



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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# SEANAD ÉIREANN

*Déardaoin, 22 Meitheamh 2017*

*Thursday, 22 June 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 Niall Ó Donnghaile that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Justice and Equality to outline if, following the triggering of Article 50 by Britain and the commencement of the Brexit negotiations, the Government has given due consideration as part of its negotiating stance to amending the Irish Nationality and Citizenship Act 2004 to allow non-Irish and non-British nationals resident in the North to apply for Irish citizenship given that the terms of the Good Friday Agreement currently allow for those born anywhere on the island to qualify for Irish citizenship.

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

The need for the Minister for Health to clarify the current position regarding the number of medical consultant vacancies in hospitals; and the actions his Department is proposing to address the current shortfall, which is reported to be in the region of 400.

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

The need for the Minister for Education and Skills to introduce compulsory water safety training in all primary schools and if he will make a statement on the matter.

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

The need for the Minister for Transport, Tourism and Sport to develop a strategy for increasing funding and recognition for, and participation in, women's sport.

I have also received notice from Senator Máire Devine of the following matter:

The need for the Minister for Health to outline the current position regarding the cross-border health care directive in the context of the provision of psychiatric services for Irish persons outside the State; the number of Irish patients who have received psychiatric care

outside the State; and the reason these services are not provided for these patients within the State.

I have also received notice from Senator Trevor Ó Clochartaigh of the following matter:

The need for the Minister for Justice and Equality to outline the implications for the State of the recent Supreme Court decision on the right to work of asylum seekers in Ireland; and the steps the Government is considering taking to address the situation within the six-month period prescribed by the court.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Ó Donnghaile, Burke, Conway and Lombard and they will be taken now. Senators Devine and Ó Clochartaigh may give notice on another day of the matters they wish to raise.

## **Commencement Matters**

### **Brexit Issues**

**An Cathaoirleach:** I welcome the Minister and wish him every luck with his new portfolio.

**Senator Niall Ó Donnghaile:** Maidin maith agaibh. I was not sure this fell within the Minister's remit but I am glad to see him back and I congratulate him on his new appointment. Perhaps he hoped he would get away from the issue of Brexit and the North for a wee bit. A bit like the Corleones, as soon as he thought he was out, they pulled him back in. Here we are and I appreciate the Minister coming before us, particularly as this is an important matter which we have discussed before.

As the Minister has outlined to a considerable extent, Brexit has caused a great deal of uncertainty across this island, in Britain and throughout Europe. It is fair to say that in the cut and thrust of debate and in the highlighting of people's concerns, one of the matters that have fallen below the surface is that which relates to the status of ethnic minorities and non-European Union citizens who are resident in the North. As a result of Brexit, the uncertainty around their status is particularly pronounced and it adds pressure to a section of society that is already vulnerable as a result of their status.

I hope to discover from the Minister whether this important issue has been factored into the Government's consideration and negotiating stance. A number of organisations representing the ethnic minority community have come together in the North. If the Minister has not seen it already, there is probably an outstanding request from them to meet him. The organisations in question represent a broad range of new communities and ethnic minorities seeking an amendment to the Irish Nationality and Citizenship Act 2004. I appreciate I am preaching to the choir and the Minister knows that, under the terms of the Good Friday Agreement, people born on the island of Ireland may avail of Irish or British citizenship, or both. For many of our ethnic

minority communities, that is not the case. This means members of ethnic minority communities and immigrants may be here from EU or non-EU states and may be resident in the North and have children who were born here and who qualify for Irish citizenship. They are rearing families in communities here and they identify as Irish and new Irish. Their children may be in Gaelscoileanna or playing for their local GAA clubs. Brexit has added much concern, fear and uncertainty for them.

That concern, fear and uncertainty is as pronounced as it is among EU citizens living in the North who wish, because of their status, to avail of Irish citizenship but cannot do so. Some of the more established and older settled communities in the North, such as the Chinese, Indian and Middle Eastern communities, have reared families, opened businesses and contributed to life, helping in their own way to build the peace and reconciliation process. They are deeply concerned, particularly those with children who are Irish citizens and who have Irish passports. I do not like the term “naturalisation” but naturalisation period relating to the people to whom I refer only qualifies them to apply for British citizenship and passports in the North.

I appreciate that the situation at present is somewhat hypothetical and not exactly tangible. My understanding is that the Government could take the initiative to amend the Act, which would be very important and symbolic. It would also, in practical terms, be supportive of the ethnic minority communities in the North that are deeply concerned about their status as a result of Brexit.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I thank Senator Ó Donnghaile for raising this matter. It gives me an opportunity to clarify the situation. The Irish Nationality and Citizenship Act 1956, as amended, sets out the law governing Irish citizenship. The Act distinguishes between the entitlement to Irish citizenship by birth and descent and to the acquisition through the process of naturalisation. With regard to citizenship by means of birth in the island of Ireland, the Act specifies certain residence requirements which must be made immediately preceding the birth of the child, where the child is born to non-nationals.

Prior to 1 January 2005, every person born on the island of Ireland was entitled to be an Irish citizen regardless of any lack of ties to Ireland. Following a referendum of the Irish people the 27th amendment of the Constitution changed the situation in relation to entitlement to Irish citizenship. As a result the 1956 Act was amended by the Irish Nationality and Citizenship Act 2004. The changes came in to effect on the first day of January 2005. As and from that date, a child born in the island of Ireland to certain non-nationals is not entitled to be an Irish citizen unless the child’s parents have been lawfully resident in the island of Ireland for a total of three years during the four years preceding the birth of the child. Periods of residence which are unlawful, for the sole purpose of having an application for refugee status determined or for the purpose of study are excluded from the determination of periods of reckonable residence. The position of foreign nationals, whether residing in the jurisdiction of the State, or in Northern Ireland or any other jurisdiction, is solely a matter for the authorities of the relevant jurisdiction, including where the foreign national may be a parent of an Irish citizen child. The sole fact of being the parent of an Irish citizen child does not bestow to the parent any entitlement to Irish citizenship. The grant of Irish citizenship through naturalisation is based on the individual satisfying the statutory conditions for naturalisation, which includes having the required lawful residence in the jurisdiction of this State.

It is, however, open to the parents of an Irish child to make an application for Irish citizenship through naturalisation, if and when they fulfil the conditions for naturalisation as set out

in the Act. The eligibility for a grant of Irish citizenship through naturalisation, as mentioned previously, is based on the individual having the required lawful residence in the jurisdiction of this State. Residency in the jurisdiction of Northern Ireland is not reckonable under the Act for the purposes of naturalisation, except in circumstances where the application is grounded upon being the spouse or civil partner of an Irish citizen.

From a Brexit perspective, and these are the circumstances under which Senator Ó Donnghaile has raised this matter, it is important to be clear about the scope, and about what is outside the scope of the Article 50 negotiations as they relate to residency or other rights. In this context, the negotiations are primarily concerned with the impacts on the European Union nationals in the UK, including in Northern Ireland, and the corollary of UK nationals in the European Union. This specific strand of the negotiations has been prioritised for early consideration between the negotiating parties. This does not change the right of persons born in Northern Ireland under the Good Friday Agreement. Persons may apply for Irish citizenship in accordance with the legislative changes arising from the Good Friday Agreement. The question of citizenship, however, remains very much a national competency.

Obviously Ireland is maintaining very close contact with these negotiations and I would be very happy to keep the House informed. I very much acknowledge the point raised by Seánadóir Ó Donnghaile and I recognise his own - if I can describe it as such - specialist interest in this issue. I will be happy to keep the House fully informed or to meet with the Seánadóir on any occasion he feels it may be helpful to the points as raised.

**An Cathaoirleach:** That is a good offer for the Senator.

**Senator Niall Ó Donnghaile:** I welcome the offer and I appreciate that the Minister, Deputy Flanagan, is new in to the post and that he will bring his own nuances and expertise as he moves ahead. This issue merits us looking at it and I appreciate the complexities of the matter. We have an obligation to look at it given that there are citizens in the North who very much identify as Irish. They have lived in the North for many years and want to engage in seeking a positive way in which to be part and parcel of the life of Ireland in its entirety. Perhaps the Minister will meet not just with me, but might also consider meeting with representatives of the group that is campaigning on this issue. I appreciate the Minister's response and his offer to meet.

**Deputy Charles Flanagan:** By way of conclusion, the Seánadóir said at the outset that this is a hypothetical situation and it does not have any effect yet. It is difficult to be precise about the avenue down which we should proceed in this respect. For clarity, the position of third country nationals who may be residing in Northern Ireland, including those who may have a child or children born in Northern Ireland, is that they currently have no entitlement to Irish citizenship simply by virtue of their residing in Northern Ireland, nor do they have any entitlement to unfettered free movement under the common travel area. In effect, their position as it relates to Irish citizenship remains very much unchanged. I repeat the point that the grant of citizenship remains very much a national competency. There are no current plans to amend the legislation.

The House is aware that it is our intention to maintain the existing arrangements with regard to the UK and the Government position is to protect the arrangements that have been longstanding under the common travel area arrangement between Ireland and the UK. We do not plan to change the current position in advance of knowing; so far as the issue of citizenship is con-

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cerned, I believe that Senator Ó Donnghaile will accept the point that we really need to know what the ultimate arrangements will be around the withdrawal of the UK from the European Union. Should any issue arise during the course of the negotiations between the UK and the other EU member states, I would be happy to revisit the issue. I would certainly be happy to undertake to keep the House informed of any issues that may arise that may warrant an opportunity to revisit the current arrangements.

### **Hospital Consultant Recruitment**

**Senator Colm Burke:** I wish to raise the issue of hospital consultant post vacancies that currently exist in hospitals. It is my understanding, from the information I have received, that there are some 400 vacancies for consultant posts. As the Minister for Education and Skills, Deputy Bruton, will remember, in 2011-12 there was a cut in consultant salaries of up to 30%. That has not changed because it was a new form of contract that was offered. We are not, however, competing just in the Irish and UK markets anymore, but the world market. Ireland seems to have huge difficulties now in this regard. Some posts have been advertised and there have been no applicants at all. This is a cause for serious concern. Eight or nine years ago there was, on average, at least six applicants for every consultant post advertised. This is now down to under two applicants per consultant post advertised. Ireland has waiting lists in hospitals and if we do not have the medical consultants with expertise to provide the care that people require, there is major concern that those waiting lists will continue to grow. What do we need to do in order to deal with this issue? Do we need to change the terms of the contracts that are being offered, and how do we do that? We need to enter into a consultation process regarding the best way forward, because unless these key people are there then our health service cannot progress and improve. It is extremely important that priority is given to this issue.

**Minister for Education and Skills (Deputy Richard Bruton):** I thank the Senator for raising this issue. I am replying on behalf of the Minister for Health.

The position is that there are 2,427 approved consultant permanent posts and 201 temporary posts. I am informed by the HSE that there are 392 other approved posts. The current status of these posts has not been reported at this time but it is expected shortly. It points out that this does not mean that those posts are vacant, particularly in the case of specialist and critical posts. Those posts are often filled by locum or agency doctors.

There are very considerable challenges in recruiting consultants at present, and Senator Colm Burke has made that clear. This is due to worldwide shortages and international competition. At the same time there is steady progress in expanding the consultant workforce. It has been increased by 1,000 since 2004. In the last 12 months there were 120 added, and the previous year there were 94 additional consultants. There is a continual process of recruitment and expanding of the consultant base, and indeed during the crash years the embargo which was in place did not apply to consultants. The baseline has increased. The number of non-consultant hospital doctors has also increased by 1,000 posts in the last two years.

To try to deal with the issue of recruitment, a consultant recruitment committee has been established which has focused on trying to streamline the process. A simplified application form is in place, and there is a simplified and individualised induction programme. The evidence from the group is that the number of vacant consultant posts is gradually reducing but with the desire to expand there are more posts being advertised. To facilitate better movement an e-

system has been developed to improve the quality of information available regarding consultant posts and consultants employed in the health service, and each clinical site has had training as to how to match consultants employed at their sites to the posts to try and make this a more effective process.

The final piece of the jigsaw is that the group chaired by Professor Brian MacCraith of DCU was established to carry out a strategic review of medical training and career structures and to examine and make high-level recommendations relating to training and career pathways for doctors in response to recruitment and retention challenges, both in non-consultant hospital doctors, NCHDs, and at consultant level. That group made 25 recommendations in June 2014, and those are being pursued. There is an implementation group, with a monitoring group established to oversee that. A careers and training website has been launched. The majority of training programmes now offer pre-defined rotations of at least two years. Revised pay rates for new entrants were sanctioned in 2015, substantially reversing the 30% cut imposed in 2012.

The issue of pay is a wider one and applies beyond the health sector, and the Senator will know that the Public Service Pay Commission identified staffing shortages as reported in submissions from the health sector. The commission noted in its report that there are recruitment problems in specialist groups, including groups that are internationally in demand, such as consultants. It has recommended that consideration be given to commissioning a more comprehensive examination of underlying difficulties in recruitment and retention in those sectors and employment streams where difficulties are clearly evident. This exercise is due to be completed by the end of 2018.

The Minister for Health, Deputy Harris, is satisfied that the HSE is focused on filling all consultant posts and doing so in an efficient and effective manner. The full implementation of the consultant recruitment group will achieve this.

**Senator Colm Burke:** I thank the Minister. I am afraid I do not necessarily agree with the contents of the reply. The information that I have is that we still have a major problem in that the number of people applying for posts is drastically reduced, and the number of posts advertised which attracted no applicants.

I have been consistently looking for exact details of vacancies in hospitals since 2012. I got a reply from the HSE less than 12 months ago that it could not give me that information. We are talking about a national organisation and between 2,500 and 2,800 posts, and yet the HSE could not give me a breakdown of the vacancy levels. It has now put a mechanism in place to compile all the information.

If we go back 15 or 20 years ago, when it was known that someone was retiring, a post would be advertised before the vacancy arose. The HSE seems to have developed a policy, especially over the last five to ten years, of allowing the vacancy to occur first before advertising it. As a result we are paying for locums and agency doctors. I have no evidence that this has changed since I raised this issue over two years ago. I know of positions that have arisen and six months later the advertisements are in the newspapers for a new consultant. That has not changed and is an issue that should be taken back to the Minister.

**Deputy Richard Bruton:** Those are fair points. The Senator should realise that if the advertising of vacancies is advanced there will be a surge in the number of vacant posts in the short term. If the Senator is tracking the number of vacant posts he will, by his own sugges-

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tion, see a big increase in them. Notwithstanding that, it is probably a good idea to plan and anticipate workforce planning. I will alert the Minister for Health, Deputy Harris, to the Senator's concern that the vacancy data is only being compiled and that efficient workplace planning would require anticipation of these posts arising in the future. It is not in dispute that there is a problem with recruitment and the fact of small numbers of applicants for vacancies is the reason the considerable efforts of Professor MacCraith and the consultant group have been put in place.

**An Cathaoirleach:** I am sure that Senator Colm Burke will raise this matter again.

### **Water Safety**

**Senator Martin Conway:** I congratulate the Minister for Education on his reappointment. I am sure everyone is delighted for him. He has a significant passion for education and he fits the role exceptionally well, so I wish him well in the coming weeks and months.

This is the time of year when people who perhaps would not have much experience in water tend to explore it, via sailing or swimming or other activities. Many young people in particular go swimming in the sea and in the rivers and lakes of this country. We are an island nation and are surrounded by water, so it is a significant factor in the lives of our citizens.

For a long time I have been promoting the need for water safety education in our schools, and I am happy to say that compared with when I was young in County Clare, where residents in fishing areas in particular did not want their children to learn how to swim because they had such a fear of the sea, that kind of taboo is now gone and young people are being encouraged to engage with water safety training and learn how to swim. Even in my own parish of Ennistymon and Lahinch over 1,000 young people come to the pool in Lahinch during the winter months to learn how to swim and to get an appreciation of water safety.

It is a great privilege for young people to be able to do that, to learn how to swim, to enjoy the water and to develop a respect for the water. It should not really be a privilege but rather something that should happen automatically in every school. There is absolutely  
*11 o'clock* no reason every young child who leaves primary school, going into secondary school, should not have a basic understanding of water safety and the importance of water, and that they should not have acquired a respect for water. It is brought into sharp focus by the weather that we have had in the last week. The weather encourages people to use the water, and that creates risks.

Thousands of young people leave primary school without any understanding of water safety and the importance of respecting water. I am calling on the Minister to give us a timeline at least as to when we can expect that water safety training and education will be a compulsory part of the curriculum at primary level.

**Deputy Richard Bruton:** I thank Senator Conway for raising this issue. The truth is that the curriculum does have a considerable element devoted to physical education at primary level. The teacher training programme is designed to enable teachers to deliver all the elements of the curriculum, including aquatics and water safety. There is a module in the curriculum that deals specifically with the issue raised by the Senator. Obviously, having it on the curriculum and having it delivered 100% are two different things. It is really for parents, teachers and

pupils to work within the curriculum to emphasise issues that are of public concern. Given the events of recent days and the urgings, I have no doubt there will be more interest in this element of the curriculum.

It is difficult if not impossible for the Department to track to what extent each one of the 3,200 schools emphasises water safety in its programme of physical education. However, it is there as a key element of the programme. The aquatics strand aims to support children in developing water confidence, basic swimming skills and an acute awareness of water safety. The development of these skills enables children to enjoy and to engage safely in water-based activities. Awareness of potential hazards and how to respond appropriately to incidents that threaten personal and group safety are an integral element of the aquatics strand. The strand is divided into a number of units. These include areas such as water safety, entry to and exit from the water, buoyancy and propulsion, and understanding and appreciation of aquatics. The curriculum provides adequately for the issue of concern to the Senator. In each case, schools must decide which elements of a programme are emphasised.

It is encouraging to note that Irish Water Safety, IWS, whose CEO, Mr. John Leech, spoke on the radio recently, has some very good programmes available to teachers who want to engage in this area. My Department has provided support this year and in previous years for primary teachers who wish to attend IWS courses during the summer. It is hoped this will provide an incentive for more teachers to familiarise themselves with some of the available material. Of course, IWS is not the only source of good material for supporting water safety education in our schools. Emphasising the importance of water safety is an area for which we all have a responsibility, as parents, teachers and members of the broader community. It is not really to inspect it in our education system. It is a question of partnerships involving schools, parents, community groups and local facilities to equip young people to be aware of the very genuine risks that exist.

**Senator Martin Conway:** I thank the Minister for his reply. I heard the interview with Mr. John Leech to which the Minister referred, during which he bemoaned the fact that water safety is not as high a priority as it should be in our schools. I accept that water safety is part of the curriculum, but as the Minister said himself, subjects being on the curriculum and being delivered are two very different things. One practical measure the Minister could take would be to issue a circular over the summer to all primary schools pointing out their obligations in terms of addressing water safety as part of the curriculum. Were the Department to send a circular to all 3,200 primary schools, we might have achieved something by raising this issue here this morning.

**Deputy Richard Bruton:** I will consider the Senator's proposal but I am very conscious that the physical education element of the curriculum has so many aspects to it and to single out just one part could cause difficulties. I am also conscious that many school principals bemoan circular overload from the Department and I do not want to be adding to their load. To some degree, an awareness of water safety should be a basic element and anyone involved in physical education should be aware of it. I hope our efforts this year to provide resources for teachers to upskill themselves by taking part in IWS courses will be an incentive in itself. Perhaps if we alert people to the availability of that programme, it would have the same effect as sending a circular which might appear to be placing an emphasis on one element of the curriculum at the expense of others. I will discuss with officials how we can best do this to address the concerns the Senator has raised.

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## Departmental Strategies

**An Cathaoirleach:** The next matter is in the name of Senator Tim Lombard. I welcome the Minister of State at the Department of Transport, Tourism and Sport, Deputy Brendan Griffin, to the House. I wish him every success and good luck in his new role. I hope when he travels through places like Castlemaine, Annascaul and Inch on his way home tonight, that he will not damage the environment with bonfires. I wish him well.

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin):** I thank the Cathaoirleach for his good wishes.

**Senator Tim Lombard:** I welcome the new Minister of State at the Department of Transport, Tourism and Sport, Deputy Griffin, to the Chamber. I congratulate him on his elevation to high office and wish him the best of luck. It is a great honour for him and I am sure he will bring his expertise on the sporting field to his new role. I am very sure that this little tussle this morning will be like a Cork *v.* Kerry Munster final. I am sure it will go very well.

**An Cathaoirleach:** I am not so sure about that.

**Senator Tim Lombard:** I am more of a hurling man myself. I call on the Department of Transport, Tourism and Sport to develop a strategy to increase funding for, recognition of and participation in female sport. It is a very important issue that we as a community, society and Government need to work on. There are a myriad of problems in female sport at the moment. One of the key issues is the very high dropout rate. The participation rates for teens are fine, but the fall-off rate for females in their 20s and 30s is high and that must be examined. We have a small percentage of female coaches and administration staff. That is a core issue we need to look at in order that we can build the dynamic of female sport in Ireland. The knock-on effect of that is that we have tiny audiences watching female sports and we do not have the same quality of sponsorship as that available to the male equivalents. Those key issues have a major knock-on effect on access and equality of opportunity for women to participate in female sports. We should have a proactive strategy put in place to ensure women have the opportunity to compete at the highest possible level if they so wish. More importantly, we must ensure access to opportunity at every level, and the development of a national strategy is a key issue in that regard. Such a national strategy must identify existing barriers. Government must work with all stakeholders to ensure those barriers can be lifted. Key issues such as funding, participation and the recognition of females in sport in Ireland need to be addressed. These are important issues for the dynamic of society.

We have seen what has been done in other jurisdictions to promote female sports. The UK had a dedicated female sports week based on the theme of more women, more activities. This is one of the issues the Government must take on board in order that a proactive plan is put in place to ensure we can break down existing barriers. Funding is a key issue. Funding of amenities and access must be prioritised for female sports. Whether it is for the basic infrastructure or administration and coaching, funding is important to ensure the basic infrastructure is there in order that women who want to participate have the opportunity to do so. Recognition is important. We need to build on our sporting ambassadors. We have all seen male sporting ambassadors, whether on the Lions tour or a local GAA team. We need to recognise our female sporting ambassadors and need to ensure they are recognised. They need to be the role models for the next generation. It has to be an active part of this strategy. We must recognise our sporting ambassadors in order that we can promote our sports on the back of them. Participation is

key as we need to ensure participation levels in female sports in Ireland increase and for that to happen, we need a national strategy. It will involve getting all of the stakeholders together and coming together with an overall plan in order that we can actually deliver this on the ground. It has happened in other jurisdictions. I am sure the Minister of State has a great grasp of the sporting psyche. I hope he can use his initiative on the ground to enable the promotion of female sports in Ireland and the achievement of what is very achievable. In the future, it will benefit both female sports and society.

**Deputy Brendan Griffin:** As this is my debut in the Seanad, it is a bit daunting. Not only is it my first day addressing the Seanad but I am also surrounded by two Corkmen. For a Kerryman, it is always a dangerous situation to have one in front and one behind but I will do my best. I thank Senator Lombard for raising this very important matter. As Minister of State with responsibility for sport, the participation of women in sport is hugely important to me. Increased levels are also what I want to see. The Senator's Commencement matter is timely because it is something I see as a priority. This debate also gives me an opportunity to outline the actions the Department is taking in sport in general and to foster a greater level of participation by women in sport.

The Department is developing a new national sports policy, which will provide a framework for sport in Ireland over the next ten years. It will set the agenda for Sport Ireland, which already has specific legislative responsibilities in this area. The new sports policy is being developed following a highly consultative approach. The Minister, Deputy Ross, along with my predecessor, Deputy O'Donovan, launched a very successful consultation last November. A total of 53 submissions were received from a variety of stakeholders including national governing bodies of sport, local sports partnerships, Departments, private individuals and the corporate sector. These submissions, all of which have been published on my Department's website, dealt with a wide range of topics. Senator Lombard will be interested to note that the issue of women in sport was addressed by several of these submissions. The new national sports policy is still at the drafting stage. The aim is to have it ready for consideration by Government immediately following the summer break. It is something on which I hope to do an awful lot of work between now and then. While I am not in a position today to indicate the nature and scope of future policy actions or initiatives, I can indicate it will have a strong focus on the need for increased participation in sport and physical activity generally. Although it will, necessarily, have a population-wide focus, I anticipate it will address particular issues surrounding the participation of women in sport.

Sport Ireland already has a specific function to exercise under its legislative mandate. It is required to develop strategies for increasing participation in recreational sport at national and local level, which contains a strong women-in-sport component. Sport Ireland is extremely active in this area and is delivering an impressive array of actions to promote participation in sport and physical activity among adult women, teenagers and primary school girls. Due to time constraints, it is not possible for me to go into the details of those actions but I will be glad to provide the Senator with details afterwards and to discuss the matter further with him.

I will take this opportunity to outline three areas I believe are very important for women's sport. First, with regard to how the public consumes women's sport, we need to achieve a greater level of exposure through broadcasting. Some broadcasters are doing excellent work; some could do more. It would benefit participation levels if we could see greater work on that. If Departments, agencies and broadcasters could work together, we would achieve great progress. I acknowledge the role of certain broadcasters who are doing a really good job already on

that front.

The Senator mentioned the drop-off levels for girls on becoming teenagers and going into young adulthood. Some excellent work is being done at second and third level and we have a great opportunity and a captive audience to try to do more. I would like to see a greater focus in the Department on working with those who already are doing great work to try to bring it on further.

It is extremely important that there is equality of opportunity. The theme of the Senator's contribution was very much based on that. We should have a situation where all women have the same chances to take up sport as their male counterparts. Before I got my current job, I was researching the Title IX measure in the United States, which encourages schools and colleges to increase participation levels by ensuring a non-discriminatory approach in federal funding for male and female participants in sport. It is something that started back in the 1970s. The results have been astounding. My sister-in-law, who is from California, brought this to my attention. I was discussing it with her recently. It is a very interesting topic and something we need to discuss further.

Progress is being made and we will be focusing through the new sports policy on greater participation levels by women in sport across the board. There is no doubt it will require further funding and hopefully as a country we will be in a better place to do that in the time ahead. The overall long-term savings of participation in sport, from a monetary point of view, are enormous. More importantly, from a human point of view, physical activity is probably the best thing anybody can do. It is something we really need to encourage more.

I look forward to developing this policy further in my new role and to further consultation with all of the stakeholders. The Senator clearly has an interest in this. I am very willing to work with him throughout the summer, to take whatever ideas and suggestions he has and to try to incorporate the good ideas into this sports policy. It is the same for all Oireachtas Members and anybody with an interest in this. It is important we get this right and get the best possible plan in place going into the future.

**Senator Tim Lombard:** I acknowledge the contribution made by the Minister of State. It is a very proactive contribution. In the future, we can definitely work together to ensure the strategy is put in place to benefit everybody.

**An Cathaoirleach:** I thank the Senator and Minister of State, who I hope to see here again soon.

*Sitting suspended at 11.19 a.m. and resumed at 11.34 a.m.*

### **Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. 1, the Criminal Justice Bill 2016 - Committee and Remaining Stages, to be taken at 12.45 p.m.

**Senator Catherine Ardagh:** I wish to address the issue of health insurance and the revelation that many people over the age of 60 are paying more than €1,000 more than they ought to

be for health cover. The report compiled by *TotalHealthCover.ie* concluded that at least two out of every five people are on outdated and overpriced plans. A lady who came to my office was paying nearly €4,000. When she rang the insurance provider to inquire what other health options might be available to her, she was given no guidance and was asked to pick and choose what she would like covered. These policies seem to be deliberately put together in a way to confuse people who cannot understand them. How is anyone meant to pick and choose what ailments they might have in the coming years? Nobody can look into the future. This scare-mongering by insurance providers is outrageous. Elderly people are already vulnerable and alone in their homes in many cases.

I am asking - I do not think there are any costs associated with this - that the Minister for Health direct the Insurance Ombudsman to set up a side office to help people navigate and review insurance policies so that the elderly and most vulnerable do not have to shoulder the burden of funding our health service. In the long term, we need to look at a publicly-funded health care model. We already have one of the highest spends *per capita* on health care when compared with many of the richest countries. We need to identify efficiencies and implement them. The prospect of health insurance increasing by 50% over the next decade is scandalous. The system needs to change rapidly.

The second issue I wish to raise is an attack on a lawyer in an unmanned stairwell in Dolphin House family courthouse in Temple Bar. This stairwell had no security and no closed-circuit television, CCTV, system. About two weeks ago, a female barrister was threatened with a sharp object held to her neck in a heinous and very disturbing attack. In the same incident, three prison officers were also attacked and injured. This is a place of work and State building managed by the Department of Justice and Equality. Attacks like this should not take place and I call on the Minister to look into this matter and into the security arrangements in all courts throughout the country so that such attacks do not occur in the future.

**Senator Victor Boyhan:** I wish to raise three issues: the judicial council; Rebuilding Ireland, the Government's policy to tackle the housing crisis and homelessness; and agriculture and food.

I will not rehearse what today's edition of *The Irish Times* reports the Chief Justice, Mrs. Justice Susan Denham, as having said. We need to heed what she said in touching on the separation of powers. That is important to both the Houses of the Oireachtas and the courts. Mrs. Justice Denham has again reiterated the need and desire for a judicial council. Members will recall that many months ago I introduce a motion, passed unanimously, for the establishment of a judicial council. The previous Minister for Justice and Equality, Deputy Fitzgerald, eloquently talked about moving on the matter within weeks. I reviewed the record of the House this morning. The former Minister indicated that legislation was ready and that the matter was also contemplated in the programme for Government. I looked at the programme for Government this morning. One of the main priorities listed is to progress a judicial appointments commission, which is a separate thing. We have had no progress on that. The same Minister also advised the House that it would only be a matter of weeks before the judicial appointments commission would deliver. It has not done so. We have also heard about the demands made by the Minister for Transport, Tourism and Sport, Deputy Ross, and the change in those demands in recent days. I will not rehearse all that. However, we need to learn from such experiences. Two things need to happen and the Government claimed to be committed to doing both. One is the establishment of a judicial council and the second relates to progressing with a judicial appointments commission.

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Later this morning, I will meet the relevant Minister at the Oireachtas Joint Committee on Housing, Planning, Community and Local Government for the third quarterly review of Rebuilding Ireland and the objectives relating thereto. We need to remember that those objectives were set by the former Minister, Deputy Coveney. He set out timelines, people with responsibility and clear objectives as to how he would deliver on this programme, the Government's strategy, Rebuilding Ireland - Action Plan for Housing and Homelessness. It has been stated that the new Minister will come before the committee to announce that the Government cannot deliver on its self-imposed timeline and a promise that no homeless people would be accommodated in hotel bedrooms with their kids doing their homework on side lockers while sitting on beds. That is not good enough. It is a disgrace. What is really disturbing about this is that this was a self-imposed deadline by the Government.

The former Minister has now left the Department. I am not critical of him because he was an exceptionally good Minister. It is very disappointing. I am beginning to wonder if there is now a major shift in the context of Rebuilding Ireland and the policy to be followed by the new Minister. I think we need to have the Minister back to the House.

Finally, on a good news story, this very day the Minister for Agriculture, Food and the Marine, Deputy Creed, is in Mexico. One might ask why that is the case. He is there because he is leading a major agrifood trade delegation. He has set up 30 engagements. He will meet the Mexican Minister for agriculture. He is there to make further connections as part of a necessary response in agricultural policy in preparation for Brexit and to develop new beef, pork and agrifood markets for this country. That is a really positive step which is in line with the Government's agreed policy incorporating Bord Bia's Making a World of Difference and Origin Green. That is important because this week is the fifth anniversary of Origin Green, which is an amazing initiative driven and overseen by Bord Bia. We should acknowledge that.

**Senator Paul Gavan:** I will not deal with judicial appointments apart from saying that all of us need to do a little better. The public is looking on this issue with wonder. The air of desperation around Deputy Micheál Martin in recent days does not reflect well on Fianna Fáil. We can all do better on that issue.

A number of my Sinn Féin colleagues met representatives from the Union of Students in Ireland, USI, yesterday. I am sure other colleagues in the House met them as well. The USI has an excellent pre-budget submission, which I commend to the House. I recommend that everyone have a good look at it. It contains some very concrete suggestions. It is also very measured. It is not looking for the earth. It has very simple, costed proposals. One example is a reduction in the administration fee by €250 per year, which would give rise to a significant saving for hard-pressed parents and students. We know third-level students have been let down by politics in recent years. Lots of promises were made and subsequently broken.

The point I wish to raise today concerns the crisis in counselling services at third level. I was very impressed with the people I met from the USI yesterday and the stories they told. One person told me about a college in Dublin that has just one counsellor who looks after between 10,000 and 12,000 students. We know from A Vision for Change that students experience mental health difficulties. Those difficulties can include depression, anxiety, loneliness, substance misuse and suicidal behaviour. The document also informs us that almost 75% of all mental disorders first emerge between the ages of 15 and 25. The provision of counselling services at third level has not kept pace with the expansion in the number of students. Typically, students wait up to six weeks to see a counsellor. It can be fatal if one has a mental health crisis at a very

vulnerable stage in life.

The USI has a very clear and simple request, namely, that the Government prioritise additional funding for student counselling. From figures contained in the Psychological Counsellors in Higher Education Ireland report, we also know that more than 50% of their clients in college stated they have difficulties which - either negatively or very negatively - impact on their studies. We know there is a crisis. We also know that the number of counsellors is not sufficient. I urge that the new Minister of State with responsibility for third-level education would come to the House in order that she might engage in a debate this issue and on third-level education in general, particularly as critical decisions are due to be made, for example, on whether we go for a student-funded model or some other model in terms of funding the education system in the future. Very good research was carried out in that regard by Dr. Larkin of Trinity College Dublin and Dr. Corbett of DCU which shows that where student loan systems have been introduced they were a complete and utter failure in every respect. It is timely for the Leader to bring the Minister before the House in order that we might debate those issues. I emphasise the need for the Government to prioritise additional funding for counselling services.

**Senator Aodhán Ó Ríordáin:** I wish, if I may, to strike a celebratory note, particularly as this is Pride week. While we can often be very critical of the country in which we live, this week we can, in the context of various issues, take stock of the huge advances that have taken place in the past 25 years, not least thanks to the gentleman sitting right in front of me, Senator Norris.

**Senator Trevor Ó Clochartaigh:** Hear, hear.

**Senator Aodhán Ó Ríordáin:** I watched a programme on RTE last night, “A Different Country” which went through the personal stories of people who lived in Ireland before homosexuality was decriminalised. Many of them had quite moving tales to tell. We have made great advances in recent years - from marriage equality to the Children and Family Relationships Act, the amendment of section 37 of the Employment Equality Act, the Gender Recognition Act and other measures that have taken place in this House. However, in this week it would be foolish of us to assume that everything is okay. We still have a lot of work to do. In many parts of the country, LGBT young people still feel very afraid of coming out and of being who they are.

I suggest to the Leader that perhaps we should take the opportunity to reassess where we stand in terms of LGBT rights because it is one thing to get equality in law but it is another thing to get equality in society. We need to focus on three areas as we celebrate the great advances we have made in recent years. One is the area of education. Religious institutions that are hostile to the LGBT agenda and LGBT rights still have huge influence over the education system. The second area is that of sport. It is not so much the case in women’s sport but I find it remarkable how few LGBT men feel comfortable about coming forward to say who they are. This matter needs to be addressed. As we celebrate Pride in Ireland this week, the most pressing issue this relates to is the fact that our brothers and sisters in Northern Ireland still do not have the same rights as LGBT citizens here. They do not have the right to equal marriage. That has to be our focus as Northern Ireland is in sharp focus in the UK and in Ireland in the context of efforts to re-establish the Executive. It would be a strong message if all of us in this House across the various parties were to stand united and say that we believe it is time for Northern Ireland to introduce marriage equality. We have become a beacon of light across the world in the context of LGBT rights.

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Saturday will be a glorious day in Dublin, as it always is every year, for Pride week. A few years ago it would have been unbelievable to think that we would have an LGBT Leader of this House, an LGBT leader of the country and LGBT members of Cabinet without much comment or fuss. That does not seem to make any difference whatsoever to the vast majority of Irish people. We have a long way to go in terms of those three points, namely, the education system, where we stand in the context of sport and where our fellow citizens in Northern Ireland stand. Let us take a moment to celebrate how far we have come and to celebrate Pride this week.

**Senator David Norris:** I seek leave to introduce No. 9, the National Housing Co-operative Bill 2017, with the intention of taking it during Private Members' time next Wednesday. I express my gratitude to the Leader, Senator Buttimer, for giving me the opportunity to have that time.

**An Cathaoirleach:** To clarify, is Senator Norris moving that No. 9 would be taken before No. 1?

**Senator David Norris:** Yes.

**An Cathaoirleach:** I remind the Senator he must be here at the end to formally move the Bill and he must have a seconder as well.

**Senator David Norris:** I will. I have both arranged. I always stay for the Order of Business.

**An Cathaoirleach:** It is necessary to second the motion on the Order of Business. It must be someone who has not spoken yet.

**Senator David Norris:** Senator Boyhan will do so.

**Senator Frank Feighan:** I will do it.

**Senator Máire Devine:** I again wish to raise the issue of homelessness, particularly in light of the stark and depressing report published this morning by Focus Ireland. In the 2015 annual report, Sr. Stan wrote that she thought it was the worst year for family homelessness but she was dismayed that 2016 was even worse. A total of 28 units were opened this morning in Harold's Cross. The Minister for Housing, Planning, Community and Local Government was there. I congratulate Focus Ireland on providing 28 homes for the elderly, the disabled and those threatened with homelessness. They are permanent homes, which is what is required. We need a strategy for permanent homes not hotels or hubs – homes for people to grow, nurture and live in. Focus Ireland, which provided 28 houses in Harold's Cross and other houses that were delivered earlier this year, has built more social housing than the Government. That is truly shocking. Yesterday, in my constituency, Dublin South-Central, the Iveagh Trust opened 70 units for those aged over 55.

What is causing the delay with regard to the provision of social housing? There is a restriction on capital funding. The Government must release funds and cut back the red tape that is stifling the provision of such housing. What is happening is unacceptable. Thanks to red tape, the procurement process is killing off initiatives like the units that were to be built at St. Michael's estate but which, like O'Devaney Gardens, will now not be realised until 2021. This is no longer an emergency but is an ongoing crisis. We have had five housing Ministers in recent times, each with little over one year in position. What sort of confidence can that give people?

We need to grasp this issue, appoint an almost permanent housing Minister and stop playing around and hoping the problem goes away. Will the Leader invite the Minister to the Chamber and ask him to tackle the procurement process in particular by paring it back to six months? Let us rebuild Ireland.

**Senator Colm Burke:** I wish to raise the issue of orphan drugs and rare diseases. Approximately 370,000 people in Ireland are affected one way or another by rare diseases but only 5% have a licensed treatment option. Our main problem relates to orphan drugs, namely, drugs that are made available, are still being worked on and are expensive to develop. Of the 148 orphan drugs available to people with rare diseases, only 53 have been licensed in Ireland. The number of these drugs available to people with rare diseases across Europe varies from 68 out of 148 in the UK to 133 out of 148 in Germany. I met people from the industry recently. The process in Ireland seems to be moving at a snail's pace.

People have complicated medical issues. Only ten people might be affected by a particular rare disease and they are trying to get access to a drug that would help them. From the time an application for approval is made, it takes on average two years for that drug to be approved. That is at least 50%, if not 60%, longer than any other successful drug licence application. The Minister must come to the House to determine what can be done to expedite this process. Why have we only 53 of the 148 available drugs when Germany has 133 available? Why is the process taking so long? We must examine this issue.

We made an agreement with the drug companies whereby the cost of pharmaceuticals was to be reduced by more than €600 million in a four-year timeframe. The idea was to use those savings to make orphan drugs available or to help pay for same. That does not seem to be occurring. We must expedite the issue and the delaying process should stop. We should approve the drugs and make them available for those who require them. Will the Leader ask the Minister to attend the House to address this issue and explain why approval for these products is taking so long?

**Senator Robbie Gallagher:** The House will join me in congratulating Mr. Peter O'Mahony, the Irish rugby player who yesterday was appointed as captain of the British and Irish Lions team to face the All Blacks on Saturday. I wish him and the other Irish players on the team every success in their exploits ahead.

I want to discuss the issue of corporation tax and our dependence on tax receipts from a few multinationals. It raises questions about the sustainability of our public finances in the future. A parliamentary question was submitted in the Dáil by my party colleague and spokesperson on finance, Deputy Michael McGrath. Some of the information that he received was startling. He noted that 40% of all corporation tax receipts came from just ten multinationals. That highlights how, on the one hand, we can be very proud of this country's achievement in attracting multinationals to set up in Ireland and create much-needed jobs but on the other, how dangerous it can be to be overdependent on multinationals. Will the Leader ask the Minister to attend the House in order that we might have a proper debate on industrial development and what our policies will be?

I note 80% of all corporation tax receipts come from foreign-owned companies, which goes to show we have a great deal of room for expansion in our indigenous industries. We should home in on this factor in the future. While we must look after foreign-owned companies and seek out new ones to come to Ireland, it is important to not lose touch with indigenous compa-

nies. Every effort should be made to encourage them to set up and expand in Ireland. It would be a good time for the Minister to attend the House to enable Members to have a discussion on industrial policy in the future.

**Senator Frank Feighan:** I second Senator Norris's amendment.

A serious issue has been ongoing in North Korea for many months. It has carried out five nuclear tests, creating considerable instability in the region and around the world. It looks as though North Korea will carry out a further six nuclear tests. Mr. Otto Warmbier, a young US student, was held for seven months before being brought home in recent days. He has since died. It is believed that experimentation was carried out on his brain, with the flow of blood to it being stopped. It is very sad and brings home the fact that something needs to be done, but I am unsure what that is. I understand that China is North Korea's only ally and provides it with the most economic assistance. I also understand that China is the only country that has influence with North Korea and that it is doing its best. I ask the Minister for Foreign Affairs and Trade to articulate the view held by me and possibly the Seanad that more could be done by China or other interested parties nearby to try to get North Korea to stop carrying out nuclear tests.

**Senator Trevor Ó Clochartaigh:** Tá mé ag tagairt do scéal in *Galway Advertiser* na seachtaine seo a bhféadfadh muide tionchar an-dearfach a bheith againn air. There is a story on the front page of this week's edition of the *Galway Advertiser* on which I hope we could have a positive impact. A mother has raised an issue, with the headline reading: "19th century Lunacy Act prevents my daughter from buying a house". She is the mother of a 24 year old woman with Down's syndrome and claims that young people with disabilities are left out in the cold and on their own when they turn 18. She is calling for education programmes tailored to suit individual levels of ability to be put in place so as to allow young people with disabilities to develop to their full potential.

The mother discussed how she found out that her child had Down's syndrome and that, when she was born, she was given:

... a dictionary of buzzwords, such as stimulation, integration, mainstream schools and swimming! But what I didn't realise was that when she was 18 you are on the road to nowhere. There is no plan for them, nothing to take into account their individual abilities. There is nobody waiting to receive these children afterwards.

She went on to say that her daughter, who is now 24 years of age, wanted to buy a house but was precluded from doing so because the antiquated Lunacy Act (Ireland) 1871 was still applicable and meant that "imbeciles" and "idiots" could not own property.

The Seanad had a lengthy debate on the Assisted Decision-Making (Capacity) Act 2015, which has since passed all Stages in the Dáil. Can we debate that Act and ascertain from the Minister when it will be commenced or whether there are further Stages that need to be passed by the Houses so that we can right this wrong, give these people their rights as citizens and allow them to live as full a life as possible? Perhaps the Leader could revert to us with an update on the Act's status and allow for a broader debate on these issues.

**Senator Maria Byrne:** There are two issues I wish to raise, the first of which has already been mentioned by Senator Gallagher, that being to wish Peter O'Mahony of the Munster rugby team the best of luck. He has been instrumental in his play for Munster and Ireland. It is great to see a man from Munster captaining the Lions in the first test match.

An issue which has been raised many times in the House is the shortage of chefs. The Restaurants Association of Ireland recently issued a plea for funding to be put in place for the training and recruitment of chefs. In the area of Limerick in which I live, there are  
*12 o'clock* over 50 vacancies for chefs in restaurants. Restaurateurs have recently told me that they will not be able to open on certain nights as they cannot currently recruit chefs fast enough. It is an issue in regard to which there is widespread fear and the Restaurants Association of Ireland has today said that it wishes for the issue to be dealt with.

**Senator Fintan Warfield:** I wish all Members a happy pride week. The Dublin Pride Parade will take place on Saturday and other pride parades will take place across Ireland. This summer, many of those participating in the Dublin pride festival will remember the homophobic murder of Declan Flynn in 1982. The LGBT community continue to march against discrimination persecution with visibility and pride. Last year's pride festival followed upon the senseless attack and murder of 49 LGBT people in Orlando and this year's festival takes place in the shadow of human rights abuses in Chechnya. I recently met the Russian ambassador to Ireland along with the Leader, Senator Buttimer, and Senator Norris and I again condemn the actions of those in Chechnya. Those who deny the existence of gay men should know that Ireland condemns their actions. The LGBT community should know that we stand with them always. Many people from our local communities will be taking part in the festival, some of whom will be marching for the first time and public representatives should facilitate their being there. It is a big step to take and one's visibility is important. On 22 May 2015, the Irish people said in no uncertain terms that every citizen and resident of Ireland should have the same opportunities no matter who they are, what they look like, where they are from or who they love. We can and must continue to build a new Ireland in that spirit, an Ireland that recognises a person's right to a home, marriage equality, gender recognition, Traveller ethnicity, freedom from direct provision, decency and democracy at work. The LGBT community has a role to play in all of that. I wish all Members a happy pride week and encourage them to join their local pride parades this summer.

**Senator Jerry Buttimer:** I thank the 12 Senators who made contributions to the Order of Business. In acknowledging Senator Ardagh's remarks, the attack on any member of the legal profession, in particular a woman, is to be deplored and condemned. It is a matter of extreme importance that, no matter who we are, we all uphold our legal system. It is disappointing and upsetting to hear of the attack. It is a matter not just for the Minister for Justice and Equality, but also the OPW which is in charge of public buildings such as courthouses or the area concerned in this case. I would be happy to have the Minister for Justice and Equality come to the House to address this issue.

Senator Ardagh raised the important issue of health insurance which our country and society needs to have addressed. The payment model which involves older people paying the same amount for health insurance as younger people has long been part of our health strategy. The Government is committed to reducing the cost of health care through the provision of universal health care for those over 70 as well as the younger cohort. People are now living longer and Ireland has an ageing population. It is important to acknowledge that there is an onus on health care providers in terms of private health insurance companies because all Members will have heard anecdotal evidence of claims going up and of the rising cost of premiums, as the Senator said. It is a matter of record that in 2016 the HSE earned over €850 million from private patients being treated in public hospital beds. Members who want to see a more equal health care landscape will recognise that more change is needed. Another issue in that regard is that

the Minister for Health has made a commitment to provide legislation for the State's health watchdog to allow for investigations about incidents in private health care. That Bill will come to Cabinet in the autumn. It is also important that we work to improve patient safety in our hospitals and to recognise that health insurance companies have an obligation and duty to inform their customers of changes or whether people are on the most suitable insurance plan. Senator Ardagh is aware that there is a website on which one can compare health insurance plans and premiums. However, health insurance companies must work with all of us in that regard to ensure that customers are getting a fair deal.

In his first contribution, Senator Boyhan raised the issue of the judicial council. The heads of the Judicial Council Bill were published on 1 June by the former Minister for Justice and Equality, the Tánaiste, Deputy Frances Fitzgerald. That Bill, along with the Judicial Appointments Commission Bill, will hopefully be taken in the House in the coming weeks. Both are major reforms of our judicial system and Judiciary which all Members agree are needed. Our Judiciary is independent, which must be maintained. We have been well served by the Judiciary since the foundation of the State and that must always be acknowledged. The Bill is on the Order Paper and will come to the House in the coming weeks.

Senator Boyhan also raised the issue of Irish beef and agriculture. I congratulate the Minister for Agriculture, Food and the Marine, Deputy Creed, and the delegation from Bord Bia who are currently in the United States of America. The Minister was in Washington DC and is currently in Chicago. It has been a very successful trade mission. Senator Boyhan rightly raises the issue of Origin Green which has now been in existence for five years. The United States market is now an important one for Ireland. Thankfully, that market has been reopened. I commend the Minister in that regard.

Senator Gavan raised the issue of the Union of Students of Ireland, USI, briefing. Like the Senator, I attended the very worthwhile USI briefing yesterday. He is right to say that it was not the usual pre-budget ask of some NGOs or advocacy groups. The Senator is correct that the issue of counselling and the availability thereof for students needs to have cross-party support to be prioritised. I was going to raise that issue myself. The end of May and the beginning of term are two peak times for students to require counselling. It is disappointing to hear of a waiting time of up to six weeks in one case which involved a student waiting for an appointment with a counsellor. Senator Gavan also referenced a six-week waiting time. Six hours, let alone six weeks, is an eternity in a student's lifetime when they are under pressure. I would be happy to have the Minister of State at the Department of Education and Skills, Deputy Mitchell O'Connor, come to the House on that issue. Like many other Senators, I was impressed by the fact that the briefing outlined different options and that the USI was not shy in putting forward various policy positions which are worth considering. The Cassells report is with the Joint Committee on Education and Skills. It is important that we see movement in regard to our third level institutions because they are very important in attracting potential foreign direct investment to Ireland.

I join with Senators Ó Riordáin and Warfield in wishing all of our citizens happy pride. It is pride week. Senator Ó Riordáin has been very supportive of pride both in his time as Minister of State and in his own right. He is correct to pay tribute to the father of the House, Senator Norris, who was a fearless campaigner when it was not popular.

**Senator David Norris:** That was a long time ago.

**Senator Jerry Buttimer:** The flame is still burning. Senator Norris was not afraid to give a dig or two during the meeting that he, Senator Warfield and I had with the Russian ambassador. I certainly hope the ambassador took notice of him. Senator Warfield and I were probably a bit more reticent and diplomatic. Sometimes one needs to bring in a double-barrelled gun.

It is important we recognise the importance of pride week. Senator Warfield, who has been a wonderful ally, supporter and advocate in this House, highlighted Chechnya. This time last year we were deeply upset about what happened in Orlando. Some citizens of the world are unable to be free to be who they are. They are being victimised and denied their human rights. A friend of mine referred to Chechnya. She was very eloquent when she said, “What about the women?” There is no mention of women. As we said in our meeting with the ambassador, these are people who deserve to be able to live their lives to the full.

As Senator Ó Ríordáin said, things in this country are not perfect and we have to have equality in education. There have been changes. To be fair to the former Minister, Mr. Quinn, there has been a significant change in the curriculum. There is now a policy on bullying in schools. We need to see greater change in sport. Donal Óg Cusack is a wonderful ambassador. Other sportspeople can be equally important allies. They may not be gay, but they are friends of ours and can play a role. People like Ben Cohen are doing huge work. In our country, we need a further sea change in education.

There is a march in Belfast on 1 July for equality for all citizens in the country. I hope that in the talks between the Conservative Party and the DUP on forming a government in the UK, they do not bend in terms of the road to marriage equality in the North. The leader of the Tory Party in Scotland has a very strong view on that.

I invite all Members and friends to come to Dublin Pride on Saturday. We are all marching, in some shape or form. It will be a good day. It is important we recognise that in our country we are free to march, and it is good to do that.

Senators Devine and Boyhan raised the very important issue of homelessness. I acknowledge that we have a long road to travel in terms of ensuring no one is homeless or deprived of the chance to be in a house of his or her own, be it private or social housing. Last year, €935 million was spent on the provision of 19,000 social housing units. This year, 21,000 will be provided at a cost of €1.3 billion. As we speak, 5,200 homes are under construction in our capital city. I agree that there needs to be a complete change in procurement and planning. The Minister, Deputy Murphy, and the Minister of State, Deputy English, are committed to the pillars of Rebuilding Ireland, as was the Minister, Deputy Coveney.

It is also worth pointing out that between 2006 and 2017 there was a 90% decline in output. In 2006, 93,000 homes were built. Just 8,301 were built in 2017. The Government has committed €5.35 billion under Rebuilding Ireland, and I am confident that by 2021, 47,000 homes will be supplied. It is important we challenge each other on this. This is not a political issue. Rather, it is a human rights issue for people who deserve to be housed. The Minister, Deputy Murphy, and the Minister of State, Deputy English, are committed to that.

Senator Colm Burke raised the issue of rare diseases, orphan drugs and the Government and HSE renegotiations with the pharmaceutical industry last year. It is important the Minister comes to the House. Rare diseases day is on 28 February every year and shines a spotlight on the significant minority who suffer and deserve treatment.

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Senators Gallagher and Byrne congratulated Peter O'Mahony on being appointed captain of the British and Irish Lions. I wish the team well in New Zealand on Saturday. It is a great honour for Ireland, Munster and Cork that he is the captain and I wish him well. It is a great day for his family and club and we hope the red flag will be flying high on Saturday morning.

Senator Gallagher correctly raised the issue of foreign direct investment. I would be happy to have the new Minister come to the House. It is important we keep our corporation tax rate as it is. Some parties want to raise it and, therefore, drive out foreign direct investment. Sinn Féin is the party of voodoo economics. It is a high tax party.

**Senator Paul Gavan:** Our policy is to keep the corporation tax rate.

**An Cathaoirleach:** I should remind the Leader-----

**Senator Aodhán Ó Ríordáin:** If they actually paid tax, that would be nice.

**An Cathaoirleach:** Sinn Féin can raise that matter.

**Senator Jerry Buttimer:** We must remind the people of the high tax party's policy. The most important point is, as Senator Gallagher said, that we do not become over-reliant on foreign direct investment. As Members know, we are an island nation on the edge of Europe. In a post-Brexit era, we are the gateway to Europe and must remain so.

Senator Feighan raised the issue of North Korea and the emerging threat in terms of the nuclear testing that is ongoing. I noted with humour President Trump's tweet in which he stated that he had tried to get China to intervene but had failed. Maybe if President Trump engaged in diplomacy other than tweeting, he might have more success. It is disappointing to see activity happening that is a threat to peace in the region. We should also acknowledge and pay tribute to Otto Warmbier, who died recently, and the tragedy of his incarceration for 17 months. He was returned to his family in a coma. We offer our sympathies to his family.

Senator Ó Clochartaigh raised the Lunacy Regulation (Ireland) Act 1871 and the inability of certain people with disabilities to purchase a house. I will be happy for the Minister to come to the House to review the Assisted Decision-Making (Capacity) Act.

Senator Byrne again raised the shortage of chefs, which is an ongoing issue that is being addressed by the Minister and SOLAS. Fáilte Ireland has a new apprenticeship scheme for chefs, which is linked to our tourism strategy. It is a source of worry. Many of us raised the matter in the House in 2007 and 2008. As Senator Gavan knows quite well, the closure of the training centres in Cork and Limerick in 2007 and 2008 was a huge mistake and we are now paying the price. We have a fantastic tourism product which we need to improve continually. It is disappointing that some restaurants close because of the absence of chefs. We need to be proactive.

I welcome Mr. Alan Suggs and Mr. Chris Klein, who are from North Carolina, to the Gallery. They are here for the weekend for Dublin Pride and I am sure they will paint the town red. I will be happy to accept Senator Norris's amendment to the Order of Business.

**An Cathaoirleach:** Senator Norris has proposed an amendment to the Order of Business, "That No. 9 be taken before No. 1." The Leader has indicated he is prepared to accept the amendment. Is that agreed? Agreed.

Order of Business, as amended, agreed to.

### **National Housing Co-operative Bill 2017: First Stage**

**Senator David Norris:** I move:

That leave be granted to introduce a Bill entitled an Act to provide for the establishment of an industrial and provident society to be called the National Housing Co-operative Society with the mandate and powers to acquire, manage, rent or sell distressed mortgages so that the occupants of houses can move from the status of distressed mortgagor by means of mortgage to “rent and mortgage”.

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

**Senator Frank Feighan:** I second the proposal.

Question put and agreed to.

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

**Senator David Norris:** Next Wednesday.

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

Second Stage ordered for Wednesday, 28 June 2017.

*Sitting suspended at 12.20 p.m. and resumed at 12.45 p.m.*

### **Visit of Lord Mayor of Cork**

**An Cathaoirleach:** I welcome the newly elected Lord Mayor of Cork, Councillor Tony Fitzgerald, to the House. It is not too often we have the Lord Mayor of Cork city in this illustrious Chamber. He is accompanied by his beautiful wife, Georgina, and his two daughters, Michelle and Deborah. I am sure all Senators will join me in giving them a special welcome. They are in Dublin for a special occasion. I hope they enjoy their visit. I wish the new Lord Mayor a very successful year in office. He has a very busy time ahead of him. I am sure he will deal with his strenuous tasks and duties with great aplomb, as he usually does. I hope he enjoys his visit to Seanad Éireann and the Oireachtas.

### **Criminal Justice Bill 2016: Committee and Remaining Stages**

**An Cathaoirleach:** I welcome the Minister, Deputy Flanagan, to the House.

Sections 1 to 13, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

**Minister for Justice and Equality (Deputy Charles Flanagan):** May I make closing remarks?

**An Cathaoirleach:** By all means. Normally the Minister would not get away that lightly in this House. He got a good run in his new position.

**Deputy Charles Flanagan:** Can I join with the Cathaoirleach in extending a welcome to the newly elected Lord Mayor of Cork. I wish him every success in his term of office. I had the opportunity of meeting the Lord Mayor briefly. I understand his interest in justice matters and in particular crime and security. I would hope to have the opportunity of visiting Cork in the course of my tenure and perhaps we could resume our discussions on matters of importance to Cork. I wish him every success as Lord Mayor of that great city.

I acknowledge the contribution of Senators. I welcome the all-party approval for this important legislation, seeking to improve the operation of the bail system and making the criminal law as effective as possible in protecting the public against crimes committed by persons on bail, while also, of course, being mindful of the need to safeguard the rights of individual citizens.

This Bill will give greater guidance to the court in determining whether it is necessary to refuse bail to prevent an accused person from committing a serious offence. It provides new protections for victims and for the public and it marks another important step on the way forward in preventing the matter of persistent offending in our community. It is important legislation and carefully balances the protection of the public with the right to liberty. I thank Senators for supporting it and the Cathaoirleach for presiding over the Committee and Remaining Stages of this important Bill.

**Senator Gerry Horkan:** Our party supported the Bill. We welcome the passing of the Criminal Justice Bill 2016. It is appropriate that we would congratulate the Minister on his appointment to the Department of Justice and Equality and wish him well in his new role and thank him for his efforts in his previous role as Minister for Foreign Affairs and Trade.

**Senator Martin Conway:** I welcome the Minister for Justice and Equality, Deputy Flanagan, to the House. I congratulate him on his appointment to the Department of Justice and Equality. As the Fine Gael spokesperson on justice I very much look forward to working with him. I know he has a deep interest and life experience in terms of working in law. It is a natural bedfellow in terms of suitability for the role. The Department of Justice and Equality has faced challenges in recent years. The Minister is taking over a complex, challenging and difficult Department but I have no doubt that he will leave it in a far better state than he found it. We wish him well and look forward to working with him in achieving that.

There has been a narrative about bail and repeat offenders in the public domain. There has been a chorus calling for something to be done about it. While the legislation is not the panacea to resolve all of the issues pertaining to bail, I believe it is significant and a positive incremental step in the right direction. I welcome it. It would be remiss not to pay tribute to the former

Minister for Justice and Equality, Deputy Frances Fitzgerald, for initiating this Bill.

I thank my colleagues in the Fianna Fáil Party and in particular their spokesperson on justice, Senator Clifford-Lee, and other colleagues for their co-operation on this Bill. Members understand and recognise the necessity for this legislation. I believe it is balanced and appropriate. Like all legislation it is evolving. If it needs to be altered, amended or change, that will happen.

I wish Deputy Flanagan well in the Department of Justice and Equality. We look forward to working with him.

**Senator Niall Ó Donnghaile:** I apologise to the Minister for Justice and Equality for not being present and am glad my colleague, Senator Devine, was here to cover for me. This is important legislation. By and large Sinn Féin has supported its passage through the Oireachtas. We have had some concerns on the issue of bail, and in particular the potential privatisation of tagging. We have flagged this in good faith in the course of our contributions on the Bill. I believe overall the positives outweigh the negatives. It is an important Bill and it has been useful to engage, observe and listen to the various opinions on the more nuanced aspects of the Bill. Senator Conway readily acknowledges that all of this must be up for consideration and review as it takes effect. I have no doubt that under the fresh leadership of the Minister in the Department of Justice and Equality, he will want to ensure that is the case.

Sin an méid, go raibh maith agat.

Question put and agreed to.

### **Visit of American Delegation**

**An Cathaoirleach:** Before I conclude the business of the day, I am sure that Members will wish to join me in welcoming Dr. Don Ritchie, historian emeritus of the United States Senate, who is accompanied by his wife Anne. I am very impressed by his *curriculum vitae*. On behalf of my colleagues in Seanad Éireann I send a very warm welcome and good wishes. I hope they will enjoy their visit to Ireland.

When is it proposed to sit again?

**Senator Martin Conway:** At 2.30 p.m on Tuesday next.

The Seanad adjourned at 12.57 p.m. until 2.30 p.m. on Tuesday, 27 June 2017.