



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Déardaoin, 30 Márta 2017*

*Thursday, 30 March 2017*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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

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### **Business of Seanad**

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

The need for the Minister for Health to discuss what actions he is taking to address the serious and ongoing decline of health services in County Clare, with particular reference to the drastic curtailment of Shannondoc services throughout the county.

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

The need for the Minister for Housing, Planning, Community and Local Government to introduce new wind energy development guidelines in relation to noise, proximity and shadow flicker as a matter of urgency.

I have also received notice from Senator Ivana Bacik of the following matter:

The need for the Minister for Justice and Equality to give details of the plan for the imminent closure of the training unit prison; to confirm where the current training unit prisoners are to be moved, including the prisoners serving life sentences; to confirm that the rehabilitation regimes of existing prisoners will not be adversely affected by the closure; to explain why it is proposed to house older prisoners all together in one place once the training unit is re-opened; and to confirm that the closure is in line with the overall penal policy aim of rehabilitation as articulated by the penal policy review group.

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

The need for the Minister for Education and Skills to address concerns from the hospitality industry regarding the shortage of qualified chefs and other associated skills in the hospitality sector.

I have also received notice from Senator Lorraine Clifford-Lee of the following matter:

The need for the Minister for Transport, Tourism and Sport to consider a swimming pool for the town of Balbriggan in County Dublin.

I have also received notice from Senator Neale Richmond of the following matter:

The need for the Minister for Public Expenditure and Reform to amend the Regulation of Lobbying Act 2015 so as to ensure full compliance of the Act by bodies and individuals based or working outside the State.

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

The need for the Minister for Agriculture, Food and the Marine to undertake a comprehensive countryside review of the damage wild ivy is causing to trees and to instigate remediation and management measures to protect Ireland's tree population.

I have also received notice from Senator Paudie Coffey of the following matter:

The need for the Minister for Health to outline when he intends to appoint the board for the South-South West Hospital Group and to discuss the HSE capital plans for University Hospital Waterford.

I have also received notice from Senator Maura Hopkins of the following matter:

The need for the Minister for Transport, Tourism and Sport, to provide an update on the N5 Ballaghaderreen to Scramogue project and to confirm whether the necessary capital funding has been allocated to the project.

I have also received notice from Senator Tim Lombard of the following matter:

The need for the Minister for Health to outline if there is a current proposal for a primary care centre in Bandon, County Cork and, if so, the proposed timeline and budget for this project.

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

The need for the Minister for Health to put in place a system which would enable parents access to respite care for a son or daughter who is residing with them but who is now over 18 years of age.

I regard the matters raised by the Senators as suitable for discussion. I have selected Senators Gavan, Leyden, Bacik and Byrne and they will be taken now. Senators Clifford-Lee, Richmond, Ó Domhnaill, Coffey, Hopkins, Lombard and Colm Burke may give notice on another day of the matters that they wish to raise.

I take this opportunity to welcome two very popular Bandonians that are involved in community work to the Chamber today. They are the great Dan Joe Quill and his wife, Maureen. I hope they enjoy their visit to Leinster House.

### **Commencement Matters**

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## Health Services

**An Cathaoirleach:** The Minister of State can take her seat. Usually Members have four minutes and the Minister has four minutes to reply. It is at my discretion to allow a supplementary question. I normally do but sometimes the times have been totally breached, which puts pressure on later speakers. Senator Paul Gavan has four minutes to outline his case.

**Senator Paul Gavan:** The Minister of State is very welcome. I wish to raise the issue of health services in County Clare, with specific reference to the drastic curtailment of the Shannondoc service. As no doubt she is aware, Shannondoc is an urgent out-of-hours GP co-operative that was established in 2002. Its main purpose was to provide an urgent out-of-hours GP service to the people of the County Clare area. On November 14 of last year, despite protests from the local community, the service was massively scaled back in the county. Both Shannondoc centres at Kilrush and Ennistymon have relocated to Milltown Malbay on weekdays from 6 p.m. to 8 a.m. and on weekends the service is operational until 7 p.m. As Kilrush has such a large catchment, Shannondoc decided that it would introduce a nurse service on weekday evenings for an additional two hours to enable remote video consultations to soften the blow of taking the doctor away fully.

According to the HSE, which funds Shannondoc to the tune of nearly €5 million each year, the reason for the scaling back of the service is not related to funding. According to Shannondoc, the reduction in service is as a result of the inability to attract doctors to work in rural areas combined with a lack of available locums. Changes in immigration law in 2015 have also been cited as making it unattractive for locums. The long-standing failure to complete negotiations for a new GP contract has also been cited.

With the withdrawal of the Killaloe service, patients in east Clare now face the prospect of travelling to Nenagh, Limerick or Ennis to be seen by a GP after 6 p.m. We are informed that neither the Minister nor the HSE can determine or make changes to the decision of individual practitioners. The HSE promised to keep the situation under review every three months for the next 12 months. I ask the Minister of State to give me the details of that review in her reply. I would be interested to hear how the review got on and what were the results. A HSE spokesperson has been quoted as saying that the HSE might consider a rethink of the situation if there were “significant or adverse consequences to these changes”. I wish to repeat that: If there are significant or adverse consequences to these changes, the HSE may consider a rethink of the situation.

What does that mean? Does it mean that it might reconsider the situation if a few people die? If so, how many deaths are required? This is a publicly funded service and families rely on it. What will the Minister do? Are the Minister and the Minister of State telling the people of County Clare that they do not deserve the same level of out-of-hours GP services as the rest of the country? Are people in rural parts of Ireland now expected to be treated as second-class citizens? I remind the House that, in the context of County Clare, the hospital in Ennis has been downgraded. Fianna Fáil took care of that. It only runs a 12-hour accident and emergency unit. There are no maternity services in County Clare. People living in remote parts of the county cannot get sick after 6 p.m. because the nearest doctor is stationed an hour’s drive away. That is the same length of time it would take them to drive to the hospitals in Limerick or Galway, which happen to be the two hospitals worst hit by over-crowding.

I want answers with regard to the review, the action her Department is taking to address the

situation, the GP contract negotiations and the visas issues that have been raised previously with the Minister.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** On behalf of the Minister, Deputy Harris, I thank the Senator for raising this issue.

At the outset, I would like to assure the House that the Government is committed to enhancing primary health care services, including GP services, throughout the country. The development of primary care is central to the Government's objective to deliver a high quality, integrated and cost-effective health service.

GPs contracted under the General Medical Services scheme must make suitable arrangements to enable contact to be made with them, a locum or a deputy for emergencies outside normal practice hours. While there is no obligation on GPs to participate in GP out-of-hours co-operatives as a means of meeting the contractual requirement, such services have been developed and expanded over time and are now an essential part of the primary care services. This helps to ensure that, to the greatest extent possible, urgent care needs are met in the primary care setting.

As the Senator will be aware, in the mid-west region out-of-hours arrangements are discharged through Shannondoc, a not-for-profit GP co-operative owned and managed by a group of individual GPs across Limerick, Clare and north Tipperary, which is funded by the HSE. The HSE has signed a service arrangement with Shannondoc for 2017. Last year, Shannondoc announced that, due to a difficulty in attracting GPs, in particular, locum cover, it was no longer able to maintain its existing service across all its centres. Following discussions with Shannondoc, in order to ensure the sustainability of the service, the HSE accepted a proposal from the co-operative to changes in the provision of the service. The HSE's funding model to Shannondoc has not been altered and the changes to service provision decided on were not influenced by the availability of funding from the HSE. The most significant changes relate to part of east and west Clare, essentially affecting Ennistymon, Kilrush, and Killaloe, with minor changes in terms of operating hours in two locations in north Tipperary.

The changes made to the Shannondoc out-of-hours services are subject to a three-monthly review and their impact is being closely monitored and evaluated by the HSE. There have been no further changes in the provision of Shannondoc services to date. The Government is committed to ensuring that patients throughout the country continue to have access to GP services, especially in remote rural areas and also in disadvantaged urban areas, and that general practice is sustainable in all areas into the future. It is imperative that existing GP services in these areas are retained and that general practice remains an attractive career option.

As part of ongoing attempts to provide additional supports to GP services and to ensure the future provision of these services in all areas, A Programme for a Partnership Government commits to increasing the number of GP training places to 259 places annually. In July 2016, the GP training intake increased from 157 to 172 places and the HSE's 2017 National Service Plan envisages a further increase, to 187 places this year.

The Minister, Deputy Harris, is anxious to achieve further increases in future years in order to ensure that the future manpower needs of general practice can be met. Further efforts undertaken in recent years to increase the number of practising GPs include changes to the entry provisions to the GMS scheme to accommodate more flexible-shared GMS-GP contracts, and

to the retirement provisions for GPs under the GMS scheme. An enhanced supports package for rural GPs was also introduced last year.

The Minister has also emphasised the need for a new GP services contract which will help modernise our health service and develop a strengthened primary care sector, and health service management have already progressed a number of significant measures through engagement with GP representatives. The GP contracts review process will, among other things, seek to introduce further measures aimed at making general practice a fulfilling and rewarding career option in the future.

**Senator Paul Gavan:** I do not mean to be disrespectful but I must be frank with the Minister of State. I asked for detail of the three-month review that should have taken place by now and the Minister of State has given me no detail. I asked her to comment on any steps in relation to the visa restrictions issue for locums and she has not given me an answer in regard to that. I asked what steps the Department is taking to attract GPs to rural Ireland and the Minister of State has given me no answer on that. I asked what did the HSE mean by “significant or adverse consequences to these changes” and the Minister of State has ignored that as well.

I will put this in context for the people of County Clare. We hear a lot of guff from the Government in regard to protecting and enhancing rural areas. In reality, the Government is shutting down bus services. It is shutting down health care services. It is shutting down post offices. The Government is killing rural areas. The people of County Clare want to know why are they being treated as second-class citizens when it comes to their health service.

**Deputy Catherine Byrne:** I again thank the Senator. Unfortunately, I do not have some of the information he is looking for but I will come back to him.

**Senator Paul Gavan:** The Minister of State has given no answers.

**Deputy Catherine Byrne:** I will come back to the Senator. There is a clear answer. The Minister has outlined and explained about the GP services. The Senator made it clear in his opening statement that there is a need for GPs in rural areas. Unfortunately, for whatever reason, GPs are not attracted to rural areas in some cases. The Government cannot force GPs to go into rural areas to become part of a practice.

**Senator Paul Gavan:** The Government could take enhanced measures to attract them. They have done nothing.

**Deputy Catherine Byrne:** There is a clear indication from the Minister’s reply that the HSE and the Department are doing everything to enhance training for GPs and to bring more GPs into the service. That is something we all welcome. I will get the Minister’s office to come back to the Senator on the review for the past three months and what the accomplishments have been.

It is not fair to say that the people do not deserve a proper health care system. Every citizen in this country does.

**Senator Paul Gavan:** I never said that. I said the Government is treated them as second-class citizens, and it is.

**Deputy Catherine Byrne:** I do not agree with Senator Gavan on that one-----

**Senator Paul Gavan:** The people of County Clare would agree.

**Deputy Catherine Byrne:** -----and neither does the Minister. I will come back to the Senator on the various points which I have made note of and I will relay them back to the Minister's office.

### **Wind Energy Guidelines**

**Senator Terry Leyden:** Do I take it that the Minister for Communications, Climate Action and Environment, Deputy Naughten, will not appear before this House to answer a specific notice of motion I placed for the Commencement debate on the erection of wind turbines in my constituency of Roscommon-Galway? Do I take it that the Minister is not here? He was in Leinster House last night. I was in the same vicinity as he was. He did not request me to postpone this motion. The Minister can run, but he cannot hide, from this issue.

The wind turbines in my area will destroy our locality and it is up to the Minister to bring in guidelines. It is three years since this matter was at issue. I ask that these turbines would be at a distance equal to ten times the height of the turbine. The height of one of these wind turbines is 130 m and it should be roughly 1,500 m from any house within that vicinity.

The Minister attended a public meeting. He knows the issue involved. In protest, I will be re-entering this matter. I will pursue this continuously until the Minister, Deputy Naughten, is prepared to stand up to his responsibilities, both as a Minister and as a Deputy for the constituency of Roscommon-Galway. I will not allow the Minister to destroy our area. He has in his power the right to bring forward the new guidelines and those guidelines are being held up by him. I hold the Minister personally responsible for this issue.

In this issue, I am walking out in protest of the slight and continuous insult on this House. I have received no explanation from the Minister, Deputy Naughten, who was in the House last night, and I was in the House last night.

**Acting Chairman (Senator Gerry Horkan):** To clarify, my understanding is the Senator asked for the Minister, Deputy Naughten, to attend. It was actually changed by agreement between the Minister, Deputy Naughten, and the Minister, Deputy Coveney's, Department. The Commencement matter states, "The need for the Minister for Housing, Planning, Community and Local Government" to attend. In fact, Senator Leyden wants Deputy Naughten rather than Deputy Coveney.

**Senator Terry Leyden:** No explanations required.

**Acting Chairman (Senator Gerry Horkan):** I thank Senator Leyden. That concludes this matter. I suppose there is not much point in the Minister of State, Deputy Catherine Byrne, responding.

### **Prison Accommodation**

**Acting Chairman (Senator Gerry Horkan):** I welcome the Minister of State, Deputy O'Donovan.

**Senator Ivana Bacik:** I welcome the Minister of State to the House. I thank him for coming in. I am sorry the Tánaiste and Minister for Justice and Equality is not able to be here to take this question. He might pass on the fact that I wished to commend her on the penal reform programme generally and, in particular, the announcement this week that the Minister for Children and Youth Affairs, Deputy Zappone, will be introducing an order that finally ends the detention of young offenders in adult prisons, which is welcome.

This Commencement matter is a lengthy question that relates to a specific issue, that is, the imminent closure of the training unit prison on the North Circular Road prison estate beside Mountjoy Prison. It has been some years since I visited it, as I visit Mountjoy and Dóchas more regularly, but its imminent closure has given rise to serious concerns among current prisoners, staff, the Irish Penal Reform Trust, IPRT, and the Prison Officers Association. I have discussed this matter with Mr. Michael Donnellan, the IPRT and others, but I wish to raise directly with the Minister of State a number of concerns. Mr. Donnellan spoke at the justice committee on 8 March on this issue, but I wish to have more details about the consequences of the closure.

I will raise three specific issues. First, there is a concern among current prisoners that their regimes might be adversely affected by the closure. Those in the training unit are engaged in a wide range of rehabilitation measures. Many are on temporary or day release and are concerned about what the transfer will mean for them. For those transferring to open centres, such as Shelton Abbey and Loughan House, key issues will arise, for example, distance from families and services and continuity of their programmes. For those transferring to Mountjoy west, formerly St. Patrick's Institution, there is a concern around normalisation as being central to rehabilitation. Prisoners in the training unit have communal eating facilities. If they move to Mountjoy, will they be subject to in-cell eating and earlier lock-up times in their cells, will there be a deterioration in their family visiting conditions and will they be able to continue with their rehabilitation regimes? The concern is that the move could amount to a regressive step for those currently serving time in the training unit, in particular those with life or other lengthy sentences who are engaged in long-term rehabilitation regimes.

Second, why is it proposed to house older prisoners together in one place once the training unit is reopened? Mr. Donnellan stated that the unit needed to be upgraded and in-cell sanitation needed to be installed. Once that is done, it is proposed to reopen the unit. I understand that there are approximately 90 prisoners aged over 60 years across the prison estate. Why must they all be kept together?

Third, will the Minister of State confirm whether the closure is in line with the overall penal policy aim of rehabilitation as articulated by the penal policy review group? The IPRT is concerned about this matter. The strategic review group on penal policy recommended an increase in open prison provision, particularly in Dublin. The closure of the training unit will reduce the provision of semi-open accommodation by 96 places to under 7% of bed capacity. This reduction is contrary to the group's report. Mr. Donnellan stated that it would take 18 months to two years to refurbish the training unit. There is a concern that this will be a retrograde step, in that there will be a reduction in semi-open and open prison accommodation during that period.

There is also a concern that the plan to close the training unit in the absence of the provision of alternative open or semi-open facilities amounts to an efficiency measure rather than what it should be driven by, that being, the needs of prisoners and an emphasis on rehabilitation.

While I appreciate the need to refurbish the training unit, I wish to get the Minister of State's

response about addressing these concerns on record.

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Patrick O'Donovan):** At the outset, I apologise on behalf of the Tánaiste, who unfortunately cannot attend. I assure Senator Bacik that I have noted the individual concerns that she raised and I will relay them to the Tánaiste.

I thank the Senator for giving me the opportunity to discuss the planned repurposing of the training unit place of detention as an older prisoners unit. The training unit is a semi-open facility based within the Mountjoy Prison campus for males aged 18 years and over. As a semi-open prison, prisoners accommodated within the training unit are afforded more latitude in terms of out-of-cell time than prisoners with a higher security rating. A key action of the Irish Prison Service strategic plan, specifically action No. 2.5, is to ensure that older prisoners are identified as a specific group that has particular needs within the prison population. There are a number of such prisoners in the care of the Irish Prison Service who have significant and ongoing health care needs, many of whom are dispersed across the estate, in some cases significant distances away from the health care providers on which they rely.

The development of a bespoke facility to cater for the needs of this specific cohort will allow the Irish Prison Service to provide a physical infrastructure that takes cognisance of the needs of older adults in terms of mobility, access and appropriate age-related services, forge strong strategic links with statutory and community services critical to effective care provision for older persons in custody, ensure that age-related mental health and related social needs are met through appropriate assessment and intervention methods, including early detection, and ensure that older adults in prison are given opportunities for participation in meaningful and purposeful activity or occupation to meet their needs, preferences and capacities.

The House will be well aware that significant investment has been undertaken by the Government in Mountjoy Prison. As a result, overcrowding has been eliminated and all of the wings in Mountjoy Prison have been completely refurbished, thereby facilitating the elimination of the practice of slopping out and the significant enhancement of regime activities and facilities available to prisoners. To facilitate the refurbishment of the prison, one division of Mountjoy Prison, equating to 125 cells, has been continuously closed since 2010. With the recent completion of the refurbishment project, however, these cells are now available for occupation.

As a result of the developments I have outlined, an opportunity now presents itself to migrate prisoners to Mountjoy Prison from the training unit in order to repurpose the existing facility into a dedicated unit to accommodate older prisoners. The temporary closure of the unit will not result in any reduction in the regime or sentence management arrangements currently in place for prisoners accommodated there. Given the existing capacity within Mountjoy Prison, prisoners currently accommodated in the training unit will be transferred to an enhanced area of the prison, which will allow them to avail of the level of openness of regime and provide improved, more structured activities than those currently available within the training unit. Moreover, there will be no interference with the sentence management plans in place for prisoners, many of which are based on recommendations of the Parole Board. Likewise, the temporary closure of the training unit will not result in the displacement from Mountjoy of staff currently serving in the unit. Staff will be reassigned across the Mountjoy campus and the resulting surplus of staff will be redistributed across the service by way of current voluntary transfer arrangements. The latter will have the significant added benefit of allowing the Irish Prison Service to consolidate its staffing resources and will greatly assist in addressing current

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staffing shortfalls, pending the training of recruit prison officers, which is scheduled to commence later this month.

In addition, a new lifers unit has recently opened in Wheatfield Place of Detention, offering prisoners a more open prison regime. It is the intention of Mountjoy Prison management to establish a second such unit for suitable life sentence prisoners, including those transferring from the training unit.

**Senator Ivana Bacik:** I thank the Minister of State for those words. I am grateful to Mr. Donnellan, the head of the Irish Prison Service, for also communicating with me much of the information that the Minister of State just provided. I appreciate the progress being made in refurbishing Mountjoy Prison, in particular the ending of the appalling practice of slopping out. I am glad to hear the Minister of State confirm that there will be no reduction in the regime or sentence management arrangements that are currently in place for prisoners accommodated in the training unit. I welcome that those being moved to Mountjoy will be transferred to an enhanced area of the prison and have the same level of openness of regime and so on. However, I will keep this issue under review. The IPRT is also following it.

I would be grateful if the Minister of State could ask the Tánaiste to follow up on the more specific questions that I have raised and to respond to me on same. I will follow them up with her as well. In particular, when will the new unit that was mentioned be established and open? I refer to the more open prison unit for those transferring from the training unit. Is this closure in line with the general policy of emphasising rehabilitation as a sentencing rationale?

**Deputy Patrick O'Donovan:** On the Tánaiste's behalf, I assure the House that the Irish Prison Service and Mountjoy Prison management are working to ensure that prisoners relocating from the training unit are accommodated on regimes that mirror in so far as possible their current ones so that they can continue their rehabilitation and help their eventual reintegration on release from prison custody, which is a point that the Senator raised.

I counted seven specific queries. I will relay them to the Tánaiste and ask her to revert to the Senator.

**Senator Ivana Bacik:** I thank the Minister of State.

*11 o'clock*

### **Skills Shortages**

**Senator Maria Byrne:** I welcome the Minister of State, Deputy John Halligan. I know he is aware of the skills shortage in the hospitality industry, especially chefs and front-of-house staff. The expert group claimed that we need approximately 5,000 chefs a year in terms of training, and I understand 1,800 currently go through the system.

My background is in the hospitality sector, and I know how important it is to have the right staff who are properly trained. The hospitality sector is very reliant on service delivery to their customers. Tourism numbers are up. No matter where people go, they will want to eat and drink.

I served on the old VEC and the LCETB for a number of years. I visited the training centre in Limerick, which is run by the LCETB, on many occasions. It has provided those who are long-term unemployed in the area with skills and training. Some have gone into front-of-house, management or trainee management and others have become chefs. I would like to see a similar system elsewhere. I would welcome any suggestions from the Minister of State regarding how he will address the situation.

Career decisions involve long-term choices. Culinary skills and front-of-house management in the tourism and hospitality sector offer long-term employment prospects. We need to examine how we can encourage people to apply for the relevant courses through the CAO system or return to education for reskilling or retraining as mature students. Education in skills is very important. Not everyone will go into third level education or the skills sector. I look forward to hearing the input of the Minister of State.

**Minister of State at the Department of Education and Skills (Deputy John Halligan):**

I thank Senator Byrne for her important question. When I became Minister of State I was made aware of the difficulty we are having in the area to which she referred.

In 2015, the expert group on future skills needs, EGSFN, carried out a study on the future skills needs of the hospitality sector. It assessed skills demand across the sector so as to ensure provision of the right supply of skills for the sector. The report was published in November 2015, and sets out a clear framework to provide for the skill needs of the sector in the years ahead.

A key recommendation of the study was the need to establish a national oversight and advisory group comprising all the key hospitality stakeholders to monitor progress on the implementation of the recommendations in the report. The hospitality skills oversight group was established last year, with membership including Government Departments and agencies, education providers, SOLAS, ETBs, HEA, the Restaurant Association of Ireland, Vintners Federation of Ireland, the Irish Hotel Federation, the Irish Hospitality Institute and the Licenced Vintners Association.

The group met on eight occasions. I have asked it to publish a report as quickly as possible. I have been told it will publish its first progress report shortly. To date, work has been undertaken on careers promotion via a range of fora such as, for example, the launch of the tourism insight online programme which is aimed at promoting careers in tourism and hospitality, the publication of a draft new specification for junior certificate home economics and the establishment by Skillnets limited of a dedicated training network for the hospitality industry.

Promoted by the Restaurants Association of Ireland, the network plans to design tailored programmes covering all aspects of the restaurant, food and beverage industry to SMEs nationally. Work is progressing on the development of a new commis chef apprenticeship, planned to commence later this year, led by the Irish Hotels Federation and the Restaurants Association of Ireland which are working with Kerry Education and Training Board.

We are working with the Department of Transport, Tourism and Sport on this issue. We realise that there is a difficulty, but we have taken the right approach in bringing on board all of the shareholders and asking them to report back. The report should be with me very shortly and I will be delighted to send a copy to Senator Byrne. If stakeholders such as the Senator believe they can add to the report, which has not been finalised, they can do so. We are ask-

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ing stakeholders to come on board to assist us in the development of the apprenticeship model which we know is necessary.

Some months ago I was handing out certificates at an event and it was indicated that there is a shortage of perhaps 8,000 in the sector, which is a significant number. Once we receive the report all of the interested parties can push forward to determine how we can deal with the serious problem the Senator has addressed.

**Senator Maria Byrne:** I thank the Minister of State for his response. I do not have the relevant information, but a number of people have contacted me who would be delighted to offer him some suggestions. I welcome that there will be an opportunity to provide input to the report.

I would like the Minister of State to see what is happening in the centre in Limerick to which I referred. It is something that should be rolled out across the country. It has taken people from areas of high unemployment and provided them with a skill set. The centre produced a very positive video. One woman spoke about not being in a good place because she was not working, but is now permanently employed. There have been a number of good news stories from the centre.

It is good that the Minister of State is addressing the issue and that the Department of Transport, Tourism and Sport is coming on board. That is important because both Departments have responsibility for this matter.

**Deputy John Halligan:** I would like to visit Limerick. I ask the Senator to arrange a visit with my Department over the next few weeks. If I am being told that we can create 8,000 jobs or 8,000 apprenticeships, which we are behind on, any information or advice I can possibly receive from any stakeholder or anybody who is involved would be helpful. If the Senator makes contact with my Department, I will be in Limerick within a few weeks.

*Sitting suspended at 11.10 a.m. and resumed at 11.30 a.m.*

### **Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. 1, motion regarding the Companies Act 2014 (Section 1313) Regulations 2017, back from committee, to be taken without debate on the conclusion of the Order of Business; No. 2, Health (Amendment) Bill 2017, Committee and Remaining Stages to be taken at 12.45 p.m.; No. 3, motion for earlier signature of the Health (Amendment) Bill 2017 to be taken on conclusion of No. 2; and No 4. statements on Northern Ireland to be taken at 2 p.m. and to conclude not later than 5 p.m. with the contributions of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes and the Minister to be called upon to reply not later than 4.50 p.m.

**Senator Catherine Ardagh:** I again call on the Minister for Transport, Tourism and Sport to make some effort to intervene in the Bus Éireann strike. Yesterday I went outside the gates of Leinster House with some of my colleagues and met some of the decent, hard-working staff in Bus Éireann who are rightly concerned about their future employment status and the future of Bus Éireann. I cannot understand how the Leader's party can stand by a Government Minister who refuses to engage at any level with one of the most serious issues facing us today. We are

faced with a situation where companies and local economies are affected, where some companies are paying privately to chauffeur their staff to and from work. This has an awful impact on Ireland as a place to do business. Especially with the triggering of Brexit yesterday, we need to sell ourselves as a place where a company can do its business with ease and not be hampered by basics such as a faulty transport system. We also have a situation where it has been reported that some private operators operating school runs are not being paid on time. This will have a cash flow implication for these companies and may put these routes in jeopardy. Having this type of impact on children's education, flowing from the Minister's inaction, is unacceptable.

With regard to the ongoing Garda controversy, we learned this morning that the Commissioner has apologised to the Policing Authority for failing to mention the breath testing audit, despite having met the Policing Authority six times over the past year. She also admitted that officers deliberately falsified driving statistics and she apologised in regard to the wrongful convictions. This has led to more questions that need to be answered.

The Commissioner also apologised for the scandals in the force over the last ten years. This is not enough. I call on the Minister to introduce a fast-track Patten-style reform as colleagues mentioned yesterday to immediately restore public confidence in the Garda Síochána and to assure those honest, hard-working gardaí that they can have confidence in their job and in the organisation for which they work.

I commend Joanne O'Riordan and the 100 disability groups who are protesting outside the Dáil today to acknowledge the Government's failure to ratify the UN Convention on the Rights of Persons with Disabilities.

**Senator Paul Gavan:** Hear, hear.

**Senator Aodhán Ó Ríordáin:** Hear, hear.

**Senator Catherine Ardagh:** I fully support Joanne and I hope the Government and the Minister ratify this convention without delay.

**Senator Gerard P. Craughwell:** Like my colleague, Senator Ardagh, I believe the transport situation has gone from the sublime to the ridiculous. There has to be ministerial involvement at this stage. At the very least, the Minister could talk to the company and tell them to get back into the WRC and to remain there until such a time as they find a solution. To sit on the bench and refuse to play a part in this is not the way the world works. Many Ministers down through the history of this State have used their office to force organisations to come together with their unions and solve problems and that is something that will have to be done. Otherwise, there will be contagion of this problem and we will grind this country to a halt while we are trying to rebuild it. That is not the way forward.

However, I will talk about something good. Microfinance Ireland has provided finance for small companies throughout the country to get this country back to work. Setting up Microfinance Ireland and empowering it to lend money to small start-ups was one of the fine things done by the last Government. Alongside it, there are organisations such as the PorterShed in Galway which is an innovation and incubation centre. I visited it recently with the Minister of State at the Department of Finance, Deputy Eoghan Murphy, and it is the most exciting place in which I have been in a long time. It is a hive of activity, where there is a complete exchange of views and ideas. It is an incredible place to be.

I raise this issue because when they were first established, the education and training boards, ETBs, were to have capital funding to provide seed capital for small start-ups. That was taken off them in the 2013 Act, which was a regressive step. The institutes of technology and the universities are phenomenal at providing research and development and providing incubation centres. There is an ETB in every county in Ireland and there is no reason why the ETBs could not be playing their part in the establishment of start-ups.

Coming from a teaching background, the Leader will know himself that there is many the young person who came out of a PLC course, as they were known, or a further education or training course, and found within himself or herself the ability to start up a small business. Small businesses can grow to very large businesses. The 1817 project in Chicago is an example of a small company starting off with one or two people and finishing up as big as the Googles, Facebooks and Twitters of this world. We need to put that kind of money into rural Ireland because it is unlikely that one will get any of the large companies there. Ten small companies employing five people each is 50 jobs no matter how one looks at it. Five jobs in a small town lifts the entire town because of the knock-on effect. Perhaps we might get the Minister for Education and Skills in here and see can we re-establish some form of capital for ETBs to provide seed funding for small start-ups.

**Senator Máire Devine:** There were millions lost on Project Eagle. The country is weary and fed up and I think we are weary and fed up getting up here day after day because of perceived skulduggery at all levels of this country. The Minister for Finance, Deputy Noonan, has accelerated this. He needs to understand, and he seems to misjudge, the anger and ire of citizens who are faced with a tsunami of corruption, cronyism and those who believe they are untouchable. It is clear that the Minister has gone on the defensive. As an experienced politician he should have known to never have met with individuals from Cerberus, especially on the eve of the closing date for bids for Project Eagle. It is incredible. What is even more incredible is the Minister's sense of omnipotence and grandiosity in his threat to injunct the Committee of Public Accounts for doing its job. He attempted to insult my colleague, Deputy Cullinane, branding him and my party fibbers. He is acting like a petulant teenager. This is a slur on the Committee of Public Accounts. The public looks to the Committee of Public Accounts and trusts it. It is the only way ordinary citizens have to get redress and to raise issues of corruption and skulduggery in this beleaguered State. It is a pity he is following in the footsteps of Denis O'Brien, Angela Kerins *et al* in attempting to strangle and smother the democracy of this country.

**Senator Paul Gavan:** Hear, hear.

**Senator David Norris:** I thought we were not supposed to mention people.

**Senator Máire Devine:** The Committee of Public Accounts is the only point citizens have in this so-called republic for redress.

**Senator Jerry Buttimer:** It is a republic.

**Senator Máire Devine:** It seems only the well-connected-----

**Senator Jerry Buttimer:** Sorry, it is a republic.

**Senator Máire Devine:** So-called republic.

**An Cathaoirleach:** I ask the Leader not to interrupt.

**Senator Máire Devine:** Leader, would you ever just dún do bhéal for a minute. Go raibh maith agat.

**Senator Paul Gavan:** The Leader should have some manners.

**Senator Máire Devine:** It seems only the well-connected are allowed to attack the Committee of Public Accounts-----

**Senator Jerry Buttimer:** It is a republic.

**Senator Máire Devine:** -----and those without golden protections embrace the committee as a voice for their truth and justice. The Grace case, the whistleblowers, the banks and the charities scandal *ad nauseam* have been addressed by the committee. The Minister, Deputy Noonan, is beginning to dote in his age. Perhaps he needs to rethink what he is saying.

I also want to raise the issue-----

**Senator Catherine Noone:** That is an outrageous statement.

**Senator Jerry Buttimer:** Who wrote that for you?

**Senator Máire Devine:** I wrote the script. Does the Leader have an issue with it?

**An Cathaoirleach:** I protect the Leader most days from interruption from the other side-----

**Senator Máire Devine:** You do. You are too nice to him.

**An Cathaoirleach:** -----so please allow Senator Devine to conclude.

**Senator Máire Devine:** Obviously, there are systemic problems with the Garda Síochána. I call for support for the motion of no confidence in the Garda Commissioner that will soon come before the Lower House. The Garda Síochána seems to operate in a parallel universe and it is no longer the case of one bad apple. We try to appease ourselves by thinking it is one bad apple, but the Garda Síochána lives in a parallel universe with parallel accounts, parallel checkpoints and parallel breath tests.

**Senator David Norris:** Parallel parking.

**Senator Máire Devine:** It is not the case of one bad apple, it is several bad apples in the barrel and it needs root and branch reform. I call on people to listen to and support any motion which seems to enable the Garda to become more respected in this country.

Kudos to the disability rights campaigners outside Leinster House. Yesterday, I attended Senator Dolan's call for the ratification of the UN Convention on the Rights of Persons with Disabilities. The campaigners are absolutely enlightening and enthusiastic and well done to them. It is much deserved for disability-proofing our society.

**Senator Colette Kelleher:** I propose an amendment to the Order of Business to take No. 17 before No. 1.

**Senator Aodhán Ó Ríordáin:** Another day and another call for something to be done on the Bus Éireann strike. Yesterday I spent an hour with four bus drivers who were very pessi-

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mistic. They are very worried about the future of their company and very upset about its mismanagement over a number of years. They spoke about the fact that senior management of the company changed recently. They also spoke about the background of those now overseeing the company. For all the faults of the previous management, the new management does not have the same interest in engaging with trade union leaders. They are worried about their jobs and about the future of public service transport in this country.

The point made to me was that it is time for the NTA to get involved. We are at the stage where the script is written for us to come to the House and ask the Minister to do something, to come to the House or to intervene in some way. He will not do it. He appears to have no interest in coming to the House or any House to address the fact no Bus Éireann buses are running at present. This is not a one-day strike here or a two-day strike there. It is an all-out strike. As I stated on Tuesday, this could spread to Dublin Bus, the other CIE companies and the school bus service. It is time for the NTA to get involved because it sets the context for public transport in this country. It oversees the entire CIE system and private operators. If the Minister will not do it, surely there is a role for the NTA to get involved. This is far too serious for it to be allowed to continue as is.

I am as guilty as anybody else in the House of personalising issues too much, but in this regard it is quite clear the Minister involved has a responsibility to those who use the service and who believe in public transport. I live in a part of the country which is not served by Bus Éireann with regard to day-to-day use of a bus service so I can speak with a level of independence on the issue. A number of bus drivers were outside the gates of Leinster House yesterday and I thought security was a bit over the top. I do not know why the barriers were put up in such an over the top manner but I will leave that where it is.

When will the political system react to this situation? The company will die if something does not happen. Are we trying to starve the drivers back to work? They will not go. The four gentlemen I met yesterday I am quite sure reflect the entirety of the Bus Éireann workforce. They are not going back to work in the current situation. This has gone beyond one-liners and personality-based politics and I plead with the Leader to make representations to the Minister, Deputy Ross, to come to the House and address the situation, and we can toss over ideas about how we can resolve this issue. In all fairness to everybody in the House, none of us wants to oversee a situation where next we have Dublin Bus out, then the trains out and then school buses not running and we all knew it was coming. I beg of the Leader to make representations to the Minister, Deputy Ross, in all fairness and in good faith to address the House on this issue.

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

**Senator Neale Richmond:** I welcome reports the bank JP Morgan is looking to relocate to Dublin post Brexit, with more than 1,000 possible jobs in a new building at Capital Dock. This is very welcome, but it goes hand in hand with the disappointing news that Lloyds of London has decided to relocate to Brussels post-Brexit. All of these are opportunities and difficulties which present themselves now the UK has officially triggered Article 50.

My colleagues and I on the Seanad select committee on Brexit are going through the issues, but we also need to address a number of societal issues and we need to have Ministers come to the House to hear the thoughts of the Seanad on these issues. The first of these should be the review of the capital programme being undertaken by the Minister for Public Expenditure and Reform, Deputy Donohoe. I call on the Leader to bring the Minister, Deputy Donohoe, to

the House to allow us have a strong debate on what strategic investment is needed throughout the country so we can offset the oncoming difficulties of Brexit and prepare our economy to capitalise where possible.

**Senator Robbie Gallagher:** As Members of the House know, the Kevin Bell Repatriation Trust was established by Colin and Eithne Bell following the tragic death of their son Kevin, who was killed in an alleged hit and run accident in New York in 2013. Since then, the trust has helped many families whose loved ones have been tragically killed abroad and helped them bring home the bodies. It provides a vital service and I am sure all Members of the House, on behalf of the people of the country, would like to pay great tribute to Colin and Eithne for the fantastic service they provide to the citizens of the country and families who have been heart-broken by the tragic news of a sudden death abroad.

As Members know and appreciate, it costs thousands of euro to repatriate bodies from abroad. This expense is not covered by the Irish Government or the UK Government. One can imagine when family members receive that devastating phone call they do not know where to turn. Now, due to the good work of the Bell family, they have somewhere to turn. To date, more than 200 bodies have been repatriated thanks to Colin and Eithne Bell. However, this work since the death of their son has all been done in the family home. Only a few months ago, back in late 2016, they opened up a new office in Newry. They attended a briefing session in the AV room last year at which they made a request to Members of the Oireachtas for two simple things. They made an application for charitable status two years ago and are still awaiting a decision. They were also seeking a small donation of €30,000 per annum to allow them to continue with their good work. Not one penny of the donations they receive goes to any personal gain - it all goes towards the trust. I ask the Leader to mention to the relevant Minister or Ministers that they are still awaiting a decision and to see if, somewhere in the Exchequer, €30,000 can be found to help them continue their good work on behalf of all families in this country.

**Senator Paul Gavan:** I want to raise the issue of Irish Water and believe that the current committee is making good progress. According to reports in the media this morning, there is now great hope that the committee will have a consensus on finally doing away with water charges and everyone in the Chamber should welcome that. I commend my own party, especially my colleague Deputy Eoin Ó Broin, on leading the fight on that in the Oireachtas and I commend the trade union movement and the Right2Water campaign, who have been absolutely solid. I also commend the hundreds of thousands who marched over the past number of years because it was people power that determined the end of water charges.

I remind people why we are opposed to water charges. It is because they represent regressive taxation. I was surprised that the Labour Party, in particular, never understood that it was regressive, toll booth taxation.

**Senator Frank Feighan:** Tell that to Deputy Paul Murphy.

**Senator Paul Gavan:** For people on the left to cite regressive, toll booth taxation as something we should support is frankly bizarre. Sinn Féin has always been consistent and if people check our policy, they will see that we have been opposed to water charges from the get-go.

**Senator Diarmuid Wilson:** Deputy Paul Murphy will vouch for that.

**Senator Paul Gavan:** Deputy Paul Murphy will validate that as well.

*(Interruptions).*

**Senator Paul Gavan:** We do not have water charges in the North.

**An Cathaoirleach:** A report is due on water charges and I do not want to reopen the debate now. The report will be fully debated in this House as there is a duty to put it before both Houses

**Senator Paul Gavan:** I call on the Leader to ensure that happens as quickly as possible. I welcome the fact that, even though they had to be dragged kicking and screaming, we finally got Fianna Fáil to a place where they can align with us in getting rid of water charges. Fair play to the slow learners on my left.

**Senator Frank Feighan:** At least the Senator left Fine Gael alone.

**Senator Michelle Mulherin:** I also want to raise the Bus Éireann strike, which continues to wreak chaos on our public transport system, causing particular difficulties for rural Ireland commuters and tourists. We are hearing stories of shops in towns getting lower footfalls and we have to remember that striking workers are not being paid and, every day that goes by, Bus Éireann is haemorrhaging more money. We need a breakthrough because there is an impasse at the moment. I have met with a number of striking Bus Éireann workers, including drivers at the Ballina depot where I am from and outside the Dáil yesterday. Some specific issues are within Government control. It is contended that the free travel scheme, whereby people have free travel passes for buses, is underfunded. For pass holders the company gets 40% less than the full fare from the Department of Social Protection but the company is required to compete with commercial service operators. There is room for work to be done on this and I know it is being looked at. I urge the Minister for Social Protection and the Minister for Transport to iron this out, although it will only be part of the answer to the funding shortfall. The other issue striking workers raise is the fact that, on Expressway routes, Bus Éireann buses are required to stop in specified towns and villages while their competitors, private bus operators, do not have to. The way forward is to re-evaluate these routes and assess them as PSO services and the indications are that the NTA will go down this route. They are necessary services and therefore need to be funded by the Exchequer.

These two items will not resolve the company's woes and I would like both parties to engage. There is a place for all stakeholders and there is a part for the Minister for Transport, Tourism and Sport, Deputy Shane Ross, to play. At the very least, management has serious questions to answer, including over the fact that in the first two months of this year losses were 41% higher than last year. In addition, while workers are being asked to take a diminution in their take-home pay and their terms and conditions, there is no such proposal for management. There needs to be fairness and equity and management needs to be held to account for the way it has run the company. It has not gone to ground just in the past few weeks.

**Senator John Dolan:** Today is the tenth anniversary of Ireland signing the UN Convention on the Rights of Persons with Disabilities, whereby it gave a promise to the world. Our reputation is on the line but, ten years later, we have not ratified it. Many people outside the front gate today want to see ratification. We have just received the new social housing figures for people with disabilities. In 2003, just shy of 4,000 disabled people were on the social housing waiting list but now it is just shy of 6,000, an increase of almost 46%. There is a housing crisis for

people with disabilities and it is not just a recent crisis. There are 11,000 people under the age of 65 in nursing homes because we shaved away community supports and services, particularly in the time of the recession. We are talking about getting people out of residential centres and we are just churning people around. The CSO poverty statistics came out on 1 February and, thankfully, things are getting better for the general population but they are getting significantly worse for people with disabilities and their families. The recession in the general economy ended in 2013 but it has not ended for people with disabilities or their families.

The Leader comes from Cork so he will know the expression “face the puck out”. We need to face the challenge today. Successive Governments have taken the view, which one could challenge, that certain legislation needs to be passed before ratification but there is nothing in the convention that says a State cannot get on with improving the life status of people with disabilities before it ratifies. A budget is coming up in October and Ministers and people in Departments are trying to sort out what they want. The time is here to put a decent cross-departmental disability package in place covering health, poverty, transport, housing and employment issues. Employment is a chronic issue and there were people at the presentation yesterday morning with degrees coming out of their ears who cannot get a job.

*12 o'clock*

**Senator Aidan Davitt:** I agree with my fellow Westmeath man, Senator Gavan, that the good news about water charges is certainly welcome. I congratulate Senator Ó Céidigh and the members of the Joint Committee on the Future Funding of Domestic Water Services on the hard work they have done on this issue. If everything we are hearing on water charges proves to be correct, our own hard-working champion of the people, Deputy Cowen, will also deserve to be congratulated. There is sometimes a need to stand up to the big bogeyman in Europe. I commend the committee on the work it has done in this regard.

In light of the Enable Ireland protest on Kildare Street, which has been mentioned by Senator Dolan, today is an ideal day to mention the promised upgrade of St. Mary’s school in Delvin, County Westmeath. Local councillors, including Councillors D’Arcy, Shaw and Hill, have raised this matter *ad nauseam* over the past year, but to little avail. I ask the Leader to raise the matter with the Ministers for Health and Education and Skills because we need a firm commitment regarding the school in question. It has been suggested that the existing school might be upgraded or a new school might be built. This has been in the public forum for the last while. As far as I know, both Ministers have visited the school. I would appreciate it if the Leader could chase up this issue.

**Senator James Reilly:** I welcome the decision of JP Morgan to come to Ireland. It is one of many companies looking at this country because they need to move their operations. It is not realistic to expect them all to move to Ireland, but we will certainly fight hard for each and every one of them. I am aware that other companies are seriously considering moving here too. Dublin Airport is connected to the whole of Europe. There are 120 flights per week from the airport to various locations in the United States. Some 28 million people passed through the airport last year. Dublin Airport has already secured planning for at least four buildings, comprising approximately 450,000 sq. ft. and capable of housing 4,000 employees.

I commend the Minister, Deputy Harris, and the Minister of State, Deputy Corcoran Kennedy, on fighting for and planning to bring the European Medicines Agency to Dublin. As a city, Dublin offers much of what the agency needs. Our greatest advantage from the perspec-

tive of the agency is that English is the language of medicine internationally and Ireland is an English-speaking country. We have very strong pharmaceutical, information technology and medical devices industries. This country's medicines agency is highly respected throughout Europe, to the point that if a device or a drug is approved here, it is accepted across Europe. The scene is set. Dublin Airport and the wider north Dublin area comprise an obvious place for the European Medicines Agency to be based. The facilities are already in place. The area has great connectivity to the city and the national motorway network. Land is available for the construction of new houses. Perhaps a new international school could be developed on the north side to meet the needs of people living in the area. Believe it or not, 20% of people in Dublin are international. Half a million Irish people are fluent in a second language. I am making the case for what is already in place in Dublin Airport to be used to bring the European Medicines Agency to our country. It would be an advantageous location in light of the connectivity between the north Dublin area and the UK and other parts of Europe. It should be at the top of the list.

**Senator Fintan Warfield:** I seek leave to introduce the Gender Recognition (Amendment) Bill 2017, which seeks to provide the right to self-determination for trans young people who have reached the age of 16; to introduce a right to legal gender recognition for people under the age of 16, with family consent; and to ensure consideration of the status of non-binary persons in the consideration of the upcoming review of the Gender Recognition Act 2015, which will take place in September.

**An Cathaoirleach:** To comply with procedure, I suggest that the Senator should propose formally that No. 16 be taken before No. 1. The Senator will be able to propose the Bill itself after the Order of Business.

**Senator Fintan Warfield:** That is agreed. I propose that No. 16 be taken before No. 1.

**An Cathaoirleach:** I thank Senator Warfield.

**Senator Ned O'Sullivan:** I join my colleague, Senator Davitt, in anticipating a positive and favourable outcome to the deliberations on water charges. I compliment the members of the Joint Committee on the Future Funding of Domestic Water Services, who have struggled with this issue over a fairly long period of time. As a substitute member of the committee, I followed its proceedings carefully. I want to pay particular tribute to the Chairman of the committee, Senator Ó Céidigh, who has proved to be an astute and accommodating facilitator in the ongoing discussions.

**Senator Catherine Ardagh:** Hear, hear.

**Senator Ned O'Sullivan:** I think we should respect him and acknowledge that his work has enhanced this House further.

Last year, this country rightly and properly celebrated the events of Easter 1916. We saw the celebrations that were shared by everybody all over the communities of this island. This year marks the centenary of 1917, which was another seminal year in the move towards Irish independence. I ask the Leader to update us from time to time on the progress being made by the committee that has been established to deal with the centenary commemorations. The sacrifice of 1916 would have come to naught without the continued work of patriotic men and women in 1917, many of whom were behind bars at the time. It was a tall order to continue a revolution after most of its leaders had been executed or were serving life terms in British jails, but they managed to carry it off with great discipline and unity. There were some outstand-

ing stirring events in that year. A number of by-elections were contested successfully. The Kilkenny City by-election brought WT Cosgrave into prominence. Perhaps most famously, the East Clare by-election was won by Éamon de Valera on a clearly republican programme. This was followed by his election as president of Sinn Féin and of the Irish Volunteers. In the same year, the prisoners received a tumultuous welcome in Westland Row. Sadly, 1917 also marked the terrible death under awful circumstances of my fellow Kerry man, Thomas Ashe. I know the Government will want to honour these events in a fitting way. I ask the Leader to give us an update on the Government's plans. Perhaps the Minister, Deputy Humphreys, will come to the House at some stage to talk about these matters.

**Senator Colm Burke:** I welcome yesterday's announcement that a new project is going ahead at a cost of €90 million to provide accommodation for over 3,000 office staff in Cork. It is the second development in a very small area. When this project has been completed, over 5,000 people will be working in the city. This shows the confidence the developers have in growth levels in Cork. It is possible that EU agencies currently based in the UK might come to Ireland. I suggest that the focus should not necessarily be on Dublin. Everything possible must be done to bring any EU agency that is currently located in England to Ireland. Locations outside Dublin must be considered in that context. Cork is getting ready to face up to and meet the challenge presented by any new agency. We need to focus on locations outside Dublin.

I spoke earlier this week about the availability of respite care in respect of people with disabilities over the age of 18. I recently met a parent who told me that the respite care which was available to them when their son was under the age of 18 is no longer available now that he has reached that age. Long-term planning is needed in the disability sector. A significant number of people with disabilities are being cared for by parents who are ageing. In many cases, other family members will not be available to provide care and assistance after the parents have passed away. Many parents are worried about the long-term care of their sons and daughters. We need to have a debate in here on this matter. I am calling for such a debate because we need to start planning for this whole area. We need to put a comprehensive plan in place. We need to assess what kinds of numbers we are talking about. At this stage, we do not seem to know where we will be going over the next ten years. It would be proper to debate the matter with the Minister in attendance.

**Senator David Norris:** I formally second the proposal by Senator Warfield to take the Gender Recognition (Amendment) Bill 2017.

Yesterday, we discussed the Heritage Bill and it received detailed and comprehensive analysis. We spent nine hours debating it, which was a revelation. As I said yesterday, I could not get a single person to stand with me to object to certain clauses of the Bill in the last Parliament. Yesterday was a good day in this Parliament because a significant amendment was passed that restricts the cutting of hedges to the roadside. Even though this is a very important matter that affects a huge number of people in this country I could not find newspaper coverage whatsoever, nothing. The Seanad might well not have existed at all. We cannot compel the media to cover this House. We are entitled to ask why there is media coverage only when something trivial or entertaining happens in the Seanad. I am as guilty as anybody else in this aspect.

**Senator Aidan Davitt:** I am certain that it will be covered.

**Senator David Norris:** I beg the Senator's pardon. Will the matter feature in the *Irish Farmers' Journal*?

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**Senator Aidan Davitt:** It will be, I am sure.

**An Cathaoirleach:** Senator Norris, please, without interruption.

**Senator Aidan Davitt:** It will be essential reading.

**Senator David Norris:** I thank the Senator for the information. I am very glad that the matter will feature in the *Irish Farmers' Journal*.

**An Cathaoirleach:** I am sure the Senator purchases it every week.

**Senator David Norris:** I read the newspaper occasionally in the Oireachtas Library. I am very glad to say that I have been mentioned in it more than once.

**Senator Aidan Davitt:** Protector of the countryside.

**Senator Aodhán Ó Ríordáin:** Somebody must have thought Senator Norris was a farmer.

**Senator David Norris:** Does the Senator read the lonely hearts section in the *Irish Farmers' Journal*?

**Senator Aodhán Ó Ríordáin:** I read them. They are hilarious.

**An Cathaoirleach:** Please allow Senator Norris to conclude.

**Senator David Norris:** I feel absolutely quenched by that shocking revelation by Senator Ó Ríordáin.

**Senator Aodhán Ó Ríordáin:** The advertisements mention road frontage.

**Senator David Norris:** The Senator writes to the agony column in the *Irish Farmers' Journal*. How appalling? The newspaper must be really badly stuck. I wonder if that comment will turn up in news rather than anything else we have said.

**Senator Paul Gavan:** Senator Ó Ríordáin is in the Labour Party so he will know all about agony.

**Senator Aodhán Ó Ríordáin:** I hope my comment does not get coverage.

**An Cathaoirleach:** Please allow the Senator to conclude.

**Senator David Norris:** There is a moment for good humour, levity, etc., but it should not undermine the fact that this House does a lot of very hard and detailed work-----

**Senator Aidan Davitt:** Hear, hear.

**Senator David Norris:** -----that does impact on the Irish people. The least that we can expect is that this material is occasionally covered.

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

**Senator Diarmuid Wilson:** Like my colleagues, I welcome the fact that we will soon, hopefully, have clarity on water charges. I welcome the fact that Sinn Féin got clarity on water charges as a result of losing a by-election to Paul Murphy. I welcome its conversion as a result of that.

**Senator Aidan Davitt:** There are no votes on the road to Damascus.

**Senator Diarmuid Wilson:** I wish to point out the following to Senator Gavan and his colleagues. Sinn Féin quite rightly claims to be a 32 county party but it seems to have different proposals on various things, including water charges.

**Senator Paul Gavan:** We do not, really.

**Senator Máire Devine:** The fibs are coming out again.

**Senator Paul Gavan:** We tell the truth.

**Senator Diarmuid Wilson:** Sinn Féin has been in government in Northern Ireland.

**An Cathaoirleach:** Please speak through the Chair, Senator.

**Senator Diarmuid Wilson:** Sinn Féin has been in government in the North, most recently with the Democratic Unionist Party. There are regional and district rates in the North. The regional rate is set by the Assembly and the district rate is set by the councils. Sinn Féin, along with other parties, has presided over double taxation. It has set a district rate to cover items such as education and health, which are covered by general taxation in the South. Sinn Féin also continues to tax people so that means there is double taxation.

**Senator Máire Devine:** Cop on to yourselves. There are two sides. Fianna Fáil constantly goes on about this matter.

**Senator Diarmuid Wilson:** Let us get clarity on where exactly Sinn Féin stands on water charges.

**Senator Máire Devine:** Fianna Fáil has no clarity. It really does not. This is typical behaviour by that party. The Senator is a bit dumb and it shows on his face.

**Senator Paul Gavan:** Fianna Fáil are slow learners.

**Senator Diarmuid Wilson:** Let us get clarity on where exactly Sinn Féin stands on general taxation.

**Senator Máire Devine:** The Senator is not very smart.

**Senator Diarmuid Wilson:** Clarity is all I have asked for. As one of the slow learners that Senator Gavan referred to, all I want is clarity on something that seems incoherent to me.

**Senator Aidan Davitt:** Hear, hear.

**Senator Paul Gavan:** Does Senator Wilson live up North?

**Senator Máire Devine:** The information is known on the streets.

**Senator Diarmuid Wilson:** I live quite close to the North and visit it daily.

**An Cathaoirleach:** I am not sure that Senator Wilson will get clarity. I call Senator Feighan.

**Senator Frank Feighan:** On a lighter note, my local soccer team, Boyle Celtic, has qualified to compete in the final four of the FAI Junior Cup and a song has been penned in its honour.

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**An Cathaoirleach:** I do not know if the matter is relevant to the Order of Business but-----

**Senator Frank Feighan:** The song has reached No. 1 on the iTunes download and left Ed Sheeran in a poor second place. The semi-final will be played on Sunday week. The club's success is great for the whole area and Boyle town.

**Senator Máire Devine:** Can the Senator give us a tune?

**Senator Frank Feighan:** The Senator can download it for €1.29, if she does not mind.

I agree with my colleagues that Brexit will bring challenges. The European Medicines Agency will come to this country. I was the first Senator to highlight that it should come to the west of Ireland and to Carrick-on-Shannon. It will be great if it comes to the island of Ireland. Dublin is creaking at the seams and we must have balanced regional development.

**Senator Gerard P. Craughwell:** Hear, hear.

**Senator Frank Feighan:** We speak English in the west as well. We need these jobs in the west.

**Senator David Norris:** Not half as well as Dublin.

**Senator Aodhán Ó Riordáin:** As well.

**Senator Frank Feighan:** We speak English an awful lot better because we have our own distinguished accent in the west that is recognised internationally

*(Interruptions).*

**Senator Frank Feighan:** People from abroad wishing to learn English can understand us because there are too many different accents in Dublin.

*(Interruptions).*

**Senator Frank Feighan:** I call on the Taoiseach and many more, that if these jobs come to Ireland, they must do everything possible to get them past Mullingar because the west of Ireland needs high quality jobs.

*(Interruptions).*

**Senator Gerard P. Craughwell:** Beyond Mullingar.

**Senator Paul Gavan:** Has the Senator included Mullingar in his request?

**Senator Frank Feighan:** One can drive from Dublin Airport to Carrick-in-Shannon in an hour and a half but it can take the same amount of time to travel from Dublin Airport into the centre of Dublin. That is one I shall make today.

**An Cathaoirleach:** I call on the Leader to respond.

**Senator Jerry Buttimer:** There must have been something in the water supplied in the Chamber this morning.

**Senator Paul Gavan:** The water is still free.

**Senator Jerry Buttimer:** I ask Members of the House to remember that Captain Mark Duffy's funeral is taking place today. I commend Senator Swanick on the volunteer role that he is playing in Mayo. I neglected to reply to him on this matter during yesterday's Order of Business. We all pray that the bodies of the two other crew members will be found and returned to their families. We should all remember, acknowledge and pay tribute to the men and women in the Irish Coast Guard who do tremendous work in very difficult situations and circumstances.

Senators Ardagh, Craughwell, Ó Ríordáin and Mulherin have raised the issue of Bus Éireann. I reiterate that everybody wants the dispute to end and it is of no benefit to the company, especially its staff, bus drivers, workers and their families. All of us, irrespective of our political viewpoint, want the dispute resolved. The only way to resolve the dispute is for all sides to sit around a table and engage in a meaningful conversation on an efficiency plan that will lead to buses going back on the streets, the workers back at work and a service provided to the travelling public. The points made by Senators Ó Ríordáin and Mulherin are worth noting. They offered suggestions rather than calling for the Minister for Transport, Tourism and Sport to intervene, which has been the only mantra for some Senators.

In terms of the PSO levy and free travel, the Minister for Social Protection is considering the funding and the free travel scheme. He has always acted and I am sure he will act again in this case. I remind Members that the PSO levy has been increased in the past two budgets.

Senator Mulherin made the pertinent point, and I make this appeal as Leader of the House, that management should manage and show leadership in terms of this issue. They should extend the hand of conversation and dialogue to the workers and unions. I appeal to the management team to initiate talks again and engage in a meaningful way with the workers. As Senator Gavan and others alluded to yesterday, management is attempting, which I hope is not true, to run this dispute into the ground. I plead with management not to engage in that practice. This dispute is a serious issue and requires the people in charge to take their role seriously. I urge them to engage now and extend an invitation to workers to re-engage in talks.

**Senator Gerard P. Craughwell:** The management also needs to take the medicine that it has dished out to workers.

**An Cathaoirleach:** No interruptions, please.

**Senator Jerry Buttimer:** I accept the points made by Senators Craughwell and Mulherin that cuts should be implemented in a uniform manner. In my opinion, the workers have disproportionately taken a hit. Senator Craughwell has made the fair comment that management should not be immune from cuts.

Senator Ardagh mentioned the Garda Síochána. The Garda Commissioner is attending an Oireachtas joint committee this morning. Again everybody recognises that mistakes were made and wrongdoings have taken place. They are unacceptable. Nobody can condone that type of management performance and operation of our police force, An Garda Síochána.

I have made the point in this House and I repeat it this morning that there is a need for a cul-

tural change in the management and the structure of management in An Garda Síochána. The previous Government and this Government have initiated reform of An Garda Síochána. When I hear people saying the Commissioner should go, do they realise that should the current Commissioner go, it does not lead to change in An Garda Síochána. An Garda Síochána needs root and branch change which the independent review that is being carried out will bring. We are focusing on having a head on a plate. I do not like that type of politics because it is populist and gets a headline in the newspaper. What we must see is a complete overhaul and a reworking of the way in which An Garda Síochána is managed and the management structure. I hope we will get that from the independent review, the work of GSOC and the Garda Síochána Inspectorate.

Senator Craughwell raised the issue of education and training boards, ETBs, and microfinance. The Senator is correct about microfinance and the innovation hubs and centres in our universities and technical colleges. ETBs have a role to play and it is something that should be considered in the context of adult education and people returning to education. I know that Senator Craughwell's life experience is an example of what one can achieve from education later in life. We need to cultivate those opportunities at ETB level. It is a good idea and I would be happy for the Minister to come to the House to address it.

Senator Devine raised the issue of Project Eagle. It suits the narrative of some Members to engage in this manner. I found the Senator's remarks on the Minister for Finance, Deputy Noonan, unparliamentary and unacceptable. The Minister refutes completely and absolutely that he acted in any way inappropriately. Due process was not given to the Minister. There is political posturing being done by the Committee of Public Accounts.

**Senator Máire Devine:** Is the Leader attacking the Committee of Public Accounts?

**Senator Jerry Buttimer:** The Senator is correct, I did. There was an absolute need to do so because the Senator's contribution was very disappointing.

**Senator Máire Devine:** But Senator Buttimer is correct?

**Senator Jerry Buttimer:** Let us make it quite clear. The details of the meeting were put in the public domain. May I ask the Senator whether she has read the minute of the meeting?

**Senator Máire Devine:** Yes.

**Senator Jerry Buttimer:** What did it say? I would say the Senator did not read it.

**Senator Máire Devine:** That is harassment.

**An Cathaoirleach:** The rules also apply to the Leader. Leader, please do not engage in cross-party banter. Please address the Chair.

**Senator Jerry Buttimer:** There was also a minority report. To be fair to the Minister, due process was not given to him. At all times-----

**Senator Paul Gavan:** So he threatened them.

**Senator Máire Devine:** He hid the information.

**Senator Jerry Buttimer:** He did not.

**An Cathaoirleach:** Allow the Leader to continue.

**Senator Jerry Buttimer:** At all times he co-operated with the Committee of Public Accounts, providing all documentation-----

**Senator Máire Devine:** No, he did not.

**Senator Paul Gavan:** I will injunct Senator Buttimer for what he has said.

**Senator Jerry Buttimer:** -----providing all information.

**Senator Máire Devine:** He knew about it.

**An Cathaoirleach:** Senators, please allow the Leader to respond.

**Senator Jerry Buttimer:** He refutes all suggestions of inappropriate meetings with Cerberus. He was not invited by the Committee of Public Accounts to discuss this and the Minister has no role-----

**Senator Máire Devine:** I know about it.

**Senator Jerry Buttimer:** The Minister has no role. The Senator might understand this if she goes back and reads-----

**Senator Máire Devine:** Nuances.

**Senator Paul Gavan:** No, facts.

**Senator Máire Devine:** Observable facts.

**An Cathaoirleach:** Please allow the Leader to respond.

**Senator Máire Devine:** Nobody knew about it.

**An Cathaoirleach:** Senator Devine is not achieving anything by these interruptions. Please allow the Leader to respond. If Senator Devine does not agree, she can challenge him the next morning.

**Senator Jerry Buttimer:** Let me quote from the Minister's speech in the Dáil last night. He stated: "The Committee of Public Accounts has accepted my long-standing position derived from law that in these circumstances, it was not within the powers of the Minister for Finance to direct NAMA to halt the sale process." Let us make that quite clear. Let me repeat, the minute of the meeting with Cerberus is available on the Department of Finance's website for everybody to read. It does show that the Minister has not acted inappropriately at all. Let us make that quite clear.

I will be happy to accept Senator Kelleher's motion and I was hoping to second it but I understand that Senator Ó Ríordáin has done so. I commend her for raising this issue.

Senators Richmond and Reilly raised the issue of JP Morgan, which we hope will come to Dublin. I think Senator Richmond's comment in regard to the capital plan post-Brexit is something that the Minister for Public Expenditure and Reform, Deputy O'Donohoe, will be happy to come to the House to discuss. It is an important discussion to have.

Senator Gallagher again raised the issue of the Kevin Bell Repatriation Trust. I think the requests are reasonable in terms of expediting the charitable application. I am sure we can sit

down as a cross-party grouping and work out a mechanism whereby we can go to the Department to see if we can get some financial assistance for that case.

Senators Gavan, Davitt, Ned O'Sullivan and Wilson raised the issue of Irish Water. I commend Senator Wilson for stating the facts. In the North, where Sinn Féin is in government, there are two regimes, regional and district, and Sinn Féin is party to the imposition of double taxation on Irish people in the North.

**Senator Fintan Warfield:** Sinn Féin in the North had its say at the recent election.

**Senator Jerry Buttimer:** I welcome the new-found Sinn Féin probity about how our country is managed and governed. I keep smiling. Sinn Féin is a high tax and high spend party - a tax and spend party. It does not believe in responsibility in government-----

**Senator Máire Devine:** The universal social charge.

**Senator Paul Gavan:** Tax cuts and trolleys from the boys in government.

**Senator Jerry Buttimer:** The reality is that it heard the hooves in Tallaght of Deputy Paul Murphy and it needs its P60. Ever since then it has been running for cover.

**An Cathaoirleach:** I think that sometimes the Leader is a sucker for punishment.

**Senator Paul Gavan:** Him or us?

**An Cathaoirleach:** The Leader seems to be attracting fire.

**Senator Jerry Buttimer:** The Fine Gael Party has always been a party of probity, responsibility and fiscal management in government. We have always wanted to ensure that we would have a fair, robust and multilateral approach to the future funding of domestic water. I want to join with all the Senators who commended Senator Ó Céidigh for his chairmanship and stewardship of the committee and to commend the Fine Gael members for their role in the committee. Everybody recognises that the provision of clean drinking water does not come free of charge. It needs to be paid for. I do not want to pre-empt the report because, as the Cathaoirleach rightly said, we will have a debate on it in this House. What we are going to see is the retention of Irish Water and metering, and a charge for those who use excessive quantities of water and do not conserve water and treat it properly. We will see compliance with the EU obligation. We will see equality and fairness, that those who have paid their water bills will not be treated as second class citizens. I very much welcome that.

**An Cathaoirleach:** I do not like leaks from the water report.

**Senator Jerry Buttimer:** I am not quoting from the water report, but the Cathaoirleach is correct.

Senators Dolan, Ardagh and Colm Burke also raised the issue of disability. As Senator Dolan knows quite well, Ireland is committed to ratifying the UN convention. There is a number of pieces of legislation that must be dealt with first. What we must do, and we should find a common approach, is in the context of improving the life of those with disabilities so that we can see as Senator Dolan has said in the past, a disability-proofed budget. As Senator Colm Burke mentioned, we need to plan for the future. There are issues around respite care in particular for adults over the age of 18 who are severely or profoundly disabled. There is a need

to give their parents, who in some cases are very old and are very worried about their disabled offspring, that sense that there is a plan for their loved one after they pass.

Senator Davitt raised the issue of St. Mary's school in Delvin. I will be happy for the Minister to come to the House to address it.

Senators Reilly and Feighan referred to the European Medicines Agency. It is important that we also recognise that a high number of the jobs that have been created in the past 12 months are in areas outside Dublin. The Minister for Jobs, Enterprise and Innovation, Deputy Mitchell O'Connor, is to be commended for that. It is important that we secure the location of the European Medicines Agency Board headquarters in Ireland. Whether it is located in Dublin, Cork or Carrick-on-Shannon is a different issue but it is important that we secure it for Ireland first. I will be happy to accept Senator Warfield's amendment to the Order of Business on the Gender Recognition (Amendment) Bill 2017. It is an important Bill and I commend him for it.

Senator Ned O'Sullivan raised the issue of 1917, a seminal year in the history of our country. I would be happy to have the Minister, Deputy Humphreys, update the House on the commemorative events for many of the coming years as well.

I join Senator Colm Burke in welcoming the €90 million development for Cork, which will transform the city in the Docklands area. It will be a huge advantage and asset to the city. I welcome the initiative.

Senator Norris has again raised the chestnut of media coverage of the House. It is one that he is right to highlight. We have no role in what the press covers or how it covers us, but it is an issue that the Houses of the Oireachtas Service communications unit might take up on our behalf.

Senator Feighan made reference to Boyle Celtic in the FAI Junior Cup. It is good to see that Ed Sheeran can be beaten. He also made reference to the European Medicines Agency post-Brexit.

I would be happy to take Senator Kelleher and Senator Warfield's two-piece legislation as an amendment to the Order of Business.

**An Cathaoirleach:** Senator Colette Kelleher has proposed an amendment to the Order of Business, "That No. 17 be taken before No. 1". Is the amendment agreed to? Agreed.

Senator Fintan Warfield has proposed an amendment to the Order of Business, "That No. 16 be taken before No. 1." Is the amendment agreed to? Agreed.

Order of Business, as amended, agreed to.

### **Adult Safeguarding Bill 2017: First Stage**

**Senator Colette Kelleher:** I move:

That leave be granted to introduce a Bill entitled an Act for the purposes of making further and better provision for the care and protection of adults who are at risk; to establish the national adult safeguarding authority; to require certain persons to make reports to the national adult safeguarding authority in respect of adults at risk of abuse or harm in certain

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circumstances; and to provide for related matters.

**An Cathaoirleach:** Is there a seconder?

**Senator Victor Boyhan:** I second the proposal.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to take Second Stage?

**Senator Colette Kelleher:** Next Tuesday.

**An Cathaoirleach:** Is that agreed? Agreed.

Second Stage ordered for Tuesday, 4 April 2017.

### **Gender Recognition (Amendment) Bill 2017: First Stage**

**Senator Fintan Warfield:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Gender Recognition Act 2015 to provide a right to self-determination for persons who have reached the age of 16 years; to introduce a right to legal gender recognition for persons under the age of 16 years; and to ensure consideration of the status of non-binary persons in Irish law.

**An Cathaoirleach:** Is there a seconder?

**Senator David Norris:** I second the proposal.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to take Second Stage?

**Senator Fintan Warfield:** Next Tuesday.

**An Cathaoirleach:** Is that agreed? Agreed.

Second Stage ordered for Tuesday, 4 April 2017.

### **Companies Act 2014: Motion**

**Senator Jerry Buttimer:** I move:

That Seanad Éireann approves the following Regulations in draft:

Companies Act 2014 (Section 1313) Regulations 2017,

a copy of which was laid before Seanad Éireann on 9 February, 2017.

Question put and agreed to.

*Sitting suspended at 12.35 p.m. and resumed at 12.45 p.m.*

## **Health (Amendment) Bill 2017: Committee and Remaining Stages**

### SECTION 1

Question proposed: “That section 1 stand part of the Bill.”

**Senator Victor Boyhan:** I welcome the Minister to the House. A Minister of State from his Department was here the other day and I asked two questions about this legislation. They are very important points and I was not quite satisfied when I reflected on his contribution. I want to raise these two issues now. They relate to section 45 and the anomaly with a 16 year old and an 18 year old. I asked then what will happen to a domiciliary care allowance, DCA, recipient’s entitlement to a medical card once that person turns 16 years of age. We know the story. People are not automatically entitled to it at 16. They go and must apply for a medical card. It is not always automatic and it might not happen. There were previous papers, in fairness, and I give credit to the research done by the Oireachtas Library and Research Service. It did a very comprehensive digest on this Bill. It raises a number of questions and highlights the following:

Once a child turns 16 years however, their entitlement to a DCA payment ends. At this point the recipient is permitted to apply for Disability Allowance instead. Unlike the Domiciliary Care Allowance payment, Disability Allowance is a means tested payment. However, there is no automatic entitlement to a medical card for recipients of Disability Allowance. Former DCA recipients will not be permitted to retain their automatic entitlement to a medical card.

Former domiciliary care allowance recipients will not be permitted to retain their automatic entitlement to a medical card. That is the first point.

I then went on to ask what bearing this Bill might have on the UN Convention on the Rights of the Child. As part of this process, a review group was set up and it reported on the domiciliary care allowance scheme in 2012. The group produced a number of background papers on the matter. It expressed concern, made a number of strong recommendations and reached a consensus that it should be pushed up from 16, as it currently stands, to 18 years of age. The group found that this anomaly, inherent in the system, may lead to some ambiguity and confusion going forward.

I do not want to go on because I have made my point. It is a matter of serious concern and these benefits need to travel with the illness and the condition rather than with the person, the status of his or her parents or the family income. There is an anomaly there and I really just wanted to flag it. I am well aware of the Minister’s serious commitment in this area. What is the Government’s intention here? It could be argued it is a social protection measure or issue and that it is a matter for that Minister, Deputy Varadkar. Either way, I would appreciate it if some institution of government could address this anomaly. I look forward to hearing the Minister’s considered views on this matter.

**Minister for Health (Deputy Simon Harris) (Deputy Simon Harris):** I thank Senator Boyhan for raising a very valid point. The Senator has alluded to the fact that the domiciliary

care allowance scheme is run by the Department of Social Protection. He is quite right that there have been a number of reports on it, including the Ita Mangan report which was an excellent body of work that recommended extending the domiciliary care allowance to people up to the age of 18, if they wished. However, as the domiciliary care allowance is paid at a lower rate than the disability allowance, it is important that there would not be any adverse consequences for anybody with a disability. The consideration of that issue is a matter for the Department of Social Protection.

What I am doing with the legislation before the House today is aligning the domiciliary care allowance with the medical card. If the Department of Social Protection decides to extend the domiciliary care allowance scheme further, this legislation will extend further. The medical card scheme, for the purposes of this legislation, is aligned with the domiciliary care allowance scheme. However, it is important to note that as the domiciliary care allowance payment ceases when a child reaches the age of 16, it would be necessary at that stage for an application to be made for a medical card. Up until that point, there will be no reviews and there will be an automatic entitlement to a medical card for everybody. However, at the age of 16, the normal medical card procedure will kick in. The HSE has assured me that it has a process in place to manage such applications so that families are notified well in advance of the child's 16th birthday in order to ensure continuity. Obviously the normal rules of medical cards will apply, which are not solely financial or means tested but also have a discretionary element.

There is a broader need to align social protection schemes with health schemes. Indeed, I and the Minister for Social Protection will be launching some policies relating to how health and social protection interact in terms of persons with disabilities who are working. The point that Senator Boyhan makes merits further consideration but under this legislation, eligibility for the domiciliary care allowance is linked directly to the medical card. People beyond the age of 16 can apply for a medical card in the normal way.

Question put and agreed to.

Sections 2 to 5, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

**Senator Máire Devine:** I am not sure of the protocol here-----

**Acting Chairman (Senator Catherine Noone):** The Senator may speak to the Bill.

**Senator Máire Devine:** I welcome the passage of this Bill which we have spoken about at length in Seanad Éireann. I commend the Minister for getting the Bill through all Stages in this House and hope there will be no delay to its enactment. While it is not directly related to this legislation, there is a protest taking place outside Leinster House today marking the tenth anniversary of Ireland's signing of the UN Convention on the Rights of Persons with Disabilities and seeking ratification of that convention. I would ask that such ratification becomes the Government's next priority. I recognise that this Bill is a step towards disability-proofing our society but would ask that the Government would prioritise the ratification of the aforementioned UN convention.

**Senator Colm Burke:** I thank the Minister for being here and thank both him and the Minister of State at his Department, Deputy Finian McGrath, for bringing forward this legislation. It is an extremely important development and more than 9,800 children will benefit directly. I agree with Senator Boyhan that the issue of raising the age limit for the domiciliary care allowance from 16 to 18 must be examined. If that does happen, we must make sure that those over 16 will not be disadvantaged. This is an important step in making sure that families who have to deal with all of the extra work and responsibilities to make sure that every possible service is available to their child or children are helped along that road. I very much welcome the legislation.

**Senator Aodhán Ó Ríordáin:** I welcome the Minister to the House. As other speakers have said, this is a very welcome development and the Minister and his team are to be congratulated on it.

I join others in asking the Minister to comment on the ratification of the UN Convention on the Rights of Persons with Disabilities. I understand, having spent some time in the Department of Justice and Equality, that it is not an easy process. The way that the Government addresses such issues is to put all of the legislation in place first and then to ratify the convention. I ask the Minister to comment on that, given the day that is in it.

Fine Gael and the Labour Party worked very well together in government on certain issues, including in the health sphere, where we managed to introduce free GP care for every child under six. It is disappointing that this was not rolled out for a wider age cohort. Given that this is a welcome move that benefits children with a disability, I ask the Minister to comment on the Government's plan to roll out free GP care to a wider age group. I congratulate the Minister and his Department on a job well done with this legislation.

**Senator Gerry Horkan:** I welcome the Minister to the House. We were both members of the Dublin Mid-Leinster health forum a long time ago, when we were both councillors. Indeed, Senator Devine was a member of that forum subsequently. It is great to see this Bill pass. I spoke on it at length on Tuesday. It represents progress and I welcome it. I agree with Senators Devine, Ó Ríordáin and others that it is important that the Minister would address the matter that is the subject of protests today. There was a very interesting presentation on the matter in the AV room yesterday, led by Senator John Dolan, and it would be timely for the Minister to say a few words on it today.

**Minister for Health (Deputy Simon Harris) (Deputy Simon Harris):** I thank all Senators on all sides of this House for their support, not just for the legislation itself but also for its speedy passage, which is really appreciated. When one is in a minority Government bringing legislation before either House of the Oireachtas, one relies upon support from a variety of parties. The fact that such support has been received in both Houses is a testament to our common goal here, which is to right a wrong. That wrong is the fact that almost 10,000 children who are in receipt of the domiciliary care allowance did not have a medical card. More importantly, 33,000 children who are in receipt of the domiciliary care allowance, even if they did have a medical card, were subjected to reviews which were bringing significant hardship, stress, frustration and worry on their families.

This Bill has been long sought by a number of incredible groups who deserve acknowledgment, particularly Our Children's Health, which campaigned tirelessly and put this issue on the political agenda for all of us in the run up to the last general election. It is an issue that all of

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us picked up the baton for and committed to doing something on. It was certainly a priority for me and for the Minister of State, Deputy Finian McGrath, when we came into office, to get this legislation over the line. I am very pleased that it has now passed all Stages in the Dáil and Seanad. It will now go to the President for signature and be passed into law. By 1 June, all children for whom a domiciliary care allowance payment is made will have automatic eligibility for a medical card. The HSE will put in place both an online and paper registration system which will be activated from 1 May.

Let us not forget that this Bill also reduces prescription charges for those over 70 who hold a medical card. This will be of significant benefit to many families in terms of their monthly prescription charges. That is something that I hope we can build on further in future budgets.

I pay tribute to my Department and thank my officials, Mr. Tom Monks and Mr. Daniel Sheridan, and all of those in the Department and the HSE who worked very hard on putting this legislation in place as quickly as possible.

*I o'clock*

I acknowledge that Senator Ó Riordáin did considerable work on the issue of free GP care. Contrary to what I read in the newspapers, I remain absolutely committed to the introduction of free GP care. However, I remain committed to it in the same manner that the previous Government did, namely, it is subject to a negotiated agreement with GP bodies. As Senators know, we have begun the GP contract negotiations. It is very important that we have buy-in and understanding from our GPs and ensure we have the capacity within general practice. This legislation extends entitlement to a group based on need. I absolutely wish to see free GP care for all children, but it needs to be done in the context of the GP contract.

I assure the House that the UN Convention on the Rights of Persons with Disabilities is absolutely a priority for me and for the Minister of State, Deputy Finian McGrath, who is leading this effort across Government. Senator Ó Riordáin gave a very honest and fair appraisal of the approach being taken by successive Governments and Departments. We want to put all the legislation in place so that Ireland does not just sign on the dotted line, but signs on the dotted line in a meaningful way. Some legislative work remains to be done in this regard. This remains a priority for the Government as it is for people on all sides of this House.

I again thank the Seanad for its consideration of this important Bill. I have no doubt that it will make life a little easier for significant numbers of families with children with disabilities and a significant number of our older people as well.

Question put and agreed to.

### **Health (Amendment) Bill 2017: Motion for Earlier Signature**

**Senator Colm Burke:** I move:

That pursuant to subsection 2° of section 2 of Article 25 of the Constitution, Seanad Éireann concurs with the Government in a request to the President to sign the Health (Amendment) Bill 2017 on a date which is earlier than the fifth day after the date on which the Bill shall have been presented to him.

Question put and agreed to.

*Sitting suspended at 1.05 p.m. and resumed at 2 p.m.*

*2 o'clock*

### **Business of Seanad**

**Senator Jerry Buttimer:** In light of the voting block in the Dáil continuing, I propose that we suspend until that concludes. I apologise to Members of the House and to members of staff for the inconvenience. We thought we had an agreement that there would be an arrangement with regard to the voting block in the Dáil on a Thursday. Seemingly that has broken down, so we must, perhaps through the Committee on Procedure and Privileges, reconsider. I propose that we suspend until-----

**Acting Chairman (Senator Gerry Horkan):** We will resume as soon as possible.

**Senator Jerry Buttimer:** We will resume as soon as the voting block in the Dáil is over.

*Sitting suspended at 2.01 p.m. and resumed at 2.10 p.m.*

### **Northern Ireland: Statements**

**An Leas-Chathaoirleach:** I welcome the Minister.

**Minister for Foreign Affairs and Trade (Deputy Charles Flanagan):** I am very pleased to have the opportunity to attend the Seanad for statements on Northern Ireland, for which this is a critical week. On Sunday it became clear that there was a need for further engagement by all sides to reach agreement on the formation of a new power-sharing Executive. Yesterday Article 50 was formally invoked by the British Government. It will have profound implications for Northern Ireland, as it will for the island as a whole. I wish to outline what the Government's approach will be in the period ahead in continuing our intensive and comprehensive work to deal with both of these major and connected issues as they affect Northern Ireland.

All of our engagement is guided by our responsibilities as a co-guarantor of the Good Friday Agreement and our stated headline priorities in dealing with the matter of the withdrawal of the United Kingdom from the European Union. The Government's overarching objective in all respects is, simply and fundamentally, to protect and further the peace process in Northern Ireland, living up in full to our duty as a co-guarantor of the Agreement. In the past three weeks I participated for the Government in the discussions in Belfast where the political parties and the British Government sat down to seek progress on outstanding commitments under the Agreements and support the setting up and formation of a new Executive. While there was good engagement by all parties and significant progress was made across a number of issues, in the event, an agreement on the formation of a new Executive was not reached in the timeframe set out. This is extremely disappointing, most importantly for the people of Northern Ireland who look to the Assembly for representation and governance.

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I am sorry, Leas-Chathaoirleach, but I think everybody in the Seanad is on his or her phone. Is there anybody who is not?

**An Leas-Chathaoirleach:** I am sorry. Are Members on their phones? Is there some interference?

**Deputy Charles Flanagan:** No. I just remarked that everyone in the House was on his or her phone while I was speaking.

**An Leas-Chathaoirleach:** I was not.

**Senator Gerry Horkan:** I was not.

**Senator Frances Black:** I was not.

**An Leas-Chathaoirleach:** I was making sure mine was in silent mode. I am sorry.

**Deputy Charles Flanagan:** I thank the Leas-Chathaoirleach.

On Monday morning when it became clear that an agreement would not be reached, I had a further discussion in Belfast with the Secretary of State for Northern Ireland. We agreed on the imperative of continued devolved power-sharing government for Northern Ireland, which is at the core of the political institutions of the Good Friday Agreement. I strongly welcome the Secretary of State's confirmation in the House of Commons on Tuesday that the British Government does not want to see a return to direct rule. It is important to be clear that there is no statutory provision at Westminster for direct rule following its removal which was, of course, supported by the Irish Government as part of the St Andrews Agreement more than ten years ago.

Following the intensive discussions of recent weeks and despite the failure to meet Monday's deadline, I remain firmly convinced that all parties in Northern Ireland want to see the devolved institutions back up and running. The only route to that goal is through continuing dialogue which should be respectful and must recognise the need both for honouring previous commitments and a measure of compromise. The Secretary of State for Northern Ireland who has statutory responsibility for the next steps indicated on Tuesday that there was a short additional window of time to find an agreed basis for the re-establishment of the Executive. I spoke by telephone yesterday evening to the Secretary of State and we discussed the details for the additional and finite discussions which I anticipate will start in the near future. In these urgent circumstances and with time in short supply, all concerned must redouble their efforts to achieve the re-establishment of power-sharing government in Northern Ireland in the interests of all its citizens. The Irish Government will continue to play its part in meeting its commitments under the Good Friday Agreement in encouraging others to meet theirs and in seeking to facilitate a climate of compromise and accommodation that is always required if any negotiation is to be successful.

In looking ahead to the further discussions in Belfast I specifically mention the work on dealing with the painful legacy of the past in Northern Ireland. The Irish Government is very conscious that victims and survivors are long overdue some evidence of delivery on the legacy framework of the Stormont House Agreement and the reform proposals of the Lord Chief Justice on legacy inquests. Determined efforts were made in the past three weeks by the two Governments and the parties to move forward. A final push in the days ahead can and must get all

of the participants to the point where the necessary legislative processes to establish the legacy bodies can definitively commence in both jurisdictions. Legislation will be required at Westminster and in his jurisdiction. I will be urging all participants to the discussions to display the necessary compromise to ensure this can be achieved for the benefit of victims and survivors and society as a whole across Northern Ireland. Effective devolved government for Northern Ireland and the full operation of the North-South and east-west institutions of the Good Friday Agreement are particularly crucial as we deal with the urgent and important issue of the withdrawal of the United Kingdom from the European Union. In that context, the absence of agreement so far on establishing an Executive is deeply concerning and must be immediately resolved. A new power-sharing administration with a new mandate, given by the people in full sight of the challenges of Brexit, can be a powerful advocate for Northern Ireland's interests. Following the British Government's Article 50 notification yesterday, we are now in the operational phase of the Brexit process and Northern Ireland's voice must be represented.

The North-South Ministerial Council has had a strong Brexit focus in the past year in working to identify impacts, risks, opportunities and contingencies for the island arising from the United Kingdom's departure. Last November the Council agreed to a set of common principles to guide future work. This work needs to continue in even greater depth and detail as the negotiations commence. However, it can only do so following the formation of an Executive. Northern Ireland's needs must also be articulated in London as its negotiators in Whitehall prepare British compromises. Again, this is something that can only be achieved by a cohesive and inclusive power-sharing Executive. In that context, I am glad that during the course of the recent discussions at Stormont there was a wide measure of agreement between the parties on the need for a new Northern Ireland Executive to articulate a strong common position on Brexit. All parties must make the final effort in order that a new Executive can be formed and thereafter deliver the necessary strong representation on Brexit to protect the overall interests of the people of Northern Ireland.

The United Kingdom has triggered the Article 50 application to leave the European Union. Brexit is not an EU policy. Neither is Brexit an Irish Government policy. In fact, in last year's referendum the Irish Government made clear its view that Brexit would be bad for the European Union, Ireland and British-Irish relations. That remains the case. While the Irish Government accepts and respects the overall outcome of last June's referendum, it is also mindful of the fact that 56% of voters in Northern Ireland opted to remain in the European Union. We have been preparing, since well before the UK referendum was held, for how to deal with the consequences. As all Members of this House know well, there are many challenges, both political and economic, and they are particularly acute in Northern Ireland.

In relation to the peace process, the Irish Government has been and will continue to be very clear that both the letter and the spirit of the Good Friday Agreement must at all times be respected through the process of the United Kingdom's departure from the European Union and in the future relationship between the United Kingdom outside the Union and the remaining 27 member states, including, of course, Ireland. Nothing can be allowed to undermine the peace process which, founded on the Good Friday Agreement, has brought us definitively beyond the horror of the Troubles and transformed the political relationships across the islands. A huge peace dividend has been the opportunity to increase prosperity for all communities and regions on the island. A headline priority for the Irish Government in dealing with Brexit is to protect our economic interests, including on an all-island basis. Anything less would be a partial and flawed effort. The European Union facilitates and directly supports the development of the

all-island economy which provides a crucial source of employment and business activity, particularly in the Border region. The maintenance of an open border and the preservation of the common travel area are of the utmost importance for the all-island economy. They are, therefore, part of our headline priorities in dealing with Brexit.

The interdependence of agriculture and the food production chain between the islands is a striking example of the challenges that we face. Farms can and do straddle the Border, with sterling sheep at one end and euro sheep on the other, secured by the EU single farm payment. Milk processed in Cavan is sold as butter in Belfast, Balbriggan and Birmingham. Working closely with our EU partners and as a committed EU member state, the Government is determined to find the right solutions for this challenge. In building understanding and support for the unique situation on the island of Ireland, I have brought a number of EU colleagues to see at first hand and to walk the Border and to speak to people, North and South, who will be directly affected by the withdrawal of the UK from the European Union or, rather, as I have been reminded in many cases, to not see our Border, which, thanks to our membership of the European Union and the changes since the Good Friday Agreement, remains invisible. As the Taoiseach has made clear, the Government is determined to find a political solution that will enable the maintenance of the open Border on our island well into the future.

On the basis of our continuing intensive political and diplomatic engagement with every EU member state and across the EU institutions, I am heartened by the solidarity and support that our EU partners have shown for the imperative of protecting the peace process on the island of Ireland. Mr. Michel Barnier, who leads the EU negotiating team, indicated last week his aversion to anything that would “weaken dialogue and peace” in Northern Ireland.

The EU-UK negotiations that will commence in the weeks ahead will be tough and difficult compromises will be required on all sides. The Government has prepared extensively in pursuit of our headline priorities and we are ready to advance these now through the EU-UK negotiations. Our interests in, and responsibility to support, a stable, peaceful and prosperous Northern Ireland are key imperatives in our approach to the negotiations on the withdrawal of the UK from the European Union. The Government will continue to do all it can to ensure that the interests of Ireland, North and South, are at the heart of the long negotiations process and protected in the final outcome.

With the same resolute determination, the Government will proactively engage in the renewed discussions in Belfast to restore confidence in partnership politics in Northern Ireland and allow for the formation of a new power-sharing Executive, as well as for the full implementation of commitments from previous agreements over the past number of years.

I thank the Leas-Chathaoirleach and look forward to hearing the contributions of the Members of the Seanad.

**Senator Mark Daly:** I thank the Minister for outlining the immediate problems in terms of the discussions in the North. We all welcome the extension of time given by the Secretary of State to seek a resolution. Often, the immediate problems mean that time cannot be given to the long-term and legacy issues which, as the Minister pointed out, continue to dog Northern Ireland and its politics. As outlined by the Minister, the Irish language Act is one of those issues that have not been resolved despite previous agreements. Even what we would term the simple issue of the civic forum cannot be resolved. It is 18 years since the Good Friday Agreement and it has been a long and torturous process.

There has also been the search for truth for the victims of violence. This is an ongoing concern for families and ongoing trouble for the entire process. Getting the documents required to ensure that the truth comes out seems to be an amazingly difficult process for the British Government to engage in. It has the documents but is not willing to give them over. The largest mass murder in the history of the State was the Dublin and Monaghan bombings and there are concerns about collusion and the British security forces being involved in it. If I was accused, as that Government is being accused, of being involved in any way, I would give every document going and say I had nothing to hide. That is one of many different acts of violence that were perpetrated in Northern Ireland and on these islands and the truth simply has not come out because the documents are not being revealed. National security is being cited as an issue but I cannot imagine how Britain's national security could be threatened by the release of documents that would give families the truth.

The Minister pointed out the ongoing Brexit issue. The common travel area was discussed in this Chamber last Thursday when the Secretary General of the Department of Justice and Equality attended. Following lengthy consultation, he is of the view that there is no necessity for immigration officials to be on the southern side of the Border. The EU has no desire for it and there is no legal reason to have it in place. Whether there will be checks of people going across the Border is at the will of the British Government. As I have previously pointed out to my colleagues, there are already immigration officers at Derry, Belfast and Larne. Operation Gull has been in operation for more than three years and 792 people trying to get into Britain through Derry, Belfast or Larne were stopped and arrested in one calendar year alone. There is no necessity for people to be checked going over and back across the Border for work, but it is for the British to choose to do so. It is at their will. An inconvenience would be a very nice way of putting it, but it would be an unnecessary imposition on those living on either side of the Border.

The issue of trade is an entirely different problem. We have obligations under EU treaties to ensure that the European markets have the proper trade agreements and processes in place with the UK post Brexit. It is interesting that East Germany was treated by the European Communities as if it were in the communities long before the wall came down. West Germany and East Germany were able to trade with each other. East Germany was able to send goods into West Germany and on throughout the European Communities. European laws did not apply. This comes back to the point of the special case that we are making for Northern Ireland. The case made by West Germany for East Germany for decades is a precedent for inter-trade between the North and the South of Ireland. It is also a precedent in terms of citizenship. East German citizens were treated by the European Communities as if they were West German citizens. The same case applies to citizens living in northern Cyprus who are treated as if they are EU citizens even though northern Cyprus is practically and actually not within the control of the Cypriot Government. This is of relevance to us because the Good Friday Agreement provides that those living in Northern Ireland are entitled to be British citizens, Irish citizens or both.

The Dáil passed a motion on a special status for Northern Ireland and we need to seek that special status. There are many precedents for special status including that of Cyprus and its citizens and that of East German citizens prior to the wall coming down. We need to ensure that it is also the case here. There is also the curious case of how the Isle of Man, Guernsey and Jersey Islands, which are in the UK, are not in the European Union. There are loads of precedents that have been set by other European countries on which we can draw and which will allow us to make a special case for Northern Ireland and its citizens.

Time and time again the Taoiseach and the Minister have raised the ongoing issue of the EU preparing for a united Ireland. This issue made the front page of the *Irish Independent* when the Taoiseach first broached it at the McGill summer school in County Donegal last year and he has raised it at many meetings of Heads of Government since. The issue comes under Article 227. It is not an accession process and the approval of the EU is not necessary as it is an extension of national territory. This has only happened on three occasions in the history of the European Union. One time involved Saarland between France and Germany and another related to an island off Canada which was a French colony that was brought in as forming part of French national territory without an accession process. The final one, which we all know, relates to East Germany, which was brought in as part of West Germany without any necessity for the approval of the European Communities. The European Communities were simply informed that this had happened. This is one of the issues that we have to address as part of the overall agreement but the precedents that have been set, most especially that set by Germany, allow Ireland to make a special case for Northern Ireland in the long term. In the immediate term, the issue of trying to get the parties around the table in Northern Ireland and the Assembly and Executive up and going is something that will take a huge effort, not only from the Irish Government and the British Government, but also from the US Government, which I believe has to be brought back into play for the important role that it has had all along in this process.

**Senator Joe O'Reilly:** I welcome the Minister, Deputy Flanagan, to the House. I express my appreciation and the House's appreciation to him for the work he is doing to protect the Good Friday Agreement and the principles it is built on, to ensure that it is implemented as fully as it can be and to protect the Irish Government's position on it. He represents the Taoiseach in that work, with whom he is in regular communication. The Taoiseach also met Prime Minister May before the process began on 5 March. The Taoiseach is remaining very vigilant on the issue as well with the Prime Minister and through the work of the Minister, Deputy Flanagan. That is to be noted and acknowledged. That is not to ignore the fact that all is not as it should be, but the Minister is certainly doing his best in that sphere.

It is very disappointing, saddening and wrong that we do not have an agreement with the backdrop of Brexit and all that goes with that. It is a very difficult situation. I believe it is very regrettable and leaves a very dangerous vacuum. On my own behalf, on behalf of my party and I think on behalf of all of the Members of the House, I call on all of the parties in Northern Ireland to make a renewed and vigorous effort to achieve agreement. I believe it is so important and I will come back to that point. We very much need a functioning Administration in Northern Ireland at this time.

I am strongly of the view that we should support an Irish language Act being put on a statutory basis in Northern Ireland. It should be in existence. I hope that in the process of the completion of the talks that will be achieved. I say that from a number of perspectives. I am proud to be a member of Comhchoiste na Gaeilge, Gaeltachta agus na nOileán, the all-party committee on the Irish language. I hope that Irish language Act will be achieved. I know the Minister is clearly in support of it and he might comment further in his reply. I ask him to specifically comment further on his expectations around the Act as agreed in the St. Andrew's Agreement of 2006.

I gather and understand anecdotally, and it would seem from what the Minister has said, that progress has been made on dealing with the painful memories of the past and the legacy issues. I am very keen that the legacy institutions come into place. It is part of normalising society, dealing in some way with the awful memories of the past and getting closure for so many

people. There is a huge necessity to build a functioning democracy and to hopefully eliminate sectarianism and all forms of human angst there. I am supportive of that. I am supportive of a very high level of public commitment to human rights in the North and statements thereof.

The Brexit issue is of such critical importance, as elucidated by the Minister and by Senator Daly. It is of crucial importance. It is estimated that about 30,000 trips are made up and down across the Border on a daily basis. Roughly 30,000 seems to be the best estimate, though there are varying estimates. People make those trips for schooling, social trips, kinship, agricultural business where people process on one side and produce in another farm straddling the Border, hospitalisation, medical reasons and a whole gamut of reasons. In very many cases, people make the trip for work as they live on one side of the Border and work on the other. For those people who cross the Border on a daily basis, the maintenance of a soft or invisible Border is vital.

It is vital to maintain the common travel area. We should acknowledge progress on two levels. We must acknowledge Prime Minister May's commitment to it and we can applaud ourselves as a Government, and the Minister too can be happy, that Prime Minister May in her letter to Mr. Tusk clearly stated that she is not in favour of a hard Border and wants to maintain the common travel area. That is progress.

Some months ago, we would have considered that to be a big issue. Now that it is achieved, we should not ignore it, nor should we be remiss in acknowledging what the Prime Minister has said. Through a lot of personal contact with Members of the UK Parliament that we meet through our work on committees and various means - the Council of Europe in my case and the British-Irish Parliamentary Assembly in the case of the Leas-Chathaoirleach and Senator Feighan - I sense that there is a huge desire among the ordinary Members of Parliament in the UK to maintain the good relations that we have. I believe that should happen. We must maintain as much normality as we can. It is encouraging that the Secretary of State, Mr. James Brokenshire, was very clear yesterday in a statement in the House of Commons that direct rule was not an option he favoured. He was still asking and encouraging the parties to reach agreement. That is good.

I agree with Senator Mark Daly with regard to the interesting points he raised about East Germany and Cyprus. I agree that those should be cited. I ask the Minister to respond to that. The Minister knows from within our parliamentary party and in other fora that I have always had the view that we must find a specific solution for Ireland. We all aspire to Irish unity but, acknowledging the current political realities, we still effectively need a unitary solution for the country to maintain trade, business, tourism, agriculture and all of the sectors. That is crucially important and remains so. It is encouraging to see that there is at least a commitment there.

I again appeal to the parties in Northern Ireland to make an enormous effort to reach agreement. If ever there was need for a power-sharing Executive and for a distinct voice and advocacy for Northern Ireland, it is now. While we will of course seek a good outcome for the entire island as anything else would be wrong, and the Minister expressed a commitment to that in his address to the House, it is not as good as having an up and running Executive functioning in Northern Ireland and supporting that effort. There is a moral imperative on the parties in Northern Ireland to try to come together and form an agreement given the gravity of the situation and the threats presented by Brexit to Northern Ireland socially, economically, culturally and in every way. It is almost like an emergency situation. This is a very timely and important debate. I hope that the next time we discuss it in the House, we will be wishing the new Executive well.

**Senator Niall Ó Donnghaile:** Gabhaim buíochas leis an Aire as ucht a bheith linn inniu, go háirithe ag an am tábhachtach agus criticiúil seo fá choinne ní hamháin na Sé Chontae ach an t-oileán ina iomlán. I thank the Minister for joining us today. We all acknowledge that this is a critical time not just for the North but, given the triggering of Article 50, for the island in its entirety. I wish to deal with two elements of the Minister's statement: the current conclusion of negotiations in the North and the issue of Brexit. I take great heart from the clarity of the Minister's words and his statement today. I have been following the Minister's public utterances and those of his colleagues in government. I read his platform piece in the *Irish News* yesterday or the day before. In light of all that and given the severity of the issues we are dealing with in the North, what we need to do now is go beyond words and start to find ourselves in a place of action.

My colleagues are right that we need to deal with the outstanding issues, some of which have been identified. An Irish language Act was signed up to, agreed and committed to at St. Andrew's over ten years ago. A Bill of Rights was signed up to and agreed at the Good Friday Agreement almost 20 years ago. That agreement and all aspects of it were overwhelmingly endorsed by the democratic mandate of people in this State and the North. There is a huge onus on us to see the implementation of the agreements in their fullest. I do not need to tell the Minister that one of the main points of contention in recent times has been the issue of legacy. Instead of hearing about James Brokenshire and his role as some kind of mediator or arbitrator, we need to identify the British Government as players in these negotiations. I am sure the Minister will agree with us on the need for an Irish language Act and the need to respect each other's cultural traditions and identities. We also need to acknowledge and shine a light on the very negative role the British Government is actively playing in these negotiations to hinder progress on the Stormont House and Fresh Start agreements. The legacy elements were agreed there. The British Government is actively hindering progress on those issues, not least through the unwillingness of the Secretary of State to release the funds for legacy inquests. We need to start hearing more about what actions the Irish Government, as co-guarantors of those agreements, will take as opposed to words.

Does the Irish Government want to see the implementation of an Irish language Act? What is it doing as co-guarantors to make that come about? I read with interest the Minister's recent contribution to the Pat Finucane memorial lecture in Belfast which was a very positive and worthwhile intervention on the Minister's behalf. Does the Minister agree the British Government is not acting impartially in these negotiations? The onus is on the British Government to move proactively to bring a conclusion to the outstanding issues of legacy and to release the much needed funding for legacy inquests, which the Lord Chief Justice has asked them to do very clearly on the public record.

On Brexit, the Minister said in his contribution that nothing can be allowed to undermine the peace process which, founded on the Good Friday Agreement, has brought us definitively beyond the horror of the Troubles. I agree wholeheartedly with the Minister. Many people would put forward the argument that it is too late and that Brexit has done exactly that. It is not just me or people on this island who think that. Earlier I read the European Parliament's constitutional affairs committee's report into Brexit. On page 41 of that report, it states, "The impact [of Brexit] will be both political, in particular since the Good Friday Agreement - an international agreement - will require alteration". That which the Minister is calling for not to happen, the European Parliament contests has already happened. My question in terms of other issues applies to that. What will the Irish Government do? I offer a suggestion that has already

been articulated by Senator Daly. It is one which the Minister is mandated to seek by the Dáil, which in February passed a motion compelling the Government to make the case for special designated status for the North.

I appreciate we are tight for time. I have put a number of questions to the Minister. I could probably put about 100 more. The Minister has engaged regularly with this House. I look forward to him coming back in to us again.

**Senator Frances Black:** I welcome the Minister to the House. I am sorry he thought I was on my phone, I was taking notes on the Minister's speech.

I express my sorrow at the passing of Martin McGuinness who was a great leader. He will be sadly missed in the negotiations that need to be finalised before the Executive is restored in the North. Michelle O'Neill is well capable of the work ahead but Martin McGuinness will be sadly missed. I know the Minister will agree with me that we should all strive to ensure that his vision of a society of equals is realised. There must be respect for all people and traditions in the North. I am glad to hear the Minister has given his support for Acht na Gaeilge. I welcome that the Minister has participated in the discussions in Belfast with the political parties and the British Government over the past three weeks to seek progress on outstanding commitments under the agreements and to support the formation of the new Executive. The disrespect shown by members of the DUP to our language is a cause of great concern and is a symptom of the attitude that anything Irish is somehow inferior. If we are to go forward, this attitude has to change.

The only way to safeguard the peace we now have in the North is for an equality agenda to be agreed and supported by both Governments. The Great Repeal Bill will end the EU's legal supremacy in the UK and give Parliament the power to absorb pieces of EU legislation into UK law and scrap elements it does not want. Is there a danger that EU legislation that deals with equality issues may be scrapped and therefore undermine the Good Friday Agreement. As a co-guarantor of the Good Friday Agreement, the Irish Government must insist this does not happen. If agreement cannot be reached between the parties in the North, the only option is another election as the return to direct rule from London is unacceptable. The situation in the North has been changed by the recent election and unionism no longer has a majority. This change should also empower the Irish Government to act as an equal partner and support the demands of the nationalist people in the North.

Another issue that needs to be tackled is the need for the outstanding legacy inquests to be held. These are being held up due to the refusal of the Secretary of State, James Brokenshire, to provide the necessary funding. There is also the defence of national security used by the British to refuse information to the families who have been bereaved. It is the responsibility of the Irish Government to represent the Irish people and to ensure their rights are safeguarded. The British Government is taking the North out of the EU against the express wishes of the majority of the people in the North. The Good Friday Agreement was based on the fact that any change in the status of the North must be agreed by a majority in both jurisdictions. While Brexit was not predicted at the time, it is a definite change in the status of the North. As this change is being imposed on the North by a vote only supported by majorities in England and Wales, does it bring into question the bona fides of the British Government in its commitment to respect the will of the people, North and South, in the event of a vote for the reunification of the country?

A major concern for all Irish people is the plan by Theresa May to remove Britain from the European Convention on Human Rights. Has this issue been raised with the British Govern-

ment and, if so, what was the response and, if not, why not? Ireland, as co-guarantor of the Good Friday Agreement, must defend the integrity of the agreement. Ireland is clearly the country that will be most impacted by Brexit. The British Government will partition Ireland once again when it finalises the Brexit process and 20 years of freedom of movement will come to an end. The social and economic consequences for the Border region will be catastrophic. The wish for a soft border is unlikely to happen as Britain intends to exit the customs union which will mean goods cannot move freely between the two parts of the island and delays are inevitable for both people and goods. The introduction of customs controls could not only make the Border a site for increased criminality linked to smuggling activities but also, if such controls require a physical presence, a target for renewed violent activity capable of undermining the ongoing peace process. These would be enormously retrograde steps.

The Irish sector most affected by the outcome of the UK referendum to exit the EU is the agri-food sector. This is an integrated all-island sector that operates efficiently and seamlessly through the invisible border. An all-island sector requires an all-island response this is why there is a need for an all-island strategy for the agrifood sector to address the consequences of Brexit. All parties in the Dáil are against Brexit as are a majority of the people in the North so this is being imposed on the Irish people against their will. We must ensure the interests of the North are high on the agenda of the Republic's negotiations with the EU's other 27 states because it is they, not Britain, who will decide the ultimate arrangements. It is vital that the Taoiseach negotiates a special designated status for the North. The best outcome would be for the wishes of the majority of the people on the island of Ireland to be respected and that the island of Ireland remain within the EU.

**Senator Frank Feighan:** I welcome the Minister to the House. He is no stranger to the Seanad. I thank him for his hard work over the past few years, much of which has been conducted in London and Belfast.

For some time, we have known Brexit was coming. Yesterday was a very interesting, for want of a better word, day for the UK, as Prime Minister Therese May triggered the formal two-year process of negotiations that will lead to the UK leaving the EU after 44 years. Times have changed since Britain and Ireland joined the European Economic Community in 1973. Our neighbour is now going it alone. The external environment for Ireland is about to radically change. Events such as the Sunningdale Agreement, the Anglo-Irish Agreement, the Good Friday Agreement, the visit of the Queen to the Republic and the visit of our President to the United Kingdom were once unimaginable.

Trade between Ireland and the United Kingdom has been taken for granted. After the Queen's visit here, the British-Irish Chamber of Commerce was formed. It is going extremely well. It is hard to believe that trade with our nearest neighbour and biggest trading partner, where most of the Irish diaspora lived, was once taken for granted. Much more can happen.

In the past, there was no great political understanding between the two countries, and certainly no great goodwill. I know from visits with our colleagues that there is now incredible goodwill across all the parties. However, understanding is not always as good as it could be. It would be helpful to continue to deepen people's understanding of the unique situation of the island of Ireland.

There are very valuable economic and trading ties between Ireland and the UK. The media continue to highlight the possible impact of Brexit on towns and villages. Ireland was the only

EU member state specifically mentioned in Prime Minister May's Lancaster House speech, in the UK Government White Paper or in yesterday's Article 50 letter. I thank the House of Lords, which produced a report on Brexit that referred to the difficulties the island of Ireland will face. This is testament to the hard work and influence of the Irish Government. It shows that our plan is working.

Many multinationals and other organisations are seeking to establish European bases outside the UK. There is no doubt Ireland, with modern facilities such as Dublin Airport, is becoming increasingly attractive. As I have highlighted previously, the European Medicines Agencies could relocate to Carrick-on-Shannon, a town the Minister knows quite well. I felt that if Brexit happened, the European Medicines Agency and European Banking Authority could locate in areas like Carrick-on-Shannon, resulting in thousands of jobs. It is encouraging to note that the Central Bank has confirmed that 30 insurance firms have expressed an interest in establishing new bases here. While there are huge issues regarding exporters and cross-Border trade on the island of Ireland, there are also opportunities. We need to protect those opportunities.

The voice of Northern Ireland must be heard. We must be conscious that 56% of people in Northern Ireland voted to remain in the EU. The legacy of the past is an issue. We must ensure the Good Friday Agreement is not affected by Brexit.

The UK has been our strong allies in the EU for many years. We are now losing its support within the EU. We have our differences but it was our ally and next door neighbour. We must look for opportunities or areas where we can increase our influence. There are huge opportunities and huge difficulties. Politicians can play a vital role in preserving links to the North, the South, the east and the west by keeping lines of communication open with our colleagues in the EU and the United Kingdom.

I thank the Minister for all his work. He can see that his plan is working and I hope it will work even better in the future.

**Minister for Foreign Affairs and Trade (Deputy Charles Flanagan):** I thank all Members for their contributions to the statements on Northern Ireland. There were many views and perspectives expressed. There was a good measure of accord around the House for the Government's principles and approach on Northern Ireland. That approach is consistent with our role as a co-guarantor of the Good Friday Agreement, in which the Government is supported and guided by the Oireachtas, including the Seanad. That is why I am very pleased to be here this afternoon. It is my duty to listen to and be guided by Members of the Seanad.

In the further discussions that are shortly to take place in Belfast to support the formation of a new Executive, the Government will maintain its proactive and determined engagement. We want, and Northern Ireland deserves, a positive and a prompt outcome - the formation of a new Executive, operating on the basis of partnership and respect. The Government believes that on the major outstanding issues, some of which have been mentioned by Members, dealing with the past, the Irish language, rights and equality frameworks, the appropriate and necessary compromises can be found by relying on the principles of the Good Friday Agreement. Principles such as mutual respect, parity of esteem, partnership and engaging in compromise are not zero-sum in nature. They are not the exclusive property of any one party or interest group. They are the basis of our peace process and of all the progress that has been achieved in the peace process, particularly since the signing of the historic Good Friday Agreement in 1998.

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Resolute attention must be given in the discussions to moving forward with outstanding commitments under the Good Friday Agreement and the subsequent agreements. If these outstanding commitments are faithfully implemented, they will deepen confidence in the peace process and in the political institutions on all sides. For example, achieving a way forward on legacy issues in accordance with the Stormont House framework will serve the interests of people from all communities in an equal, consistent and principled way. Addressing legacy issues in a comprehensive way will help ease the strain in Northern Ireland in the day to day conduct of politics, policing and the administration of justice. The establishment of the legacy institutions envisaged in the Stormont House Agreement will allow us to focus instead on meeting the real needs and legitimate expectations of the tens of thousands of victims and survivors of horrific violent activity across Northern Ireland over a period of 30 years or more. An agreed way forward with the Stormont House framework, encompassing the legacy bodies, legacy inquests, and other supports for victims and survivors, will advance the peace process.

*3 o'clock*

In advancing this process, it will also deepen reconciliation which is so fundamental to the ongoing process of peace and stability, fragile though that appears to be from time to time. The Government will continue to do all that it can in the discussions immediately ahead to support and contribute to the achievement of such a momentous step for Northern Ireland and the peace process.

Senators O'Reilly, Ó Donnghaile, Black, Daly and others referred specifically to an Irish language Act and the need to ensure that a specific reference to the language is incorporated into the legislative framework in Northern Ireland. That, to my mind, as I have said publicly on numerous occasions, can only engender the appropriate level of confidence throughout Northern Ireland if it is done through a legislative instrument, an Irish language Bill becoming, in due course, an Irish language Act. I very much support an Irish language Act for Northern Ireland and have made it clear, time and again, that this is a commitment that has already been entered into, as Senator Ó Donnghaile also pointed out. I believe a single, stand alone Act is, in the circumstances, the best way of dealing with this issue. I hope we can reach agreement on this and I think that we will. Concerns have been rightly expressed by Senator Mark Daly and others about the prospect of direct rule in Northern Ireland. I want to be very clear that the Government does not in any way support such a step. I made that clear to the Secretary of State for Northern Ireland. The Good Friday Agreement provides an agreed framework for devolved government in Northern Ireland. There is no statutory provision for direct rule in Northern Ireland following the St. Andrews Agreement. It is incumbent on all parties to make the necessary political commitments and compromises now so that power-sharing devolution is sustained. Speculation about alternative scenarios is unhelpful and distracts from the primary objective of making partnership politics work in Northern Ireland.

Senators Mark Daly, Ó Donnghaile, O'Reilly and Feighan spoke about the withdrawal of the UK from the European Union. This act, which commenced yesterday, presents fundamental questions for Northern Ireland and for the entire island of Ireland. The question of special status was raised. I must respond by saying that there is already a special status for Northern Ireland, namely, the Good Friday Agreement, which is recognised and fully supported by the European Union. That agreement may not have even been reached in the spring of 1998 were it not for the active support of the EU.

One can see the EU itself as being a peace process - as I have always done - ending as it

did a century of horrific warfare across the continent of Europe. It represents an agreement or pledge by European partners, who had been engaged in horrific hostilities, that this would never happen again. I believe the European Union is still an active peace process. On a micro level, I acknowledge the important role that the EU played in the peace process on the island of Ireland. I look back to contributions that were made, particularly that of MEP John Hume, who almost single-handedly brought the challenge of Northern Ireland to Brussels and Strasbourg in a way that ultimately sensitised the European Parliament, European institutions and Europe itself to the difficulties of the peace process in the North. We have come a long way since then and the EU has played a very important role in that regard.

The task of the Irish Government, the Taoiseach, myself and everyone here who supports the Good Friday Agreement is to ensure that this special status remains fully recognised, upheld and supported by the European Union, in whatever form is both necessary and appropriate. The Government continues to robustly make the case to our EU partners that the unique circumstances of Northern Ireland warrant special arrangements to deal with the specific challenges that arise. We are advancing those arguments on an issue by issue basis. I acknowledge what Senator Feighan has said and thank him for his remarks in that regard. Our plan is working but we will continue to advance our arguments on an issue by issue basis to ensure that our EU partners understand, acknowledge and are sympathetic to the merits of our case and will act accordingly in the context of the challenges that lie ahead. Special status for Northern Ireland may, in many respects, be a compelling soundbite but articulating such a broad and generic demand may actually be counter-productive to the persuasion of our EU partners and to the negotiation of beneficial outcomes on the issues that are of the utmost sensitivity to the people on this island. We have been saying from the start, and will continue to say it until it becomes a reality, that the unique and special circumstances on the island of Ireland, with particular reference to Northern Ireland, North-South issues, the open border, trade, the North-South bodies and the Good Friday Agreement must be recognised and acted upon by our EU partners and the UK in the context of the negotiations. I am not discouraged by what I have heard from the British Government in that regard. We will continue to engage at the highest level in discussions with our EU partners in the years ahead. The Government has made perfectly clear and will continue to articulate its firm determination to protect the peace process, uphold all provisions of the Good Friday Agreement and defend all-island interests, including seeking the maintenance of the open border and of the common travel area.

The operation of the institutions of the Agreement, namely the Assembly and power-sharing Executive, the North-South Ministerial Council and the British-Irish Council, are all critical parts of the ongoing collective work that is required if we are to fully protect the interests of the island of Ireland in the forthcoming negotiations. I undertake to keep this House regularly updated, to engage with Senators on these matters and to draw from them their priorities and issues in the context of the manner in which we set out our plan for our negotiations. North-South co-operation must also continue and intensify on all fronts, through the North-South Ministerial Council and the North-South bodies. It is a matter of regret that there are no power-sharing institutions at either Assembly or Executive level in Northern Ireland because without these institutions we cannot have the proper and adequate functioning of the important North-South Ministerial Council. That body made a very positive contribution in the latter part of last year towards the preparation of our plan on an all-island basis, in terms of the priorities not only for Ireland, but for the island of Ireland, with particular reference to Northern Ireland and the consequences for the North that have been articulated over a long period of time by Senators. We need these bodies to be re-established. We also need to continue our engagement through

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the civic dialogue process and more broadly across society, through civic society groups, farmer representative groups and so on. I acknowledge the input of Deputies and Senators from Border areas, including Senator O'Reilly, who bring first-hand knowledge of the situation on the ground, which is very welcome. We will continue to champion and defend all-island co-operation which is in the interests of everybody.

In conclusion, the political discussions of the coming days must result in the formation of a new Executive to represent the people of Northern Ireland. That is what the people voted for on 2 March - an Executive to deal with the reality of Brexit. The people have given a very recent and fresh electoral mandate to the parties and all parties must rise to that. They must face the risks and the challenges.

The forthcoming talks will focus on implementing commitments arising from previous agreements and, of course, we will continue to support such implementation. We also know that all negotiations require accommodation and compromise. No agreement is ever reached if it involves complete satisfaction for one side and complete humiliation for the other. Some kind of balanced outcome will be required if all sides are to be able to sell the deal to their respective constituencies. This is at all times crucial in the context of Northern Ireland.

I accept we need an agreement. We need an agreement to ensure previous agreements are fully honoured, but to reach it we will also need the spirit of honourable compromise. It can be done, it should be done and it will be done, but it is time to get on with it now and to do it.

**An Leas-Chathaoirleach:** I thank the Minister and I thank all Senators for their worthwhile contributions. When is it proposed to sit again?

**Senator Joe O'Reilly:** On Tuesday afternoon at 2.30.

The Seanad adjourned at 3.10 p.m. until 2.30 p.m. on Tuesday, 4 April 2017.