a transplant consultant appointment in Beaumont Hospital or St. Vincent's University Hospital, should one apply.

If a patient who is under the care of Beaumont Hospital after receiving a transplant encounters problems, he or she is asked to contact the renal registrar via Beaumont Hospital's switchboard. If this occurs during daytime, he or she may be asked to present to the renal day ward for assessment. If the renal registrar is contacted by a patient out of hours, she or he will be advised to present to the emergency department first, where the patient will be assessed by the emergency department staff and also reviewed by the renal registrar, and-or the consultant nephrologist, if required. In addition, the patient can contact the transplant co-ordinators at Beaumont Hospital for guidance.

The treatment abroad scheme allows for public patients to be referred to another EU or EEA country or Switzerland for specific treatments not available in Ireland. It can also allow for the referral of patients where an undue delay is being experienced in access to a necessary treatment in Ireland. Given the logistical and time constraints involved, it is not practical to utilise the treatment abroad scheme to provide pancreas transplants in another country to patients who are living in Ireland, using an organ procured somewhere in Ireland. Furthermore, it would be necessary to develop protocols and service level agreements with the other country, something that would be unlikely to be achieved within the timescale of the proposed transfer of pancreas transplantation to St Vincent's University Hospital, which is a matter of weeks away, all going to plan.

I share the commitment of Members of Seanad Éireann to organ transplantation. I know it has been raised on many occasions in this Chamber. I want to see a further improvement in organ donation and transplantation rates in the coming years. I realise that the potential for transplantation depends on suitable donors becoming available, but there are a number of areas on which we could concentrate to maximise the potential supply of organs, to match them up effectively with potential recipients - most organs are not matches, unfortunately - and to carry out successful transplantations.

I believe we need to ensure the most appropriate infrastructure is in place to support organ donation and transplantation; to ensure appropriate capacity and resources in transplant hospitals to facilitate increased transplantation; to ensure all those who die in circumstances where organ donation is a possibility are recognised and that their families are made aware of the possibilities of helping others; to build on the progress being made on the living kidney donor

programme; and to strive to reach the point where organ donation will become the norm when opportunities arise.

This year, additional funding of almost €3 million has been provided to Organ Donation and Transplant Ireland, ODTI, which is part of the HSE, to facilitate the development of the most appropriate infrastructure to support organ donation and transplantation. The extra investment includes provision for the appointment of 19 whole-time-equivalent staff dedicated to organ donation and transplantation across the country.

Organ transplant can make an enormous difference to a patient and the lives of those around him or her. As Minister for Health, I am keen to ensure we do all that we can to ensure as many people as possible benefit from this gift of life. I can assure the House that every effort is being made to have all the necessary arrangements and protocols in place to facilitate St. Vincent's University Hospital being in a position to undertake pancreas transplants from mid-September, should a suitable donor-recipient match occur.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire. My colleagues and I in Sinn Féin are acutely aware of the totally unacceptable position for transplant patients in general and, in particular, the challenges facing those awaiting a pancreas transplant. My Dáil colleague, Deputy Caoimhghín Ó Caoláin, has been in touch with the Minister, experts in the field and those who have received transplants. While he has received a response from the Minister that suggests everything is being looked after, we fear the reality is quite different.

While we agree with the urgency with which the post must be filled, we cannot agree to making an exception as regards pay for this post. Certainly, this post must be filled, but, as suggested by recent OECD figures that Ireland has among the best paid consultants in the world, pay is not the only consideration. Pressure on staff and poor systems are listed highly among the reasons staff leave these shores. We note that 200 to 300 new medical consultants are required to fill existing vacancies and those that will arise in the next 12 months. We currently have 2,713 consultants. The Hanly report of 2003 recommended that by 2012 there be 3,600 consultants. It is only by ensuring we have adequate numbers of staff and suitable systems in place that staff will want to apply for posts.

I am concerned that nursing staff in St. Vincent's University Hospital in Dublin 4, as good as they might be, might not have the expertise or the capacity to deal with such cases. The issue of seriously immuno-suppressed patients being advised to attend emergency departments is also concerning. Eight patients are currently on the active waiting list. Five are awaiting a simultaneous pancreas and kidney transplant and three are awaiting a pancreas-only transplant. Therefore, we cannot support the motion as it is, but we ask the Minister to address the staffing in general, to ensure a safe environment is guaranteed for those who have had transplant and to guarantee that those awaiting surgery will have it performed in as short a timeframe as possible.

Senator Mark Daly: It is a disappointing reply even on the practical matter of continuing to ask transplant candidates to attend emergency departments, given that we know their very attendance could affect their health and lead to a catastrophic result for them. I understand the issue of staff not being available, but to continue to ask people to put themselves in harm's way in a health service is deeply concerning.

I know this is the reply written up by the Minister, but it is the same reply that was written up for Senator Colm Burke last week. It states that "[g]iven the logistical and time constraints

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involved, it is not practical to utilise the treatment abroad scheme". Can the Minister imagine if he was on the organ donor list? He would have all the time in the world. He would go through hell and high water, all the logistical challenges and use all the time he had left to get treatment, whether at home or abroad. We do not have a surgeon for pancreatic transplants, we apparently do not know how many consultants are going to retire in other organ donation areas and we will not even give patients the benefit of finding treatment abroad.

The Minister was not here when we recalled the Seanad to debate this issue, but having met people who are meeting for a life or death telephone call, the simple act of telling them they must continue to go to emergency departments is a travesty. I know that is the reply we are given, but it is not even best practice. It is actually harmful. The least they could expect is that they would not be asked to do something that would harm them by their health service of all things.

Question put:

The Seanad divided: Tá, 14; Níl, 23.	
Tá	Níl
Byrne, Thomas.	Bacik, Ivana.
Craughwell, Gerard P.	Brennan, Terry.
Crown, John.	Burke, Colm.
Daly, Mark.	Coghlan, Eamonn.
Healy Eames, Fidelma.	Coghlan, Paul.
Heffernan, James.	Comiskey, Michael.
Leyden, Terry.	Conway, Martin.
Mooney, Paschal.	Cummins, Maurice.
Ó Domhnaill, Brian.	D'Arcy, Jim.
O'Brien, Darragh.	Gilroy, John.
Power, Averil.	Hayden, Aideen.
Reilly, Kathryn.	Henry, Imelda.
Walsh, Jim.	Higgins, Lorraine.
Zappone, Katherine.	Keane, Cáit.
	Kelly, John.
	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Noone, Catherine.
	O'Brien, Mary Ann.
	O'Donnell, Marie-Louise.
	Sheahan, Tom.

Tellers: Tá, Senators Paschal Mooney and Darragh O'Brien; Níl, Senators Paul Coghlan and Aideen Hayden.

Question declared lost.

The Seanad adjourned at 9.45 p.m. until 10.30 a.m. on Thursday, 16 July 2015.