



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Máirt, 3 Deireadh Fómhair 2017*

*Tuesday, 3 October 2017*

Chuaigh an An Leas-Chathaoirleach i gceannas ar 2.30 p.m.

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

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### **Business of Seanad**

**An Leas-Chathaoirleach:** I have received notice from Senator Catherine Noone that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Tánaiste and Minister for Business, Enterprise and Innovation to consider placing chefs on the critical skills employment permit list.

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

The need for the Minister for Education and Skills to provide an update on the proposed inclusion of the library and learning resource centre for Mary Immaculate College, Limerick, in the capital budget for higher education.

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 ensure that the additional €25 million agreed in the programme for Government for the areas of natural constraint, ANC, scheme is honoured and that the funding is targeted at mountain sheep grazing.

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

The need for the Minister for Health to initiate a campaign outlining the safety of the HPV vaccinations in light of the negative publicity regarding this vaccine.

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

### **Commencement Matters**

#### **Work Permits Eligibility**

**Senator Catherine Noone:** I thank the Minister for coming to the House to address this Commencement matter. I am raising the issue of the need for chefs to be added to the critical skills employment permit list. The issue of the shortage of skilled labour in the hospitality sector, and of chefs in particular, has been deemed critical by the hospitality industry. The Restaurants Association of Ireland, RAI, estimates that more than 5,000 chefs will be required by 2018 to fill vacancies and to remedy the shortage of skilled labour in the hospitality sector in general.

While new apprenticeships have had some impact in alleviating the current situation, it is my understanding that they are not sufficient to meet current demand in the short to medium term. In fact, it is estimated that it will be three to four years before the new apprenticeship and mentoring initiatives which are coming on stream will have any impact at all on the current situation. The only short or medium-term solution to this crisis therefore is for the hospitality sector to partner with chef training colleges worldwide to attract qualified chefs to Ireland. The main obstacle to this, however, is the issue of obtaining work permits for student chefs and qualified chefs. As it stands, chefs are not on the list of occupations which are eligible for a permit on the list maintained by the Department of Business, Enterprise and Innovation, with the exception of executive chefs, head chefs, sous chefs and specialist chefs earning in excess of €30,000 per year. This, of course, rules out any hope of restaurant owners recruiting student chefs from abroad to get around the shortage of potential employees in this country.

Occupations such as senior health services and public health managers and directors are on the Department's critical skills employment permit list, yet it is my understanding that the HSE has a glut of these professionals already employed. Other professionals given special status at the moment include: accountants and tax consultants; environment health professionals; quality assurance and regulatory professionals; sales, marketing and related associate professionals; web design and development professionals, etc. The Department also has a list of those professions eligible for internship employment permits. This list mirrors the list for critical skills employment permits and chefs are not covered on this list either.

It is interesting to note that the Department last updated its work permit eligibility list on 3 April 2017. At that time the critical shortage of chefs was already well documented and publicised. I am aware that the RAI has met with Department officials on this issue approximately four times in the past 18 months, but I have been contacted by individuals in the industry, such as people running hotels and restaurants. In the past four years they have made a submission on the issue every six months. I understand the Department has informed them that it is not keen to offer two-year temporary visas for chefs at the moment. I would like to know whether the Minister will reconsider this position.

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor):** On behalf of the Tánaiste and Minister for Business, Enterprise and Innovation, I thank Senator Noone for raising this issue in the House. Ireland's over-arching labour market policy is to support the sourcing of skills and labour needs from within the workforce of Ireland and the European Economic Area, EEA. The employment permits system offers an interim solution for employers when specific skills prove difficult to source within the EEA. The system is ordered by the use of lists which determine which occupations are in high demand and which are ineligible for consideration for employment permits. Changes to the lists are made on the basis of research undertaken by the expert group on future skills needs in tandem with a consultation process as part of a package of measures to meet these skills needs. With the exception

of executive chefs, head chefs, sous chefs and specialist chefs who specialise in non-EEA cuisine, chefs are on the ineligible list for employment permits at present. I introduced these rules during my term as Minister for Jobs, Enterprise and Innovation. The provision of employment permits to chefs in the exceptional categories I have mentioned supports Ireland as an attractive destination for tourists who enjoy a wide range of cuisines.

In 2015, a study of the future skills needs of the hospitality sector conducted by the expert group on future skills needs indicated that the demand for skills was increasing in line with the economic recovery. It made a series of recommendations to avoid skills shortfalls as the sector grows. Consequently, a hospitality skills oversight group was established in 2015 to drive and co-ordinate action. The group comprises representatives of private and public stakeholders, including the Restaurants Association of Ireland. The Department of Business, Enterprise and Innovation is aware that work is under way to increase the supply of chefs through training initiatives such as the development of a new commis chef apprenticeship and a chef de partie apprenticeship. While the emphasis is on developing skills in the Irish labour market, the role migration can play is being kept under review. The Department of Business, Enterprise and Innovation is responsible for ensuring the employment rights of people in the labour market are protected. Critically, therefore, any potential opening up of the regime would require measures to be put in place to mitigate any potential risk of abuse of non-EEA employees. The use of an indicator of compliance with employment standards is being considered by the Department in collaboration with SOLAS and Fáilte Ireland.

**Senator Catherine Noone:** I thank the Minister of State for her comprehensive response. I appreciate where she is coming from when she speaks about providing jobs for Irish citizens and people from the EU. As I mentioned at the outset, it is felt that the training initiatives will not bring enough people on stream to service the industry for another two or three years. For that reason, I am calling for an interim measure to be agreed that would allow people in the industry on wages below €30,000 to be employed from outside the EU, if possible. The Minister of State has said that this matter is under review. I would like to be kept up to date. I will be in touch with the Department in due course to see how that plays out. I have marked the necessity which I am hearing from different hoteliers with regard to the shortage. They are finding it difficult to get people to fill sous chef, executive chef, head chef and specialist chef positions. They need regular chefs as well. I am not an expert. Senators Lawless and Byrne would know more about the technicalities of the catering and chef area than I do. I hope the Department will see the necessity for some leniency in the context of those earning under €30,000.

**Deputy Mary Mitchell O'Connor:** I note the Senator's comments and will ask the Tánaiste and Minister for Business, Enterprise and Education, Deputy Fitzgerald, to keep her up to date.

**Senator Catherine Noone:** I thank the Minister of State.

### **Visit of Speaker of the Legislative Assembly of New Brunswick**

**An Leas-Chathaoirleach:** On behalf of Members of the Seanad, I welcome to the Distinguished Visitors Gallery the Honourable Mr. Chris Collins, Speaker of the Legislative Assembly of New Brunswick, Canada. I hope his visit to Leinster House is useful and that he has had the opportunity to enjoy some free time in Dublin. He might discover some cousins here.

There are four Deputies with the surname Collins in the Dáil who might claim a relationship. Mr. Collins is very welcome.

## **Commencement Matters (Resumed)**

### **Third Level Facilities**

**Senator Maria Byrne:** I welcome the Minister of State and thank her for coming here to take these matters.

I wish to highlight the importance of Mary Immaculate College in Limerick in terms of teacher training. The college was founded in 1898 and is the oldest training college in the State for primary school teachers. It was started by the Sisters of Mercy as part of their convent on the South Circular Road and has expanded over many years. It is in the centre of the city. When it started, the college had a couple of hundred students. It now has almost 5,000 but some of its facilities have not been updated. Its library caters for approximately 700 students, which means that many of the college's students are being disenfranchised because they have to go on a waiting list to get a time slot for library access in the context of research and so on or, alternatively, are obliged to use the public library in Limerick. The number of students in the college and the number of courses on offer there are both growing. In addition to teacher training, the college now offers several other bachelor degrees and postgraduate courses. It plays a crucial role as people come from all over Ireland because its name is known worldwide. When people apply for jobs and so on, the name of the college is recognised. It has established very important links with the University of Limerick, which now accredits all of the college's graduates.

I wish to highlight the plight of the many students who are being disenfranchised by not being able to access the library because there is not enough space therein. The college has outgrown its library. The capital plan review is coming up shortly. It is very important that Mary Immaculate College be considered as part of that in terms of the development of third-level education because all Members will agree that primary school teaching is where we all start in education and it is so important that the students attending the college are not disenfranchised and get the same opportunity as those attending other colleges in terms of being able to undertake proper research.

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor) :** I thank the Senator for raising the issue of the library in Mary Immaculate College. I am very aware of the good work of the college for its students. The Government recognises the importance of the higher education sector to Ireland's future economic and social development. However, the reality of the economic situation in recent years and the nature of the public expenditure corrections that had to be made presented challenges in all areas of public expenditure, including higher education. The sector has responded well to those challenges and has continued to provide opportunities for increasing numbers of students to undertake higher education qualifications. In that context, the Department of Education and Skills is aware of the significant infrastructure challenges faced by Mary Immaculate College with respect to library and learning resource facilities. The Higher Education Authority has received a submission requesting funding for a new library to address these challenges. The Department previously provided funding to Mary Immaculate College to upgrade its existing library

facilities in 2010. However, as part of the budgetary process in November 2011, a Government decision was taken to concentrate available expenditure or educational capital resources on delivering school places and to restrict investment in higher education infrastructure to legally binding contractual commitments in place at the time. While a very limited amount of funding has been made available since then, it has not been sufficient to allow us to progress the Mary Immaculate College library project.

The Senator will be aware that the 2016-21 capital plan provides for a direct Exchequer investment of €150 million in higher education, including €40 million already allocated to the Grangegorman project. It also provides for €200 million worth of public private partnership, PPP, projects. While these are extremely important and very welcome investments, they cannot address the full scale of demand in the sector. Most of the direct Exchequer funding currently available under the capital plan is required to deliver on existing commitments. The distribution of the remaining funds in future years will depend on a number of factors and this is being managed very carefully in consultation with the Higher Education Authority.

The report of the expert group on the future funding of higher education, the Cassells report, found that a capital programme of €5.5 billion was required in the higher education sector over the next 15 years. This has informed the submission of the Department to the ongoing capital review process led by the Department of Public Expenditure and Reform. We await the outcome of that process. The Government will make final decisions on the allocation of the additional funding available for public investment over the period from 2018 to 2021 in the context of the 2018 Estimates.

Decisions on the distribution of existing and additional capital funding for higher education will be made based on the level of funding available and in the context of competing demands. Particular strategic priorities include expanding capacity in areas of key skills deficits, orientating for demographic growth and ensuring core campus infrastructure is fit for purpose.

The immediate demands in the sector were identified in the responses from higher education institutions to a consultation process on capital requirements recently undertaken by the Higher Education Authority with the support of the Department. These responses, including that from Mary Immaculate College, fed into our submission to the capital review. They also provided higher education institutions with the opportunity to identify projects they wished to put forward for consideration as part of the higher education public private partnerships programme.

Officials of the Department and the Higher Education Authority, with the advice and assistance of the National Development Finance Agency where necessary, have since been engaged in a comprehensive assessment of the projects put forward for inclusion in the programme. Project selection is in its final stages and I anticipate an announcement on the projects to be included in the programme will be made in the coming weeks. It should be noted that projects which are not progressed as part of the PPP programme may still be considered for direct Exchequer funding.

I thank Senator Maria Byrne for raising this matter and confirm the Department's commitment to progressing the building project in the case of Mary Immaculate College, Limerick, when funding allows and taking account of the range of capital investment priorities in the sector.

**Senator Maria Byrne:** I thank the Minister of State for her personal acknowledgement, on



behalf of the Department, of the contribution of Mary Immaculate College. I thank the Minister of State for her commitment in that they have made their submission and it is there for consideration. I cannot emphasise enough the role they play. Anything the Minister of State can do in her deliberations, I would appreciate.

**An Leas-Chathaoirleach:** Would the Minister of State like to add anything?

**Deputy Mary Mitchell O'Connor:** No, a Leas-Chathaoirligh, I have said my piece.

### **Areas of Natural Constraint Scheme Funding**

**Senator Brian Ó Domhnaill:** I welcome the Minister for Agriculture, Food and the Marine, Deputy Michael Creed. I raise this issue today in the context of budget 2018 and the difficulties the Minister, and every Minister, will have with competing demands. This matter relates to the areas of natural constraint payment where funding of approximately €200 million is available from the Department towards the most severely disadvantaged lands and the farmers who farm those lands, whether they are constrained by coastal issues, hill farming, the altitude of the land, the marginal nature of the land, or the low stocking density. They have argued for a long time, as have the farming organisations, that it is essential that the programme for Government recommendation or agreement for an additional €25 million is made available.

I raise this issue in the context of the forthcoming budget. I know the Minister cannot divulge what he may or may not do, but I wish to highlight the need, if it is at all possible, to make that money available for 2018. These areas are farmed and the first 10 ha of the payment is front loaded at around €109.71 per hectare. After 10 ha, it goes back to between €95 and €99 per hectare. It is argued that there will be additional front loading done and if possible this front loading would increase from 10 ha to 20 ha. This would be of significant benefit to the most marginal farmers in the State. According to Department of Agriculture, Food and the Marine figures, I understand some 30,000 such farms exist. They are constrained and they are custodians of the most rural parts of Ireland. I hope that additional moneys can be made available under the scheme, which is aimed at supporting the most marginal land. I hope there will be some good news in the coming weeks in that regard.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I thank Senator Ó Domhnaill for raising this matter.

The areas of natural constraint, ANC, scheme was introduced under the 2014-2020 rural development programme as a replacement for the previous disadvantaged areas and less favoured areas schemes, which had been in place since 1975. Payments under the ANC scheme are an important support for farmers across the country in addressing cashflow issues and in contributing to the continued growth and development of the agrifood sector.

The scheme was originally introduced in 1975 in recognition of the fact that farmers in particular areas were faced with challenges relating to lower productivity and higher production costs than farmers in other areas where levels of disadvantage were not as pronounced. The significant level of financial support delivered through the scheme in the intervening years was provided in recognition of the fact that such issues posed a significant threat to the future viability of these farming communities. The specific objectives of the scheme are structured around themes such as ensuring continued agricultural land use, thereby contributing to the

maintenance of a viable rural society, maintaining the countryside and maintaining and promoting sustainable farming systems, which take environmental protection into account.

I am very aware of the importance of this scheme to the more than 95,000 farmers who receive the payment annually. With this in mind, I have prioritised the efficient payment of the ANC scheme in my Department in recent years. In 2016, payments under the scheme began in mid-September and, to date, in excess of €203 million has been paid to more than 95,000 farmers.

In the past few weeks, payments under the 2017 ANC scheme have also commenced. In the first tranche of payments in the third week in September, €160 million was paid out to some 75,000 farmers.

This is a significant increase on 2016, when 65,000 farmers were paid €140 million in the first tranche. Regular payments will be made in the coming weeks to ensure that cases are processed once they become clear. At present, approximately €170 million has issued to 80,000 farmers.

Under the Common Agricultural Policy finalised in 2013, the new rural development regulation introduced a change in how eligible areas under the areas of natural constraints, ANC, scheme were to be defined. The designation of eligible areas under these schemes to date has been based on a range of socio-economic factors. These factors include: particular stocking density levels; family farm income levels; population density; and the percentage of the total working population engaged in agriculture. The change in question required that eligible areas must be designated using a set list of biophysical criteria. The purpose of this change is linked to a concern at EU level that areas were not being designated as disadvantaged in a consistent manner across the various member states.

My Department has commenced work on this project and relevant technical experts are currently working on sourcing and analysing the data in respect of the new criteria. Department officials have also been in contact with the joint research centre, JRC, and DG Agriculture and Rural Development in the EU Commission in respect of technical issues arising. The ongoing analysis will identify areas deemed to be facing natural constraints, which will, in parallel, be subjected to a refinement process.

In the original rural development regulation, the new ANC designation was scheduled to be in place for payment in the 2018 scheme year. However, as part of the ongoing discussion on amendments to regulations at EU level, a proposal to extend this deadline on an optional basis is being considered. This proposal is currently passing through the relevant approval process at EU level along with a number of other regulatory changes in what is referred to as the “omnibus proposal”.

In view of the importance of the financial support to farmers provided under the ANC scheme, the programme for Government commits to a €25 million increase in funding for the scheme in 2018. This is being considered as part of the ongoing annual budgetary process for 2018. There are a number of options in respect of how any additional funding could be allocated. These options range from allocating the funds as a flat increase across the current payable rates to various forms of targeted higher payment rates for particular categories of farmers.



Any changes would require agreement with the EU Commission via a formal amendment of the rural development programme for the period 2014 to 2020.

**An Leas-Chathaoirleach:** I thank the Minister. It was a comprehensive reply and the Senator has indicated that there is no need for a supplementary question.

### **Vaccination Programme**

**Senator Tim Lombard:** I welcome the Minister for Health, Deputy Harris. This is the first time he has graced the new Seanad Chamber with his presence.

I tabled this matter to discuss the need for the Minister to initiate a campaign to outline the safety of the HPV vaccine in light of very negative publicity. The HPV vaccination is a very important tool in the context of public health. It is a very important step for our nation to ensure that our population is well vaccinated. We have over 11 different vaccinations on offer here. The programme has worked very well to ensure that we have good public health standards. That has been a very positive development over the years.

I am greatly concerned by the negative publicity regarding the HPV vaccination in recent months. If we consider the success of other vaccination programmes, in the case of the measles, mumps and rubella, MMR, vaccine, we are seeking a compliance rate of 95%. The current rate of uptake is 93% on foot of a positive campaign. As a father, I think it has been a very worthy campaign. Unfortunately, the rate of uptake for the HPV vaccine has dropped in recent years. The vaccine was first introduced in 2010. In 2013, the rate of uptake was 88%. That fell to 86% in 2014 and to 76% in 2015. They are stating now that it is possibly as low as 50%. That is greatly worrying. The HPV vaccination gives women the opportunity to be vaccinated against cervical cancer, which is a silent killer. It is an issue that we, as a society, must address. In terms of the figures, 650 women will need to attend hospital treatment for pre-cancerous conditions regarding cervical cancer every year. Every year, 300 women contract the disease and, unfortunately, we lose 90 of them. It is a silent killer, and that is the reason vaccination is so important.

We need to redouble our efforts to get across the positive message regarding this important tool to ensure that this disease can be controlled. I read some figures yesterday and they frightened me. Unfortunately, we would lose another 40 people with a 50% uptake.

I realise the Minister has worked tirelessly to ensure that the good message about this vaccine gets out. We must ensure we have a follow-up programme for people who want to come back into the system. We also need to battle the false information in the media about this important issue.

I put down this Commencement matter to raise my frustration about what I believe is a very important issue. We need to get the information out to the public. The public wants to be informed. It is a good news story, and it is a positive campaign that will literally save lives. I believe the Minister will move heaven and earth to ensure that will happen. I raise this Commencement matter because I believe we need to air this important issue. If we have a successful campaign to get out the good news about this issue, it is hoped that we will literally save lives.

**Minister for Health (Deputy Simon Harris):** It is very good to be with the Leas-Cha-

thaoirleach and the Members in their new temporary Seanad Chamber. I thank Senator Tim Lombard for tabling this very important issue, which provides me with an opportunity to update the Seanad on what is a very important public health matter.

As Senator Lombard will be aware, immunisation is regarded as one of the safest and most cost effective of health care interventions and the importance of vaccination is acknowledged by all the major health organisations. The Senator is entirely correct. Due to a very successful childhood immunisation programme, the uptake rates for many of our very important vaccinations are now in line with World Health Organization, WHO, targets, which is saving lives and helping to create healthier children at a younger age and throughout their lives.

There is strong evidence of the beneficial impact of the HPV vaccine for women's health in countries that have had high uptake rates. For example, cases of high grade pre-cancerous changes of the cervix have reduced by 75% in Australia and by more than 50% in Scotland as a result of the high uptake rate of this vaccine. As Senator Lombard correctly said, this is a vaccine that can and is saving lives.

I want to assure Senator Lombard that one of my absolute priorities as Minister for Health, and a priority of the Health Service Executive, HSE, is to counter misinformation relating to the safety of vaccines, and to increase uptake rates of all vaccines in the State's immunisation programmes. That is important. It is not good enough for us to sit silently by. All of us who hold public office have a duty to help get the facts and the information out to the public and to debunk the myths. That is why I showed my strong support for this vaccine when I launched a new HSE HPV information campaign at the end of August. That is an excellent campaign and I pay tribute to the HSE and the many doctors who worked with it in putting that together. It is operating alongside a very effective campaign of information but from an alliance of medical experts who have come together to get the facts out, debunk the myths and make sure parents can make informed choices.

I am pleased to see the work of the HSE in developing a comprehensive range of materials as part of the immunisation programme for this new school year has started. This includes a letter to parents concerning the vaccination programme, leaflets giving the facts about the HPV vaccine and cervical cancer for parents and teachers and a HPV vaccine key facts leaflet for general practitioners, GPs.

Prior to all school immunisations, parents receive an information pack in a sealed package with an information leaflet, a consent form and a cover letter. The information packs for all immunisations are standardised nationally. The information booklets include information on all the known side effects that can occur after any vaccination. Parents are also given contact details for their local immunisation office and advised to speak to a member of the school immunisation team if they have any further questions.

The HSE has invested in marketing communications at a time when parents are receiving our information packs and consent forms in schools, and when the vaccines will be given to girls. As we speak, advertisements are running on radio stations nationally to coincide with the provision of this information to parents. This five-week campaign of national and regional radio advertising started last week and will include social media posts on Facebook and Twitter as well as digital advertising.

It is very clear that misinformation is causing real harm to unvaccinated children and to

adults who develop vaccine-preventable diseases. A number of years ago, the big political outrage on this issue was that the vaccine was not available to girls in this country and was not being funded. Indeed, my predecessor, Senator James Reilly, campaigned for it prior to its brave introduction by another predecessor, Mary Harney. She saw its importance.

As Senator Lombard rightly points out, there was a very good uptake with 87% of eligible girls having this vaccine three years ago, but that rate has dropped to 50% in the last academic year due to misinformation. The Irish Cancer Society estimates that this drop will have the following consequences, which are startling: that 1,000 girls will require invasive therapy to prevent the precancerous form of HPV; 100 girls will develop cervical cancer and require life altering treatment; and the deaths will take place of at least 40 girls with cervical cancer who did not receive the HPV vaccine. The consequences of this are very serious, which is why I get agitated and use strong language when I hear people making ignorant and uninformed comments. We must take our advice on vaccinations from medical experts. In this case, the advice is very clearly that this is a fully tested vaccine which protects against the main cancer-causing strains of HPV and will eventually save around 60 lives in Ireland each and every year. That is 60 girls who will go on into womanhood alive and well as a result of this vaccine. The benefits of this vaccine are clear. It can, does and will save lives.

To respond directly to Senator Lombard's question on a follow-up campaign, I am pleased to inform him that one is now in place. If there are parents at home today who decided at the time they did not want to get their child vaccinated but have now informed themselves of the facts and would like to get it done, they need not feel they have missed out. Any girl can be provided with the vaccine through the school immunisation programme, which is important information to get out to our communities.

**Senator Tim Lombard:** I compliment the Minister on his response and on the campaigns he is running on this very important issue. It is great to get clarity on the follow-up campaign which is very important in that people will hopefully see the benefits and come back into the system. Hopefully, lives will, literally, be saved.

**Deputy Simon Harris:** That is correct. It is also important to inform the House that we are considering extending the vaccine to boys. Recently, I asked HIQA to carry out a health technology assessment on the benefits for boys of this vaccination, which is due to be completed in 2018. The Government will act accordingly regarding that.

There is an onus on all of us to debunk the myths, publicise the medical facts and help parents to make informed decisions. My advice to parents is very simple. If they have a question, they should absolutely ensure it is answered, but they should get the facts and information from people who are qualified to give it to them. They should go to [www.hpv.ie](http://www.hpv.ie), where they will find all the facts, visit a doctor or talk to a pharmacist or school immunisation team. There is a great deal of information out there to help them to make the best decisions for their daughters.

*Sitting suspended at 3.15 p.m. and resumed at 3.30 p.m.*

### **Order of Business**

**Senator Catherine Noone:** The Order of Business is No. 1, motion regarding extension of timeframe for the Citizens' Assembly, to be taken on the conclusion of the Order of Busi-

ness, without debate; No. 2, motion regarding the national planning framework, to be taken on the conclusion of No. 1, without debate; and No. 3, statements on the fair deal scheme, to be taken at 4.45 p.m., with the contribution of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes, and the Minister to be given no fewer than five minutes to reply to the debate.

**Senator Mark Daly:** Today our sympathies, thoughts and prayers are with those who were killed in the mass shooting in Las Vegas. To their families and friends we send our heartfelt condolences. What happened in Las Vegas, as is often the case, is a failure of politics to regulate and control the ownership of guns. Whatever about the constitution of the United States of America, the fact that families have been left without children and loved ones because of this fundamental right to bear arms and the inability of politics to regulate that, is a shameful indictment of the whole political system.

Systems fail, as we saw in Las Vegas. We previously saw this tragically in the United States at Sandy Hook elementary school where, despite the fact that six adults and 20 children were murdered and massacred, no change occurred. When things like that happen and when failures happen in politics, whether it be in Ireland or anywhere else, change needs to occur. Unfortunately, as we have seen so often in the past, it has come all too late for the bereaved and the loved ones of those who were killed in Las Vegas. Our sympathies to all who have been caught up in those tragic events.

**Senator Mark Daly:** Hear, hear.

**Senator Mark Daly:** I ask the Deputy Leader to organise a debate on our Defence Forces and the fact we are spending a massive amount of money on equipment and a new naval ship that we do not have enough personnel to man. We do not have enough personnel in the Naval Service to keep all our ships at sea at any one time. We do not have enough personnel to man our Air Corps aircraft. We do not have enough personnel to meet our UN requirements. That is not a situation the State should continue to tolerate. While it costs over €100,000 to train up some of the technicians and skilled personnel within the Air Corps, the Naval Service and the Army, for the price of €300 they are allowed to relinquish their contracts with the State. I am not saying that should be increased; it should be zero. They should be recruited and their terms and conditions should be such that they will not want to leave or go to private industry and that they will continue to serve the State, as their predecessors in the Defence Forces have done for so many years at home and abroad.

I ask the Deputy Leader to organise a debate on this but, at the same time, I ask that we have fewer debates and more legislation. We might look at introducing some legislative measures in respect of the Defence Forces in the Finance Bill that would allow the Department of Public Expenditure and Reform to reinstate payments that were put in place for Air Corps personnel, especially pilots. Such a move would allow them to be given extra pay in light of the skills they possess. Those who possess such skills, including aeroplane and helicopter pilots, are highly sought after by private enterprise. When the Finance Bill comes before it, I ask that the House consider addressing that issue in the context of the range of personnel employed by our Defence Forces. This situation will only get worse unless a change is made by this House and by the Dáil.

**Senator Billy Lawless:** I am absolutely horrified by what has happened in my adopted country in the past couple of days. It is absolutely incredible to think that so many people

have died and been injured. As Senator Mark Daly said, it does not seem to matter how many massacres take place in the United States: they just cannot seem to get it. One would think the United States, being supposedly the most civilised and humane country in the world, would get the whole issue of guns. Since I went there 20 years ago, I have been amazed by the gun laws in the United States. A couple of years ago, when President Obama wanted to introduce background checks, 91% of the American people voted in favour of them, and in the US Senate, where I have many friends, they could not get 60 votes out of 100 to bring the matter to the floor. They have to get what is called cloture, or two thirds of the vote. They could not get 60 votes to debate it on the floor of the Senate. In my restaurants in Chicago, I have a photograph of a gun with a red line through it-----

**Senator David Norris:** Good man.

**Senator Billy Lawless:** -----to show that people with guns are not welcome on my premises. It is legal in Chicago to carry a concealed weapon, but I do not know whether or not people coming to my restaurant are carrying them. We all know what alcohol can sometimes do and that rows can develop. We see this everywhere. It is very easy just to pull out the gun. It is part of their nature now. However, imagine that we could not get 60 votes to debate the matter in the US Senate. That is appalling, and there is no word today about doing anything with the gun laws. We in this House should send a strong message to Congress of our abhorrence of what is happening with guns in the United States. Again, I offer my sincere condolences to all 500 of those poor people - can you believe it - injured and, of course, the 60 poor people who have been murdered. This House should do something about it.

**Senator Rose Conway-Walsh:** On behalf of the Sinn Féin team in the Seanad, I wish to express our sincere sympathies to the families of those who were killed and injured in the Las Vegas atrocity. Our thoughts and prayers are with them at this painful time, as indeed they are with those who lost their lives in the incident in Marseilles at the weekend.

I wish to move the National Asset Management Agency (Amendment) Bill 2017. This Bill will amend the NAMA and National Treasury Management Agency Acts to empower NAMA and the Ireland Strategic Investment Fund, ISIF, to contribute to the stability of the housing system through the provision of social and affordable housing.

My central business today, though, is the refusal of the Government to approve Translarna for the treatment of five young children with Duchenne muscular dystrophy. Just two young boys are currently of the age to receive the treatment as we speak. I welcome the families to the Visitors' Gallery. They are present to attend the briefing at 4 p.m. in the AV room. As legislators of all political persuasions, we have a responsibility to join their fight for access to treatment that, as it has done in the North and elsewhere, significantly delays the loss of ability to walk and associated medical difficulties for these children. Today's briefing will provide these families with the opportunity to share with us the story of their campaign to secure access to the drug Translarna, which has a proven life-changing impact on sufferers of muscular dystrophy. Translarna is available in the North and my colleague, Ms Michelle O'Neill, approved it during her time as Minister of Health. Along with our party president, Deputy Adams, she met the parents of muscular dystrophy sufferer Lewis Walsh Harte - they are present today - to hear their account of how crucial a factor time is in obtaining access to this drug.

Translarna is available in 22 other EU countries as well as the North. This leaves parents facing an unjust decision, namely, must they move to another jurisdiction to obtain this drug?



It is imperative that, in cases such as these, we have an all-island approach to accessing life-changing and life-saving medicines. It is illogical and unfair to have different levels of access for sufferers in different parts of the island.

The families have been told that there is no money, and the data are insufficient, to fund Translarna. How can we possibly explain to these young children that the reason they are not walking like their peers in 22 other countries, the North and their very own country is that the data are not sufficient? How can we possibly tell these five children that we cannot afford to provide this vital medicine when we see millions of euro wasted on renting empty office spaces for Departments? These children cannot wait for lengthy legal processes that are likely to cost much more than the treatment would cost in the first place. I urge the Government to right this wrong, make the right decision and approve Translarna without further delay. I call on the Minister for Health to attend the House to discuss the matter and make Translarna available sooner rather than later.

**Senator Alice-Mary Higgins:** I join others who have spoken of their regrets about the failure of politics in the US in terms of gun control, but the issue that I wish to focus on is one in which politics must not be allowed to fail. It pertains to the scenes that we saw in Catalonia over the weekend. The response from the Taoiseach has not been adequate. He stated that he would not recognise the result, and so be it, but it is incumbent on him to recognise not only the frustration, but the urgency and danger to the European project of what has been unfolding in Catalonia. The Taoiseach spoke rightly about the danger of state violence leading to radicalisation, but it also leads to another danger stalking Europe at the moment, namely, authoritarianism.

**Senator Michael McDowell:** Hear, hear.

**Senator Alice-Mary Higgins:** We need to address both concerns. That requires active engagement. It is not sufficient that Europe has said that it trusts the leadership of Prime Minister Rajoy, who has praised the “serenity” of riot police, who injured 900 people and used rubber bullets. We need to ask about the role of EU mediation. The Catalan President, Carles Puigdemont, has called for EU mediation. Where does Ireland stand on that call? Will Ireland support a role for Europe in this situation? In addition to Spain, Europe has a responsibility to move past our focus on securitisation in recent years, which has caused us to neglect the work of peace-building and diplomacy. This is something on which Europe - and Ireland within Europe - should be leading. We need to show we can step forward and recognise that peace-building and politics are not simply about law enforcement. They are about diplomacy, sensitivity, recognition of complexity and facilitating dialogue when it may seem impossible. This is something Ireland knows from its own history and role in peace-building and something we urge in Europe. We have relied on international engagement in the past to support us in this area. We now need to engage further with this issue. Where will Ireland stand? What will Ireland say at the Council of Ministers? Will we be demanding mediation? The 2012 decision to roll back on autonomy in Catalonia, for example, was allowed to pre-empt some of this. The role of regional development in Europe has taken a back seat in some of the short-term national fiscal targets. Public consultation and democracy have been neglected. There is an urgent role incumbent upon us now not simply to say the law is the law and so be it but rather to ask where is the space for new laws and new dialogue and how can we open this up. Ireland has a unique role in Europe. I would appreciate it if the Leader could pass this on to the Government and ask for detail, not just on whether Ireland will recognise the referendum result but on what Ireland intends to do to address this danger at the heart of Europe of disintegration and a loss of faith in



democracy and in Europe's principles of solidarity.

**Senator Gerald Nash:** Following from Senator Higgins's remarks, we in this House must send a strong message to the Government of Spain that the actions of its police force last weekend were entirely unacceptable in a modern European democracy or indeed in any democracy entitled to bear that name. Regardless of where one stands on the question of Catalan independence, I acknowledge there will be a variety of views in these Houses in that regard, the brutal actions of the Spanish police towards people expressing what they consider to be their democratic right should be abhorred by all of us who are democrats, that is, everyone in this House. I support what Senator Higgins has said. Cool heads must prevail at this point and the Government must urge both the Spanish authorities and our European Union colleagues to make whatever contribution they can to ensuring that the future of Spain as a polity is a democratic one. What we saw at the weekend was that the authoritarian forces that many in this Chamber will remember prevailing in decades past in Spain are clearly not too far from the surface, and this is an absolute tragedy.

My sympathies and those of my Labour Party colleagues go to the family members of the dozens of people murdered and the hundreds maimed while simply attending a musical event in Las Vegas a few short days ago. It is a constant source of bafflement to me and to Senator Lawless, who has more experience of living and running a business in the United States, that there is still such a huge reluctance to deal with this massive problem which occurs, unfortunately, far too often and results in the senseless taking of far too many innocent lives. While the United States likes to identify itself as a beacon of freedom and civilisation, when one looks at its attitude to gun laws one must ask if it really deserves that label if it cannot do a basic thing like controlling its gun laws to protect the lives of those who deserve the protection of the State. I ask that question advisedly.

**Senator James Reilly:** I want to raise today an issue that is on everybody's mind, namely, the budget. In particular, I want to raise the issue of prescription charges that were introduced in 2011 when the country was in a financial meltdown. The initiative raised €27 million in the first year, the figure rose to €117 million in the past two years and during the first six months of this year it has raised €54 million.

There has been a huge increase in the health budget in the past two years, for which I compliment the Government. It is now time to abolish prescription charges. The Irish Cancer Society has already made a statement that it believes the charges are no longer necessary from a financial point of view, with which I agree. The society has also stated that many people with cancer forgo the essentials of daily living in order to pay the prescription charge, which interferes with their well-being and ability to recover.

Ample research has also been compiled by the British Medical Association, the Coughlan Foundation and the World Health Organization, WHO. They have all carried out independent research that show charges cause people to not take their medicines and act as a barrier to doing so. In fact, the organisations have made the bald statement that these charges cause as much as a reduction in necessary care as they do any reduction in unnecessary care. I believe that the time has come for us to remove the charges.

I call on the Minister for Health and the Minister for Finance to abolish prescription charges in this year's budget. If that is not possible I would like to at least see the process started by abolishing the charge for people over 65 years and those with chronic illnesses. These are the

very people who are the most vulnerable in our society. They are the very people who need to take their medicines. They are also the very people that if they do not take their medicines will fall ill, end up in hospital and cost the State an awful lot more money.

The financial crisis is over. I know we need to be prudent but this is an area that needs to be addressed, and addressed urgently. We must send a strong signal to the many people who approach the last quarter of their lives that the sacrifices that they made to keep this country on its feet will be acknowledged now by giving them more affordable health care.

**Senator Keith Swanick:** I think we are all in agreement that homelessness is destroying lives in Ireland. As many as 3,000 children now live in emergency accommodation, which is profoundly shocking because we have been told that resources are not an issue for this crisis. As a physician I have considered the human cost of this crisis, including research from Harvard University. I have learned that the type of scenarios that many of these children face can be toxic to their developing brains. First, the research is clear that “strong, frequent, or prolonged adverse experiences” lead to excessive cortisol and disrupts developing brain circuits.

Second, and significantly, early adversity can lead to lifelong problems, developmental delays and a “cumulative toll on an individual’s physical and mental health”. Of course, stigma goes hand in hand with homelessness. Stigma is defined as a mark of disgrace associated with a particular circumstance, quality or person. All of us will remember a time when we felt extremely self-conscious. We worried whether anyone would notice that one had the same schoolbag, pencil case or, indeed, uniform that was handed down from an older sibling or cousin, or that one stayed outside at lunchtime because one had no money for the tuck shop and all the while hoping nobody would notice. Thankfully, these experiences for many of us were transient and short lived.

Let us imagine how it feels to be a homeless child. What does that do to one’s self-esteem? There would a stigma due to being unable to invite one’s friends back to one’s house for a game of football. That stigma is corrosive to a young brain. In 2013, the then Taoiseach, Enda Kenny, apologised unreservedly to the women who suffered the stigma of the Magdalen laundries. In 1999, the then Taoiseach, Bertie Ahern, apologised unreservedly for the stigma of those victims of institutional abuse. Who will be the Taoiseach when an unreserved apology is given to the children trapped in homelessness? That day will come unless we, as legislators, act swiftly and decisively. In many cases these children need immediate psychological support because the damage being visited upon them by this stigma is profound. It will last a lifetime and it will, undoubtedly, leave indelible mental scars.

I call on the Deputy Leader to facilitate a debate on homelessness, how it pertains to young children and the psychological effects on same.

**Senator Michael McDowell:** Last week the necessity of having a proper debate in this House on the future of Europe was raised. I ask the Deputy Leader to consider allowing such a debate. Our agenda is fairly unpacked, if I may use that phrase. There is plenty of time to debate this issue and much has to be considered in respect of it, such as the attitude of the State to what is happening in the European Union at present, the various options open to the European Union, and the agenda that is being prepared by the extreme federalists such as Guy Verhofstadt and others to bring about a federal superstate in Europe, which is not being in any way contradicted or even considered in this Parliament.

In that context we have a network of Jean Monnet professors who are paid from European Union funds, and many people who participate as experts on the future of Europe. We do not have a balanced debate because such debate as there is normally in our media on the subject of the future of Europe is between those who are absolutely and radically opposed to the European project at all and those who are quiet sleepers or active enthusiasts for the federal superstate project on the other.

The last time *The Irish Times* asked its readers what they genuinely thought about the process of European integration, the people by a margin of 3:1 or 2.5:1 were in favour of the position adopted by David Cameron in his requests to his fellow European partners for some latitude which would enable him to win the Brexit debate. That is worth remembering. A very considerable majority of Irish people do not share the minority federalist view and, when asked about it, fairly and squarely say so. It is about time that our Government clearly articulated a vision of Europe which is based on partnership among member states who share certain aspects of their sovereignty and which states that there are other areas, particularly relating to tax sovereignty that we have no intention whatsoever of backing away from and on which we will always maintain our independence.

**Senator Ray Butler:** I wish to convey my condolences to all the families in the USA. It was terrible to see the scenes on the television. I wish to raise again the question of commercial rates. I have been dealing with a business family in recent weeks who owe €12,000 in commercial rates. They offered to pay €100 a week on top of paying this year's rates. The offer was accepted with a struggle.

In some counties business people are getting write-downs on rates outstanding, whereas in other counties families are being dragged through the courts. The only legislation on rates dates back to the 1800s. Property tax was introduced to start a new rate base when the crash came because the business rate base was gone and local authorities had no funding. Business people thought that with the property tax and a new structured rate base, they would get relief.

4 o'clock Instead, things have remained the same and there has been no relief for businesses. Now we see a new rate evaluation happening in most counties. In County Westmeath, Senator Davitt has raised the issue of commercial rates and, like me he, has rattled the cage on the subject. The commercial rates on small businesses have risen by 16%, whereas the rate bases of the large multinational businesses have reduced. The figures Senator Davitt has given me show that with this new evaluation, 50% of retail shops will experience an increase in their rates. It looks as if some people want to close down the small towns in rural Ireland. We will see cactus and weeds growing as we go down the main street.

The organisation, Business Retail Union of Ireland, some of whose representatives I have met, is starting a campaign calling for a national strike on paying rates until something is done. I call on the Deputy Leader to invite the Minister to debate this issue with us to see if there is any light in the tunnel for rural Ireland.

**Senator Niall Ó Donnghaile:** Before I begin, I would like to second the moving of the National Asset Management Agency (Amendment) Bill 2017 by Senator Conway-Walsh.

I join colleagues in remarking on the weekend's events in Catalonia. Regardless of how they voted in the weekend's referendum, I want to express my solidarity with and commend the people there on taking their courageous stand in participating in that most basic tenet of the

exercise of democracy. The response of the Spanish state, which has been referred to, was to meet those people with baton-wielding riot police and, ultimately, violence. The response of the Irish Government was slow in coming but I welcome an Taoiseach's remarks in the Dáil to the effect that he was horrified by the scenes of violence on Sunday and that he would raise the matter with the Spanish Prime Minister. I encourage Fine Gael Senators to do the same with their sister-party colleagues in the Partido Popular, PP.

I believe to my core in the right of the Catalan people to national self-determination. We should all be able to agree, not least here in Ireland, on the fundamental right of any people to pursue that objective peacefully and through the ballot box, as was seen on Sunday. It is my view that the momentum is behind the people of Catalonia who voted overwhelmingly in favour of their right to independence. The Taoiseach's assertion that the Government will not recognise the vote of the Catalan people will not only put this country on the wrong side of history, it is not reflective of the broad view of the people of Ireland.

Ireland's bond with the Catalan people dates back many generations. My own home city of Belfast sent many volunteers to fight against Franco and against the kind of tactics which we saw deployed against the people of Catalonia at the weekend. My parish sent two IRA volunteers, Liam Tumilson and James Straney, who died in defence of the kind of democracy we saw exercised by the people of Catalonia on Sunday. The people there have spoken. They have voted for their independence. As we prepare in the coming years, quite rightly, to remember and honour the historic election of 1918 and the establishment of our own democratically-elected Government in 1919 and the First Dáil, which too faced repression and violence, it ill behoves the Government to be a passive observer to the changing political and social dynamic across Europe. The Taoiseach should address us on this matter and heed the calls coming from Catalonia for an independent, international mediator to be appointed by the EU to help navigate the changed political paradigm which now exists between Spain and the people of Catalonia.

**Senator Frances Black:** I send my condolences to the people of Las Vegas and to those who lost loved ones in the horrendous atrocity that happened there. I also join my colleague, Senator Higgins, and others in strongly condemning what happened in Catalonia in recent days. No matter one's position, brutal police violence against people trying to exercise their right to free assembly and the democratic process is a disgrace. The Irish State should never hesitate to condemn that sort of behaviour.

I am also concerned about the democratic process in this country. Seanad Éireann is supposed to sit on Tuesdays, Wednesdays and Thursdays to debate issues of national importance and scrutinise legislation. However, the schedule for this week leaves Thursday completely blank - no debates, no motions and no legislation. We need to look at this. There is a lot of really important legislation coming up. I am reminded of Senator Colette Kelleher's excellent Bill on adult safeguarding in particular. I am also reminded of Senator Colm Burke's legislation on home care. We need to introduce legislation which can change people's lives for the better.

I will talk about legislation about which I have been very concerned. Fine Gael introduced the Public Health (Alcohol) Bill 2015. I am very concerned that it still has not come in. It has been talked about for the last few months but there has been no sign of progress. I recently held a public meeting about the Bill in Cork. I was amazed and surprised by the amount of non-governmental organisations, NGOs, which came out in Cork in support of this legislation, including Pieta House, the ISPCC and the emergency department of Cork University Hospital. These NGOs came out and spoke on the importance of this legislation being enacted in its en-

tirety - all four measures. The Irish Heart Foundation and the Irish Cancer Society also came out in support of this legislation in its entirety. I ask the Deputy Leader when this legislation will be progressed. It needs to be enacted sooner rather than later.

**Senator Tim Lombard:** I join other Senators in condemning what happened in Las Vegas in the past 48 hours. It was a ferocious atrocity which was frightening to watch. I am slightly disturbed by the lack of reaction from the US Government regarding this incident. It has not issued a major statement saying it intends to change its gun laws. Senator Lawless knows much more about the issues in the US than I do. It is frightening to think that the reaction is so weak in so many ways. Perhaps it is time for the Seanad, as a grouping, to approach this issue, perhaps by sending a letter. Something needs to be done. While this is an American issue, we must remember that there are many Irish people living in the US. It is a part of Ireland in so many ways because we have a connection to that part of the world.

The other issue I would like to raise relates to Irish Water.

**An Leas-Chathaoirleach:** Senators are allowed to raise just one issue, but I will allow the Senator to continue.

**Senator Tim Lombard:** I thank the Leas-Chathaoirleach for his liberty. He is very kind to me.

We saw further issues with Irish Water during the summer. People in a large part of County Louth did not have water for several days. Similar issues have arisen in County Cork in recent weeks as a result of continual breaks in service. Twice in three weeks, big primary schools in the county had to close at 11 a.m. and send their students home because Irish Water was unable to provide water to them. We need to address issues with our infrastructure. I hope whatever is required to increase the budget for Irish Water in a way that allows it to do something with this infrastructure is provided in next week's budget. Children's education is being affected by water mains repeatedly collapsing and having to be repaired. This is a huge issue. The school authorities in Ballygarvan, which has been affected by these problems, are trying to ensure pupils will get the minimum number of days of education in the current school year. Can Senators imagine that this is a core issue? Although we are in the early days of October, the school authorities are already worried that kids will not spend enough time in school this year as a result of being sent home so that water mains could be fixed. We need to ensure infrastructure is improved so that people can enjoy an appropriate quality of life.

**An Leas-Chathaoirleach:** The two independent Independents must understand the position of the Chair. As they are not on the rota, the Chair must exercise some discretion.

**Senator Marie-Louise O'Donnell:** I would be delighted if you would.

**An Leas-Chathaoirleach:** Do not interrupt. I am following the practice of the Cathaoirleach. Now that I have a gap, I am calling Senator Norris, who indicated at the very outset.

**Senator David Norris:** I thank the Leas-Chathaoirleach. I appreciate his generosity.

The situation in America is appalling. Sixty people have been killed and a further 500 have been injured. Americans always go back to the second amendment, which protected the right to carry a blunderbuss in an 18th century rebellious colony. Things are completely different now. This man had an arsenal of over 40 guns, including machine guns. He could outgun the police.



It is a ridiculous situation. I do not understand why the Americans will not face it.

I have been contacted by a US-born transgender person who has received Irish citizenship through descent. She has obtained a personal public service number and a gender recognition certificate through the Department of Employment Affairs and Social Protection. She has the highest praise for the way she has been treated by that Department. When she applied to get her passport changed, she was told she needed to get her foreign birth registration sorted out first of all. When she contacted the embassy, she was told there is no mechanism for such a change. It looks as if the Department of Foreign Affairs and Trade is blocking passport changes for people with transgender identity in defiance of the will of the Oireachtas. I ask the Deputy Leader to bring this to the attention of the Minister for Foreign Affairs and Trade so we can ascertain whether the catch-22 situation in which this unfortunate person is caught can be sorted out.

**Senator Lorraine Clifford-Lee:** I ask the Deputy Leader to bring the Minister for Justice and Equality into this Chamber as soon as possible to discuss the second interim report on the reopening of Garda stations that were closed by the previous Government. The report in question, which was published in recent days, recommended the reopening of four Garda stations and the opening of two new stations. Moves have already been made to reopen Stepside Garda station. It is clear from the second interim report that Rush Garda station in north County Dublin was given the same status as Stepside. The population in Rush and greater north County Dublin is increasing, as is crime in the area. All Members know why Stepside was cherry-picked ahead of Rush but it is not good enough that the report has not been finalised. I want the Minister for Justice and Equality, Deputy Flanagan, to come to the House to discuss the issue in the wider context of a lack of resources being allocated. Garda stations are to be reopened and it is very important that additional gardaí are supplied to such stations. Residents of north County Dublin are very disappointed that the report has not been published in its final form and I ask the Deputy Leader to facilitate the Minister for Justice and Equality coming to the House to discuss that issue.

**An Leas-Chathaoirleach:** I call Senator Marie-Louise O'Donnell.

**Senator Marie-Louise O'Donnell:** I wish to point out-----

**An Leas-Chathaoirleach:** I have discovered another gap-----

**Senator Marie-Louise O'Donnell:** Good. I hope it is big enough to fit me in.

**An Leas-Chathaoirleach:** -----and I am exercising discretion.

**Senator Marie-Louise O'Donnell:** Before I raise the point I want to make, I ask the Leas-Chathaoirleach to reconsider how the Order of Business is done. It should be on a first-come, first-served basis. The Leas-Chathaoirleach is not listening to me. The Order of Business should be ordered on a first-come-----

**An Leas-Chathaoirleach:** The Deputy Leader is listening to the Senator. I am trying to keep order.

**Senator Marie-Louise O'Donnell:** -----first-served basis because, whatever about the rights of parties and groups in regard to legislation, it is very unfair when the Order of Business is what it says it is-----

**An Leas-Chathaoirleach:** There is an agreed rota.



**Senator Marie-Louise O'Donnell:** That is compiled in relation to groups and those who are not-----

**An Leas-Chathaoirleach:** I am obliged to do so. The Senator can approach the Chair after the session and I will explain it to her.

**Senator Marie-Louise O'Donnell:** I am suggesting a change in that procedure.

**An Leas-Chathaoirleach:** I suggest that the Senator raise the issue at the Committee on Procedure and Privileges.

**Senator Marie-Louise O'Donnell:** I will do so. I thank the Leas-Chathaoirleach.

I ask the Deputy Leader to request that the Minister for Communications, Climate Action and Environment, Deputy Naughten, come to the House to tell Senators what exactly and definitely is happening with An Post. I raise this because it is a very big national issue in which the Seanad should be involved. Can the Minister tell us about the closures of post offices and his thoughts for the future and waylay the arguments taking place on the matter on television, radio and in the press?

PostPoint-operated “post and pay” sites offering the same products as An Post offices, such as bill payments, stamps, gift cards and additional services such as national, international, express and registered mail and Post FX Load, are now being opened in Tesco stores. There are such sites in Tesco stores in Naas, Tullamore, Cabra, Ballybrack and Gorey along with Eurospar in Laghey and SuperValu stores in Monksland and Navan. That locks into the federal state and authoritarianism because one will now have to capitulate to the great Tesco if one wants to use An Post services. It is another reason for An Post offices around the country to be closed down. In order to use post office services, people will have to congregate in the great supermarkets that never display their profits in this country. We should instead consider community banking systems such as that offered by Kiwi PostBank of New Zealand or the German public banking model that would offer an alternative to the commercial banking system here in which one cannot talk to anybody because the only option is to talk to a machine or the wall. I want to know what is going on with An Post and how this type of thing is happening below the radar in a clandestine manner such that people are not noticing it. Perhaps the Minister could come to the House to tell us exactly what is going on.

I will bring the issue of the Order of Business to the Committee on Procedure and Privileges and I thank the Leas-Chathaoirleach for his advice in that regard.

**Senator Fintan Warfield:** I join fellow Senators in expressing condolences to those who lost loved ones in Nevada. I performed in the Mandalay Bay hotel many times with the Wolfe Tones and the Irish bar there became a home away from home for me while on the road in the United States.

I spoke last week about my hope for a national AIDS memorial. Citizens mobilised today outside the Four Courts to demand access to HIV prevention and a measure called pre-exposure prophylaxis, PrEP. When taken daily, PrEP can stop transmission of HIV, with an effective prevention rate of almost 100%. Senators may be surprised to learn that condom use among men who have sex with men only has a 70% effective rate in preventing HIV transmission.

One of the priority actions identified under the sexual health strategy 2015 to 2020, which

we are more than halfway through, was to prioritise, develop and implement guidance to support clinical decision making for sexually transmitted infection, STI, testing, screening and treatment and on the appropriate use of antiretroviral therapy in HIV prevention. However, between 2014 and 2016 rates of HIV infection increased by 36% from almost 400 to more than 500. PrEP is currently undergoing the necessary review processes by the Health Service Executive and it results will not be returned or a determination made in the matter for between six and 12 months.

A large proportion of men who have sex with men take PrEP and imported generic versions of the drug to stay safe. The HSE does not provide clinical support or information and no alternative contraceptive is available that is as effective in preventing HIV. Customs and Excise are starting to seize generic versions of the product. I ask the Deputy Leader to request the Minister for Health, Deputy Simon Harris, to come to the House because his silence on increasing HIV rates is troubling.

**Senator Jennifer Murnane O'Connor:** I raise a local issue that I have raised several times previously with the Minister without success. Four months ago, we received the bad news that a proposed respite house in Bagenalstown would not proceed. Four or five months prior to that decision being taken, the HSE indicated to me that it was considering placing a deposit on a house in Tullow. Several weeks ago, in response to a parliamentary question, the Minister stated the Government was committed to providing services and supports to people with disabilities which would empower them to live independent lives and provide greater independence. It also advised me to revert to the HSE on the issue. I was extremely disappointed with the Minister's reply.

In recent days, I received a response to a query from the HSE in Carlow-Kilkenny reiterating that a deposit had been paid on a house in Tullow and noting that it would be 12 months or more before a respite service would be available. This Christmas, the Tír na nÓg respite service for children in counties Carlow and Kilkenny will have been closed for two years. We were informed a new service would be provided in Gleann na Bearú in Bagenalstown but the project fell through. I have since been informed by the Minister and HSE that it will be 12 months before the house in Tullow is ready. When I received the letter from the HSE last week, I did not call any of the affected parents because I do not know what will happen. It is a disgrace that for almost two years, we have not had a respite service for children with disabilities. Waiting another 12 months will mean a service will not have been available for three years, which is unacceptable. Children and families waiting for this respite care service to open are being given false hope. This is an urgent case and I call on the Minister to address the matter in the House.

The budget will be introduced next week and I hope it will be a good one because children are suffering.

**An Leas-Chathaoirleach:** The Senator has made her point.

**Senator John O'Mahony:** I strongly support Senator Marie-Louise O'Donnell's comments on post offices. People are confused, with redundancy packages being offered to postmasters and the chief executive officer making a statement that An Post would not close post offices. This is a crucial issue for rural and urban areas and clarity must be brought to the matter. Six months ago, there was confusion about which Minister was dealing with the issue. I ask that the Deputy Leader support our call to get the relevant Minister to come before the Seanad in order that there might be some clarity, especially at a time when all the banks are reducing

their facilities in many towns and villages. It is very important that An Post is strongly supported and that it is placed on a firm footing in the context of its activities throughout the State.

**Senator Trevor Ó Clochartaigh:** Go raibh míle maith agat, a Leas-Chathaoirligh. Tá mé díreach isteach an doras ó Barcelona agus tá uafás agus alltacht orm leis an méid a chonaic mé. I am literally just in the door from Barcelona. I spent the weekend there as part of an international observation delegation for the referendum in Catalonia. To say that I am shocked and disturbed by what I saw would be a massive understatement. What we saw was state-orchestrated abuse of human rights and civil liberties. I am not the only person saying that. There was also another very large delegation of international experts who came out with the same opinion.

There has been much rhetoric around the fact that this was not a legal referendum. Was it legal to strike a 70 year old man on the crown for standing in line waiting to vote? I spoke to that man on Sunday afternoon. Was it legal to injure 900 people? Was it legal to smash and damage the property in schools across Catalonia? This was a massive attack on the right to free speech, the right to freedom of assembly and the right to self-determination.

The Catalan people were absolutely incredible. Not one of us in the delegation of almost 100 people saw one person provoke any of the Guardia Civil. They were absolutely peaceful and determined. Great praise goes to their local version of An Garda Síochána, the Catalan Mossos d'Esquadra and to the firefighters of Catalonia who, in many cases, stepped in between the Guardia Civil and the civilians. This was and is State enforced oppression. It was extreme and totally out of proportion. What happened was an absolute disgrace. This was not just an attack on the people of Catalonia, it was an attack on democracy itself. The members of the Spanish Government should, in my opinion, hang their heads in shame. The Spanish Prime Minister did not come out to condemn the activity; he praised it. The EU should hang its head in shame because it has agreed with the Spanish position. Those leaders across Europe and the world who agree with that opinion should certainly rethink their position. The President of Catalonia, Carles Puigdemont, who we met on Friday, has called for an international, non-EU mediator to be appointed - sponsored by the EU - and I am of the view that this needs to happen. This Parliament needs to take a stand and be counted in favour of democracy. I note that Senator Swanick made a very good proposition last week that we invite President Carles Puigdemont from Catalonia to address this House, as Nicola Sturgeon did. I certainly would call for that, along with a full debate on the matter with the Taoiseach and the Minister for Foreign Affairs and Trade. This is an issue for democracy.

**An Leas-Chathaoirleach:** That would have to go to the Committee on Procedure and Privileges, CPP, first.

**Senator Trevor Ó Clochartaigh:** We would certainly put it to the CPP and will do so as quickly as we can.

**Senator Martin Conway:** As is often the case, I find myself in agreement with my colleague and friend, Senator Ó Clochartaigh, on this issue. It was appalling to watch the television images from Catalonia. These people were going to vote. Let the Spanish Government make the case, as it will, that it was not a legal exercise but these people were going out and doing something that was not causing any trouble. There was no violence. The vast majority of the people are very proud of their region. The behaviour of the Spanish police was appalling and is an international crime. I do not say this lightly but one could not be anything but horrified to watch what we saw on our television screens.

I shall now turn to the issue of rural post offices. There have not been any closed in recent times, but there needs to be a recalibration of the role of the post office. The post office really needs to become a one-stop shop for all official State transactions in towns and villages throughout the country. In the suburban areas of cities and large towns, where there are no connectivity issues and buses are available, it is very hard to make a case for retaining those types of post offices. Certainly there is a very strong case to be made for retaining post offices in towns and villages that are otherwise isolated, where there is no Bus Éireann service every 20 minutes or half an hour and where the nearest post office is inaccessible for lots of people. However, An Post needs to step up to the plate as well. As somebody from a business background, I am sure the Leas-Chathaoirleach will agree with me. There needs to be a total rethink. What we are really talking about is a partnership between the local authorities, the State and An Post. Why can I not go into the post office and tax my car? Why can people not go into the post office to pay things like fines that An Garda Síochána issues? Until such time as there is a proper working group set up with real powers to put in train a changed management culture, ethos and programme at An Post, we are going to be here next year and in future years talking about the threat to rural post offices.

**Senator Catherine Noone:** I thank all Senators who raised matters on the Order of Business today.

I join with colleagues who have expressed sympathy with those who have lost loved ones and relatives in the horrific, shocking and tragic scenes in Las Vegas that we have witnessed on the television. There is no question that a lot of the points raised by Senators with regard to gun control are very valid. I will certainly talk to the Leader and perhaps the Department of Foreign Affairs and Trade about what could be done in the way of a communication with the US Government on that issue. It is certainly something that happens too regularly in the United States. It is difficult to get one's head around it. I share Senator Lawless's frustration as a person who has a business. I remember being in Chicago and chatting to some people one night, when a guy gestured that he had a gun in his jacket, which was supposed to be so impressive. I was totally disgusted. It is certainly something I have never come across in Europe and it is something I abhor.

Senator Mark Daly raised legislation and issues in the Defence Forces. They are issues that are well raised. I think we should have a debate and that the Senator should share any ideas he has with regard to legislation. It is always up to individual Members to decide to initiate legislation as Senator Daly has done in the past. It might be worth considering. A debate in the meantime to highlight the issues he has raised would be worthwhile.

I have already covered the points that Senator Lawless raised. I seconded Senator Conway-Walsh's request in respect of the NAMA Bill. That is agreeable. I compliment her on arranging a briefing for Members on muscular dystrophy. The Translarna drug is not something with which I am very familiar but I will familiarise myself with the issue. It is certainly something I will bring to the attention of the Minister although I have no doubt that he is aware of it. If so many other EU countries are funding it, it may be something we should consider.

Senator Alice-Mary Higgins raised some interesting points on the EU, Catalonia and the overall democracy issue. Senator McDowell mentioned the possibility of a debate on the future of Europe. We are going to have a debate next week on that issue. There are two hours scheduled and it is up to Senators to contribute to it. Clearly, there is more action required than that, but in the short term it might be an opportunity to raise the issue. The Irish Government

respects the constitution and territorial unity of Spain but violence is absolutely never justified. We know from history across the world that this type of violence does not work. They are not achieving what they hope to achieve in carrying out these very violent acts against their own civilians, regardless of the side of the argument they are on.

The idea of a mediator can only be a positive suggestion and the European Union has a huge role to play. The Senator raised the point about the Council of Ministers. I would be shocked if it is not a topic for debate at the Council of Ministers. Regardless of the illegality of the referendum, that could have been addressed in a much more peaceful manner by those objecting to the referendum. If the Senator believes a debate on it is warranted in its own right, it is one I am sure the Leader will be willing to facilitate over the coming weeks.

Senator Nash raised the events in Las Vegas and Catalonia. I have covered his points regarding the EU on which he was supporting Senator Higgins.

Senator Reilly raised an issue about prescription charges. That strikes me as an issue that might make sense as a Commencement debate in advance of the budget. Time constraints may not allow for that but I am sure it is an issue he can raise with the Minister at our parliamentary party meeting, if he has not already raised it with him.

Senator Swanick raised the issue of homelessness. I could not disagree with his words regarding the effect it is bound to have on children. I know he does not want me to give him a long list of the actions we are taking, and there are plenty of actions being taken, but I will suggest that we have a debate on that issue because it is one we endeavour to address on a regular basis as long as the crisis is ongoing. It is certainly an issue we could usefully debate in the House in the near future.

I addressed Senator McDowell's point on the future of Europe. There will be a debate on that issue next Thursday at 12.45 p.m. for two hours. I agree entirely with his proposal that we have a balanced debate because like many issues, it is those who are particularly motivated who tend to get the most air time on any issue so it would be good to have that debate.

Senator Butler has long been a champion for the issue he raised, namely, the self-employed and small retailers. I agree with him that a more professional or strategic approach needs to be taken when it comes to rates, and there are huge anomalies in that regard. Clearly, there must be a need for legislation in this area and, in the meantime, the Senator is requesting a debate on it. It is certainly something we will facilitate, perhaps after the budget.

Senator Ó Donnghaile also raised the events in Catalonia. I have covered the issues and note that the Senator noted the Taoiseach's comments on it and that he would like the Government to go further.

Senator Black raised the events in Catalonia and Las Vegas as well as the Public Health (Alcohol) Bill on which I agree with her comments. It is being said that it will come into the House in the next few weeks. I know no more than that but I have been pushing for it to come in as soon as possible. I raised it today to see when it will be in the House. It is legislation the Government initiated and there is a lot of work, for want of a better word, going on behind the scenes but we need it to come into this House. I believe it will be here before the end of October but I do not have a precise date as yet.

Senator Lombard raised the issue of Irish Water. I do not know the details of the cases he



mentioned with regard to schools but that is clearly unacceptable. I want to get more detail from the Senator but then I will raise those issues with the Minister.

Senator Norris mentioned the events in Las Vegas and gun laws. He also raised the case of a transgender individual he has been working for and it strikes me that that would be a good Commencement matter to raise. As he asked, I will relay the comments to the Minister for Foreign Affairs and Trade but he will not be able to do much without knowing the specific case. It would make sense to raise it as a Commencement matter.

In response to Senator Clifford-Lee, it would be a good idea for the Minister for Justice and Equality to come into the House to discuss that report, not least so that he can address concerns, rumours and discussion that has been had in the public at large, in politics and in the media. As such, the Senator's suggestion presents the Minister with an opportunity to set the record straight or to clarify any questions Members might have.

Senator Marie-Louise O'Donnell referred to An Post, as did Senators Martin Conway and John O'Mahony. Clearly, this is another matter on which we need the Minister to come to the House. A great deal is being reported about what is going on. The Government continues to closely monitor the situation at An Post but the reality is that modern technology presents An Post with challenges. People are not sending letters as often as they used to. Clearly, we need to reinvigorate and restructure how An Post carries out its business. Certainly, it is an issue on which the Minister, Deputy Denis Naughten, would benefit from the opportunity to set the record straight, if that can be done.

Senator Warfield raised the events in Las Vegas as well as the issue of AIDS and men's sexual health. It might make sense to arrange a debate where the Minister attends to discuss sexual health overall with an emphasis on AIDS and homosexual requirements for individuals to have a good sexual health strategy when it comes to the difficult area of AIDS. A conversation around contraception and sexual health for all sexual orientations would be a good one for the House to have.

Senator Murnane O'Connor raised a very important issue for her area. Would she consider raising it as a Commencement matter so that she can get a precise answer from the Minister? The Minister or a Minister of State would have to come to the House to give her a response. It would give her the opportunity to get into the issue in more detail. That would be a good approach.

Senator Ó Clochartaigh referred to Catalonia. He has long been a supporter of the issue there. I have already addressed the issues and a debate could be worthwhile. There might be an opportunity to have that next week as a debate is already appointed in the diary on the future of the EU. Democracy and issues like this would be very relevant ones to raise at that debate, which represents an early opportunity to discuss the matter.

Senator Conway referred to Catalonia and made some interesting comments on An Post and the recalibration thereof. That completes my response to the Order of Business. I hope I have not left anything out.

**An Leas-Chathaoirleach:** Senator Rose Conway-Walsh has proposed an amendment to the Order of Business, "That No. 14 be taken before No. 1." The Deputy Leader has indicated that she is prepared to accept the amendment. Is the proposed amendment agreed to? Agreed.



Order of Business, as amended, agreed to.

### **Business of Seanad**

**An Leas-Chathaoirleach:** I call on Senator Conway-Walsh, or one of her co-signatories, Senators Gavan or Mac Lochlainn, to deal with No. 14, seeking leave to introduce the National Asset Management Agency (Amendment) Bill. However, I note that they are not present.

**Senator Niall Ó Donnghaile:** I could move it in their stead, with agreement.

**An Leas-Chathaoirleach:** Standing Orders do not allow that. My hands are tied. The Senator is not a sponsor of the Bill. Sinn Féin will be free to move it tomorrow.

**Senator Trevor Ó Clochartaigh:** On a point of order, perhaps the Clerk could clarify to the Leas-Chathaoirleach whether it is possible to postpone No. 14 to be taken at a later stage this afternoon.

**An Leas-Chathaoirleach:** It was not proposed on the Order of Business.

**Senator Trevor Ó Clochartaigh:** Can we propose it now?

**An Leas-Chathaoirleach:** The Order of Business is agreed. Our hands are tied. I ask Sinn Féin Senators to move the Bill tomorrow. That is the best option.

**Senator Trevor Ó Clochartaigh:** It will be tomorrow.

### **Citizens' Assembly: Motion**

**Senator Catherine Noone:** I move:

That the Resolution of Seanad Éireann of 15 July 2016, regarding the Citizens' Assembly, is amended by the deletion of "but in any event not later than one year from the date of the first Assembly meeting" and the substitution therefor of "but in any event not later than 29 March 2018."

Question put and agreed to.

### **National Planning Framework: Motion**

**Senator Catherine Noone:** I move:

That Seanad Éireann:

(i) notes:

- the extensive stakeholder and public consultation already undertaken at national, regional and local level since the National Planning Framework preparations first began, following a Government decision in 2014, to ensure early input and buy-in at community and citizen level, as well as with key policy-makers and representative

organisations;

- the publication of the draft National Planning Framework, entitled ‘Ireland 2040—Our Plan’, and its associated environmental reports, for a further final period of public consultation; and

- the high-level objectives of the National Planning Framework to:

- guide the future development of Ireland over the next 20 plus years, taking into account a projected one million increase in our population, an expected 660,000 additional jobs and the need for 550,000 more homes;

- enable people to live closer to where they work, moving away from the current unsustainable trends of increased commuting;

- regenerate rural Ireland by promoting sustainable growth patterns;

- plan for and implement a better distribution of regional growth, in terms of jobs and prosperity;

- transform settlements of all sizes through imaginative urban regeneration initiatives and bring life/jobs back into the heart of villages, towns and cities; and

- co-ordinate delivery of infrastructure and services in tandem with growth, through full alignment between the National Planning Framework, the Capital Investment Plan 2016–2021 and relevant sectoral plans, which will help to manage this growth and tackle congestion and quality of life issues;

(ii) requests the Joint Committee on Housing, Planning and Local Government to collate and submit any observations or recommendations during this final consultation period for consideration by the Government, with the approval of the Committee on behalf of both Houses of the Oireachtas for the proposed strategy of the draft National Planning Framework; and

(iii) acknowledges that the broad strategy and approach will be developed further through the Regional Spatial and Economic Strategies to be developed by the Southern, Northern and Western, and Eastern and Midlands Regional Assemblies by the end of 2018.

Question put and agreed to.

*Sitting suspended at 4.40 p.m. and resumed at 4.45 p.m.*

### **Nursing Homes Support Scheme: Statements**

**Minister of State at the Department of Health (Deputy Jim Daly):** Fáilte roimh an deis labhairt leis an Seanad ar an ábhar tábhachtach seo. I am grateful for the opportunity to contribute to the debate on the nursing homes support scheme, more commonly known as the

fair deal scheme. The Government's priority is ensuring that our older population is looked after, supported and protected. We are living longer lives than at any other time and, thankfully, it appears that this trend will continue into the future. This is to be celebrated and embraced but we cannot ignore the challenges our ageing population brings with it, not least that of long-term care. Most of our older people signal their desire to remain in their own homes and communities for as long as they are able. It is Government policy to support this and it is something we feel strongly about. However, there will always be a cohort who require access to quality long-term residential care. This is why the fair deal scheme is such an important element of the range of services available for older people. The scheme is a system of financial support for those assessed as needing long-term nursing home care. Participants contribute to the cost of their care according to their means while the State pays the balance of the cost. The scheme aims to ensure that long-term nursing home care is accessible and affordable for everyone and that people are cared for in the most appropriate settings. With a budget of €940 million in 2017, the scheme supports 23,600 people. The Government target is that people will wait no longer than four weeks for approval for the scheme. I am able to report that target has not been breached this year.

The fair deal scheme covers the cost of the standard components of long-term residential care which are nursing and personal care, bed and board, basic aids and appliances necessary to assist with the activities of everyday living and laundry services. A financial assessment is carried out by the HSE to determine how much an applicant can contribute to the cost of his or her care. An applicant will contribute up to 80% of their accessible income and a maximum of 7.5% of the value of any assets per annum. The State will then pay the balance of the cost of care. It is important to note an applicant's principal private residence will only be included in the financial assessment for the first three years. This is known as the three-year cap. The first €36,000 of an individual's assets, or €72,000 in the case of a couple, is not counted at all in the financial assessment. A person's eligibility for other schemes, such as the medical card scheme or the drugs payment scheme, is unaffected by participation in the nursing home support scheme. Nobody will pay more than the actual cost of care.

Although the nursing homes support scheme covers core living expenses, residents can still incur some costs in a nursing home. In recognition of this, anyone in receipt of financial support under the scheme retains at least 20% of his or her income or 20% of the maximum rate of the State pension, whichever is greater. An operator should not seek payment from residents for items which are covered by the scheme, the medical card or any other existing scheme. Registered providers of nursing home care must agree a contract in writing with each resident on his or her admission to the nursing home, which includes details of the services to be provided and the fees to be charged. Residents should never be charged fees that are not set out in the contract. Registered providers of nursing home care are also obliged to provide an accessible and effective complaints procedure. Concerns about additional charges should, in the first instance, be taken up with the nursing home provider. I encourage anyone with concerns to raise them with the nursing home through this complaints procedure. The Office of the Ombudsman can also examine complaints relating to the administrative actions of private nursing homes once the individual has already gone through the complaints procedure of the private nursing home concerned.

I have met Nursing Homes Ireland, NHI, on a number of occasions to discuss the issue of additional charges in an effort to ensure more consistency and transparency on the part of nursing homes in dealing with additional charges. I have asked that nursing homes advise prospec-

tive residents of these charges at inquiry stage rather than on admission. I also requested an updated contract for care template to be used by all nursing homes. Nursing Homes Ireland has already undertaken work on this with regard to its members. I have also met Age Action, the National Treatment Purchase Fund, NTPF, the Health Information and Quality Authority, HIQA, and the Ombudsman on the topic. It is important that older people are protected and have all the information they need to make an informed decision.

A review of the nursing homes support scheme was published in July 2015. An interdepartmental agency working group chaired by the Department of Health has been established to oversee the implementation of many of the recommendations contained in the review of 2015. These include improvements to the administration of the scheme, a review of how prices for private and voluntary nursing homes are set by the NTPF and a value for money and policy review of the cost differentials in public and private voluntary residential facilities which will commence in 2017.

Significant progress has been made on the implementation of the administrative reforms to the scheme. Separately, the NTPF is progressing work on its review in conjunction with my Department and the Department of Public Expenditure and Reform. I have also asked the interdepartmental group to consider the matter of additional charges in nursing homes and to examine the options that might be available.

Turning to the matter of farms and small businesses, concerns have been raised about the treatment of farms and in particular the potential impact of the annual contribution on the sustainability of family farms and businesses and specifically in circumstances where care may be required for a long period. On this front, I have had ongoing negotiations with the IFA. As recently as last week, I advised it of my intention to apply the cap that applies to private residential properties to farm assets and small business assets. It is an ambition of Government and Government policy to encourage orderly succession arrangements for farms. It is also endorsed by farming organisations. In most cases, early succession arrangements in families should ensure farm assets are transferred well in advance of five years before nursing home care is required, meaning a levy on the farm asset is avoided entirely.

As outlined in A Programme for a Partnership Government, we are fully committed to introducing changes as soon as practicable to remove any discrimination against small businesses and family farms. It is important to note the scheme is underpinned by primary legislation and that, as such, any changes made to the scheme will require amendment to this legislation. My Department is liaising with the Office of the Attorney General regarding the potential changes to the fair deal legislation which will address the concerns raised. The issues currently being examined are legally complex and all aspects of the scheme need to be taken into consideration.

I mentioned at the outset that it is Government policy to promote care in the community for older people so they can continue to live in their own homes for as long as possible. The only statutory scheme in place at present to support older people is the fair deal scheme. However, the Government is committed to establishing a new, separate statutory home care scheme, along with a system of regulation for home care services. The Department of Health is currently engaged in a detailed process to progress this. The statutory scheme for home care will introduce clear rules in regard to the services for which individuals are eligible and in regard to how decisions are made on allocating services. For that reason, developing a new statutory scheme will be an important step in ensuring that the system operates in a consistent and fair manner for all those who need home care services. It will also help to improve access to the home care

services that people need in an affordable and sustainable way. The system of regulation for home care will help to ensure that the public can be confident the services provided are of a high standard.

The Minister, Deputy Harris, and I launched a public consultation on home care which opened on 6 July and closed yesterday. A report on the findings of the consultation will be published in the coming months. While these are important steps in the process, a significant amount of additional preparation needs to be carried out before final decisions are taken on the form of the home care scheme and system of regulation. This is required if the reforms are to be successful, affordable and sustainable. Every effort will be made to progress this matter as quickly as possible.

**Senator Keith Swanick:** The fair deal scheme is fundamentally a good scheme and the former Tánaiste and Minister for Health, Mary Harney, deserves credit for its introduction. It was, of course, introduced at a time when there was a desperate need for a solution to the financial hardship faced by people who had to sell their homes, in some cases to pay up to €1,000 a month in fees for private nursing homes. At the time there was a stigma, whether real or not, associated with some health board facilities - that was not my view but it is a fact. Prior to the scheme being formalised, care was patchy at best and elderly people often worried what would happen to them when their money ran out. The fair deal scheme created something of a level playing field at the time and gave a level of security and comfort to those utilising it.

As I say this, however, I am acutely aware of the problems that exist within the scheme. Fianna Fáil recognises the many concerns surrounding the fair deal scheme and, in particular, those of many farming families and small businesses, as I have discussed with my colleague, Senator Paul Daly. We agree it is vitally important that the issues around residential care for older people do not generate a situation that undermines the family farm model. The programme for Government recognised the discrimination under the scheme against farm families and small businesses, and it pledged to make changes. It is critical that this commitment be honoured. Reports last week that the scheme will be changed to extend the three-year cap from the principal residence to the full family farm are welcome. We looked for the financial assessment to only apply to the assets that had been transferred prior to entering the nursing home for less than a three-year period. It is also worth noting that many farm families are opting not to avail of the scheme and are putting themselves under severe financial stress to find money to cover the costs of care in the short term. Family farms are passed down from generation to generation, as we know, and no one wants to be the generation responsible for making the farm non-viable for the next generation. The pressure is immense and this must be recognised.

There have also been quite negative aspects such as the overcharging that appears to be occurring within certain nursing homes. I was very disturbed by the reports of people being charged for services they could not possibly have participated in, or for extras such as orange juice, for example. As a medic, I find this absolutely disgusting, and it is the most blatant form

*5 o'clock*

of elder abuse I have seen in recent years. I echo the call made by my colleague, Deputy Billy Kelleher, that any older person, or his or her representatives, should check and double-check the small print in the contracts they have signed with nursing homes. I acknowledge they should not have to do this but, in too many circumstances, unfortunately, there are nursing homes which see older people on the fair deal scheme as opportunities to make excessive profits. We must condemn this type of behaviour at every opportunity.



This evening at 8 p.m. the Minister for Health will join Brendan Courtney live on Facebook to speak about the state of the health system. It is something I plan to tune in to. Brendan Courtney and his family had to become very familiar with the fair deal scheme as a result of his Dad's illness. Brendan's Dad, Frank Courtney, who passed away over the summer, featured in a documentary that highlighted the lack of supports available for families trying to care for older people. What we saw was a family in turmoil trying to navigate the fair deal scheme, realising that it does not cover care in the home and learning that they will have to make hard decisions on behalf of their Dad. In my own family we were fortunate enough to be in a position to care for my mother at home in the months prior to her passing but in the case of my father unfortunately there was no facility in the locality to care for him before he passed away. He was too sick to be cared for at home. He passed away in an acute ward in Roscommon hospital, something I am not proud of, but unfortunately at the time there was no suitable accommodation in the vicinity. Thanks to the sincerity and candour of the Courtney family, people were made very aware of the lack of viable options for home care or step-down facilities and the difficulties in applying for a nursing home place.

In January last year the Fianna Fáil Party introduced the Nursing Home Support Scheme (Amendment) Bill. It provides for home care packages as an alternative to long-term residential care. It will apply in circumstances where the provision of a home care package is less costly to the State compared with long-term residential care. This necessary measure not only benefits the individual concerned and his or her family but also the State because there will be fewer demands placed on long-term residential care services. We believe the funding allocated to enable older people to remain at home provides not only the best value for money but also the most humane result for older people. The HSE has estimated that some 2.2 million extra hours of home help and a further 3,500 home care packages for older people are required. We must ensure this happens as part of our commitment to ensure older people remain independent in their homes for as long as possible. It is worth remembering that in Ireland over the next 30 years, the number of people aged over 65 will double and the number aged over 85 will almost quadruple. Inevitably as we grow old we will all experience ailments and disabilities, which are part and parcel of ageing. Budget 2018 must take this reality into account.

**Senator Colette Kelleher:** I welcome the Minister of State, Deputy Jim Daly, to the Seanad and welcome the opportunity to speak on this important issue. I was delighted to see the reference to home care because, as with my colleague, Senator Swanick, I want to speak on that issue.

While the focus of this discussion is on the fair deal scheme, I want to focus my remarks on home care and the need to provide a real alternative to residential-based care and for the inclusion of this preferred option in the fair deal scheme. Every year the State spends about €1 billion on the fair deal scheme, which benefits 23,000 people. In comparison, approximately €370 million is spent on home care, with 49,000 people receiving home help and 16,700 people receiving home care packages. This €370 million is not earmarked; it runs out and is not demanded. Members will know this from their constituency offices where people will be coming to them who are in dire straits and looking for support. Yesterday I was advising an Oireachtas colleague about what she could do with a man in a very rural area where residential care is not an appropriate option. The poor man is on his knees but the budget in that area has run out.

We need to shift the focus and provide more people with home care options. I always give the example of Denmark which has not built a nursing home since 1987 because there are alternatives. They have nursing homes. We will always need nursing homes but they have a range



of other supports including home care to go alongside that. As most Senators will know, home care enables people to fulfil their will and preference to live at home in a familiar environment linked to their communities for as long as possible. This is particularly the case for a person with dementia for whom living in a strange environment is really difficult, even for respite care. Home care is also a cost-effective alternative to long-term residential care for some older people and an integral part of a well-functioning primary care system. Good quality home care supports ensure that people get the care they need, where and when they need it.

Home care as currently constituted needs to be improved in three core ways. First, we need a statutory right to home care. I am glad to hear the Government is considering a statutory scheme because without it, fair deal for residential care or acute beds will always trump home care. Unless there is an entitlement to it, the budget will be squeezed and will run out. There is an anomaly in the current law that provides entitlement to residential care through the fair deal scheme, but not to home care. Brendan Courtney and his family are a very high profile example of that.

Second, home care should be regulated. The services provided in private homes are very personal and the people receiving them may be vulnerable to abuse or harm. We must ensure that the services provided are of the highest quality and that those providing them have been vetted and trained. There should also be regulations on the consistency of care. To that end, the proposed home care Private Members' Bill by Senator Colm Burke is very welcome. I would love us to spend time on a Thursday on that Private Members' Bill to bring it forward. We need to look at it as a matter of urgency. If we want people to live at home successfully we also need a menu of community-based care to suit individual needs, which includes broader community-based services, such as day care and respite care.

It is also vital that the same approach to how services are accessed, delivered and monitored is applied universally. At the moment the kind of assessment people get depends on what part of the country they are in. It is not equal or fair. If one lives in Macroom, one might get a good deal but a person living in Manorbham might not get such a great deal. That kind of postcode lottery is not fair on individuals. Equity of access must be a core principle of any new home care system. At present there are different forms of assessment, a lack of information around services and, wrongly, geography rather than need is determining access to care.

Third, to be effective and to meet the needs of the growing older population, home care services need to be well-resourced and demand led. Teasing out a fair funding model must be a priority. At present a lot of money is invested in residential care services. Within a decade the State should be spending in the region of €1 billion per annum on home care services. If we want to increase home care we need to push resources towards community care but at present we are spending nearly four times more on residential care. Earlier this year, Deputy Mary Butler and I, as co-conveners of the all-party group on dementia, organised a round-table event on the future of home care with key stakeholders including the Minister of State's predecessor, Deputy McEntee, representatives from the Department of Health, the HSE, NGOs, academics and Oireachtas Members. At that meeting Professor Eamon O'Shea from NUIG provided an excellent analysis of the funding options. If the Minister of State has not done so already, I encourage him to engage with Professor O'Shea because he has spent his entire career looking at this matter. He has the answers; we do not need to reinvent the wheel so people can remain in their homes. The Minister of State knows the pressure on the health system when people go into hospital and cannot be discharged because there are not suitable options like home care. People also deteriorate in hospital. It is not a suitable place, particularly for people with dement-

tia. Sometimes we make people more unwell because they are in the wrong place.

By providing a right, regulating it and resourcing it, we will ensure that we have a well-functioning home care system that works for people. I am anxious to know what the next steps are and the timetable post-consultation. The Minister of State has said it will be in the coming months but I would like something a bit more specific. Will we see an uplift in funding for home care in budget 2018 which I and others are advocating for as part of the all-party group on dementia? The Minister of State is very kindly launching our proposals on Thursday.

Will the Minister of State commit to amending the fair deal scheme to include home care?

**Senator Frank Feighan:** I thank the Minister of State for coming here to speak on a very important topic, the nursing homes support scheme, commonly known as the fair deal scheme. Over the years my office and I have been helping many people to get around the complexities of the fair deal scheme. It is only when one has to avail of the scheme that one becomes aware of it as I did when my mother was in hospital and had to go into a nursing home. At that time, I went to government buildings in Roscommon and the assistance, information and guidance I got from the staff there was absolutely fantastic. It is probably the same around the country. Applying for the fair deal scheme is a very daunting experience but the staff will help people in every way. I pay tribute to the people who were there to help me and my family. My mother is now in the Plunkett nursing home in Boyle and we are absolutely delighted. She was self-employed in business all her life and we really feel the State was there to support her when she was 89. I hope it is the same for everybody else. We are absolutely delighted with the assistance we got. Most of our older people signal the desire to remain in their homes as long as they are able to do so. We also availed of home help of half an hour a day and it was very successful. The people providing home help are unsung heroes. When one needs that it is very welcome. My mother and her family are very thankful.

Yesterday, in my office in Roscommon, I was dealing with the plight of a farm family facing very difficult challenges trying to meet the cost of nursing home care for their elderly father. The stress for the wife and children of trying to meet the huge costs of care was tangible. It was sad to see this hardworking family faced with this worry of how to pay considerable nursing home bills. Theirs is not an isolated example but representative of a large proportion of farm families who worked hard all their lives and are now worried the cost of nursing home care will leave them with nothing. I commend the work of the Minister of State in giving farm families a strong voice in this regard. The Minister of State has met farming representatives and discussed their concerns about the fair deal scheme. The fair deal scheme is a system of financial support where there is a need for long-term nursing home care. Participants contribute to the cost of their care according to their income and assets while the State pays the balance of their costs. We will never get it right but we try to get a fair balance. At the moment, farm families feel discriminated against because there is no cap on the 7.5% of farm and business assets contribution to nursing home care. The 7.5% is charged every year for as long as care is provided. However, I am pleased to learn that this now looks as if it will change and in that respect I welcome the Minister of State's proposal to cap the 7.5% contribution from farm and business assets for nursing home care at three years as is the case for family homes. We were not in that situation but it is something I have listened to over the years from people coming in who had serious concerns. I hope this will come to pass.

The cap is subject to a transfer between family members who are actively participating and working in the business, as is currently the case under the sudden illness clause. These

proposed changes will dramatically reduce the financial burden facing elderly people and their loved ones. The removal of the uncapped liability on farm assets will help alleviate the worries of farm families.

It is important to remind ourselves that commitments in the programme for Government are being delivered upon and this is one of them. The programme for Government fully committed to reviewing the fair deal scheme to remove any discrimination against small businesses and family farms. There is clear progress being made on this front. I come from a small business family and there was a time when we made money but most businesses have lost virtually everything over the years, especially as a result of the recession. One thing people do not fully realise is that many self-employed people did not have a pension *per se*. Their pensions were bank shares. Most business owners were advised by bank managers to buy AIB and Bank of Ireland shares. It was not speculating; it was the way business people and farmers looked at pensions. They would get a dividend which would be their pension. They lost everything. People talk about the property crash and jobs but this was a huge issue for self-employed people. If people were in the public service, their pensions were maintained but the pension pots of these people were gone because they bought shares for €12 or €15 which then went down to nothing. Most of them have lost their security. Not only did they lose businesses or the value of their property, but they lost their pension funds. It is not an issue too many people have addressed. I can say that of most of the people I knew who were in business. It was not speculation but a way of looking at pensions. Perhaps it was not the right way of looking at pensions but it was one way of looking at them. Who would have thought that blue chip shares in our two main banks, AIB and Bank of Ireland, would not be there? It is something we should talk about again.

I am also encouraged that the HSE has also made provision for the estimated costs of these changes in its budget 2018 submission. The programme for the fair deal scheme is quite exciting and we need to support it.

I am aware the Minister is awaiting a legal opinion from the Attorney General on the proposed changes to the fair deal scheme before he can bring them before Cabinet for approval as the changes will require an amendment to the Nursing Homes Support Scheme Act 2009. It is very clear the Government is committed to addressing the very real concerns of farm families and businesses across the country.

**Senator Niall Ó Donnghaile:** Go raibh maith agat, a Leas-Chathaoirligh. Gabhaim buíochas leis an Aire Stáit as a bheith linn. Is léir ó na ráitis go dtí seo gur ábhar thar a bheith tábhachtach é seo mar gheall ar na fáthanna uilig atá luaite ag achan duine. I am deputising today on behalf of my colleague, Senator Máire Devine, who is out of the country on parliamentary business.

The 2016 census figures show a huge and rapid rise in the number of people aged over 65 in the State. This rise poses great challenges but Sinn Féin believes we should see improved health and longevity as an opportunity as well as a challenge, celebrating and enabling the contribution older people make to our communities.

I have with me today a comprehensive document prepared by my party which outlines how we believe older people should be looked after on the island of Ireland. I welcome the statements here today on the fair deal scheme, which is an important issue for our older population. A positive aspect of the scheme is that if a person qualifies for a nursing home place, the State is legally obliged to ensure he or she gets a bed. It is important to say that it is essential that

people are supported in long-term residential care and that the highest standards are maintained, as has been advocated by all the previous speakers. Funding for beds is absolutely vital and is an important aspect of any overall strategy for caring for our older population. The cost of one's care depends on one's income and assets. An individual contributes 80% of their assessable income and a maximum of 7.5% of the value of any assets per year towards the cost of care. The 7.5% per annum contribution applies for the duration of an individual's stay in the nursing home except where a three-year cap applies to the applicant's principal residence. This practice unfairly affects those with small land holdings, such as farms and small businesses, whose land and assets are charged for the entire duration of their stay in care. Their assets often become unsustainable which greatly impacts on their relatives. We have heard some personal testimony on the financial and material impact coupled with the emotional and psychological impact of having a loved one in care at a time of illness.

I absolutely welcome that in the past few weeks the Minister of State gave a commitment to introduce a change to the fair deal scheme that would mean a three-year cap on the charge on productive farm assets. This change in the scheme would make a great difference to small business owners and farmers and their families.

The fair deal scheme only covers the basic needs of residents, which includes a bed, food, nursing assistance and nursing aids and a laundry service. If a patient requires any additional care or services, the nursing home must charge them. For example, residents are being charged for toiletries, prescription charges and transport costs among other things. Perhaps more seriously, patients must also pay for all therapies, social programmes and chiropody, despite having already paid for their care under the fair deal contribution. This is happening despite the fact that medical card holders are entitled to receive a number of services and therapies such as physiotherapy, occupational therapy and wound dressing free of charge from the HSE. This is blatantly forcing elderly people, many of whom are vulnerable, to pay twice for their care. This is clearly an unfair system. All services required by elderly people living in nursing homes should be covered by the contribution paid by residents and calculated under the scheme. I urge the Minister of State to address this issue specifically in any future changes to the fair deal scheme.

It has been suggested that the fair deal scheme should be extended to include home supports. Sinn Féin does not believe this is the way forward. The fair deal scheme was designed specifically for long-term residential care. Home supports, although inadequate and underfunded, are provided free of charge based on an assessment of need. Sinn Féin believes these supports should continue to be provided on that basis.

We need to urgently move to a rights-based system whereby vulnerable citizens can receive long-term care in their home in the community when needed and thereby reduce the reliance on acute hospital beds and long-term nursing home care. We also need to move towards a fairer deal nursing home scheme, whereby elderly people do not have to pay twice for their care and smaller business owners and farmers do not pay disproportionate amounts for their nursing home care.

This is what Sinn Féin believes and we have communicated this with the Minister of State, Deputy Jim Daly, previously. We hope he takes those suggestions on board with the sincerity in which they are offered.

**Senator Joe O'Reilly:** I welcome the Minister of State, Deputy Jim Daly, to the House.

This is the first occasion publicly I have had to congratulate him on his appointment. I acknowledge the huge energy, commitment and activity he has brought to the role since his appointment. He participated in a public meeting in my area in Bailieborough, County Cavan, on this very issue. There was good participation from those who attended that meeting that night. I hope, in some way, that his interaction with those people at the meeting has informed the good outcome in his deliberations since. It was appreciated that he took questions from people in an open way and listened to the views of the people that night.

I am happy that since then the Minister has recently given a commitment to introduce a cap on the charge for farm and small business assets in the fair deal scheme. I know he is seeking legal advice in this area and that the whole area around private property is complex. However, the fact he is committed in principle to deal with this is what is important. That will be greatly appreciated by farmers, particularly young farmers who want to be in a position to inherit the farm. As Senator Swanick said earlier, this is a personal family and intergenerational matter. That is also the case with many small retail outlets. A similar cap should exist in these cases to ensure parity.

The IFA ran an effective and reasoned campaign on this issue and I acknowledge its good work in this sphere. An individual is allowed the first €36,000 of his or her assets, and a couple €72,000 of their assets, to be exempt from the assessment for the 7.5% annual charge. While it is not completely punitive, at the same time, the reforms are necessary to ensure family continuity in small businesses and farms.

I share the national abhorrence felt towards the overcharging in nursing homes, specifically the overcharging for services already freely available on long-term illness and medical cards. That is a horror. It is wrong and unethical and it is particularly distressing that it would happen in a sector where the whole ethos should be different. I know the Minister of State is concerned by this. I appeal to him to stamp it out by whatever process is needed and however punitively. There needs to be a high level of regulation of nursing home charges. The Minister of State may recall when he met my local community in Bailieborough that many people made the point there should be an assessment and control of excessive charging in nursing homes. I join the national clamour on this matter. It is appalling.

I am delighted we will put home care on a statutory basis. It is the preferred option. In surveys 85% of people have indicated a preference to stay at home in their old age. That is their prerogative and that is where people are happiest. It is the right choice for people's personal happiness, welfare and fulfilment. It is also the economic right thing to do because it is more cost-effective than institutional care.

It might depart from some of the national consensus but, in some instances, where people have a certain income level, they should be prepared to make a contribution to an effective good home care package which would make living at home a viable option rather than coping with a stressed situation of a mediocre package. Rather than a package which is not adequate and only tampers with things, they should be given the proper package and, where it is affordable, to ask them to make a contribution. It may not be a populist view but it is actually right. Sometimes we have to depart from populism for the sake of what is right. This is one such example.

I thank the Acting Chairman for allowing me a level of latitude in parochial and time terms. A level of that is allowed but we would not want to overdo it.



**Senator Niall Ó Donnghaile:** Never.

**Senator Joe O'Reilly:** Senator Feighan's point was correct and the Minister of State should be cognisant of it. Many people have lost through bank shares and pensions. Many people have a huge issue here but are too proud to say it. They will not go on the Joe Duffy show or talk about it publicly because it is a private but distressing reality. It needs to be addressed in this context.

This has been a fruitful and wonderful exercise. I am confident our contributions are not wasted because I know how sincere and effective the Minister of State is in this role.

**Senator Maria Byrne:** I thank the Minister of State for attending the Seanad this afternoon to discuss this crucial and important issue. I welcome his statement that he will look at the fair deal charges for farms and small businesses. This is important, as Senator O'Reilly so eloquently put it, for young farmers and young people who want to inherit farms and businesses. It is difficult because many find it prohibitive and do not see any future because they feel they will lose their farm or business once their parent or loved one dies.

Many people contact my office every week who would love to keep their loved ones at home but are not in a position to do so because of medical conditions. I agree with my learned colleague on my right, Senator O'Reilly, that it would make so much financial sense to have a proper package in place to support these families. Many families are willing to do the work themselves, but they may not have the medical expertise. By putting the right people and supports in place, more people would opt to stay at home.

I have in mind one particular couple who are quite elderly. The gentleman's wife has been in a nursing home for a long number of years. He goes to the home every day to feed her breakfast, lunch and dinner. He never takes a holiday or goes out socially because he spends all the time he can with his wife in the nursing home. Many people are like this. If the right supports were put in place, that gentleman would be delighted to have his wife at home. The financial levels also have to be looked at. As noted by Senator Feighan, many people lost money or, while on paper they own property that is worth money, it is about the money that is available. This is very relevant to the Department's deliberations. The more people we can give access to care in the home with the right medical supports, the better, and it is something the Minister of State should consider. I know from his own personal interest how committed he is to making changes in this regard and also that he is willing to listen. I wish him luck for the future in his ministerial position.

**Senator Colm Burke:** I welcome the Minister of State and wish him every success in his role in this area. Many people have referred to the fair deal scheme. We are spending roughly €1 billion per annum and, at the moment, there are some 23,500 people in nursing homes under the scheme. If we take the number of people who will retire and require support over the next ten years and apply the same ratio, then, technically, we will end up with some 40,000 people in nursing homes. I do not think that is a viable option so, obviously, we have to look at alternatives, make sure those alternatives are suitable and make sure that people get adequate support in their own homes, if at all possible, although there are a number of challenges in that area.

There are also a number of challenges for the nursing home sector. I have to declare my interest in the sense that I was nominated by Nursing Homes Ireland to contest the Seanad election. While they come in for criticism, nursing homes also face many challenges in regard to

cost, including issues like insurance and commercial rates. One nursing home in Leitrim saw its commercial rates rise from €52,000 a year to €104,000 a year as a result of a revaluation. There are many costs that do not apply to the community hospitals. For example, the HSE facility in Donegal is costing over €20 million for 130 beds. When considering the costs for that facility, it must be remembered it is not paying off a loan or interest, whereas, if it was private enterprise, it would be. That is one of the issues we seem to be missing when we are discussing public and private. We have a very high level of costs in regard to our public facilities, in some part because there is a higher degree of care required. This is one of the issues the private nursing homes are highlighting, namely, if they are expected to look after people with greater needs, then they have to be adequately provided for in order to provide the level of care those people require. It is a very important point.

On another issue, many of the community facilities throughout the country do not come under the fair deal scheme. I know of one case where there are 26 people in a facility which was run by an order of nuns who have all retired. The fire authority recently inspected the place and said it wants three staff permanently on duty at night. The cost to the HSE of running that facility, even though it is not a nursing home and although all of the people are living independently, is working out at some €35,000 per patient per annum. It is a challenge we now have in a number of facilities throughout the country and one we will have to address.

I want to address the issue in regard to farms as it is very important. I know of a number of very difficult cases. In one case a farm was left to the son. Unfortunately, the son died tragically without having made a will and, therefore, the farm reverted to the parent. The parent delayed transferring to a second son, partly because none of the family qualified for the agricultural relief. The second son who got the farm then had to pay the full amount of inheritance or gift tax. Some 12 months later the parent was admitted to a nursing home and the farm is now being taken into account in calculating the contribution. The second case is where a father died and half the farm went to the sons and half to the wife. She developed a gradual illness and, at the age of 55 or 56, was admitted to a nursing home. They are now paying €2,500 a month to the nursing home because, again, the farm was taken into account. They are not in a position to do this and are finding it very difficult. They are supported from off-farm income because the farm is not generating enough. Those are two cases I am dealing with at the moment.

It is an issue we need to consider. There were proposals in regard to inheritance tax whereby the land would be devalued by 90% and that valuation would be taken into account as a way of calculating the asset value. That needs to given serious consideration.

The other issue I want to raise is how we calculate interest on money invested. I will give an example. The current position is that if I sell a house and have €190,000 in the bank, I am deemed to be earning €520 a week, which is over €25,000 a year. The Minister of State and I know that I will not earn that kind of interest on €190,000. We then wonder why people will not sell the family home. The interest calculation is very simple. The first €35,000 is not taken into account, the next €10,000 is calculated at €1 per week, the next €10,000 is calculated at €2 per week, the next at €4 per week, and so on. On €190,000, I am deemed to be earning €520 per week in interest. That needs to be changed if we want to encourage people to sell the family home so we do not have vacant houses. It is a very important point that we need to take on board because we cannot leave matters as they currently stand.

With regard to home care, as I have said before in the House, if I serve ten years in prison, I can come out the following morning and set up a company to provide home care, and there is no

regulation to prevent me doing so. I have no difficulty with anyone who totally reforms, having served time in prison, but I believe we are wide open at the moment due to lack of regulation. I know there are voluntary codes and all the rest but we need proper regulation, which is why I introduced a Private Members' Bill on this matter. The Law Reform Commission has prepared a very detailed report on this and we should take it on board in regard to future regulation.

**Senator Kieran O'Donnell:** I welcome the Minister of State. I want to touch on a number of points in regard to the nursing homes support scheme, which is a very important scheme. We all have people coming to us who are going into nursing homes. It is a very traumatic time for the families and the individuals themselves. The nursing home support section in Limerick does fantastic work and we all deal with such people on a daily basis. I compliment them on the work they do on the ground.

I have two issues. As the Minister of State knows, if the scheme involves someone who has a home of their own, who has an old age pension and no other assets, it is relatively straightforward. Some 80% of their income is retained and, depending on the circumstances with the home, 7.5% of the value of assets per annum for three years. Issues have arisen in more recent times, particularly in respect of farms and people who continue to live at home in some cases when it is not really suitable. Many such people are very elderly and live in isolated areas. I welcome this initiative on the part of the Minister of State and the fact that he is currently looking at it with the Attorney General. I hope we will get full details of the smoke emanating and of the particular details around budget time. I expect we will. It is very much an issue for both farmers and small business. In many cases with farms there are issues around land and defined property. It is the same in the small business sector. These changes will bring a lot of relief to many people.

I welcome the fact that the home care scheme is being put on a statutory footing. I note the points Senator Colm Burke has made. If people want to remain in their homes, everything possible should be done to ensure they can remain in their homes. When we look at the home care scheme itself, we must factor in the carers, what they do and what they bring to the table. In many cases the work of carers is very emotionally draining. They are looking after family members. In many cases the work goes on around the clock. It is the evolution of primary care to its purest form and that is where home care schemes come in. In my experience, the private home care providers with which I have dealt are doing a very good job. They have their own internal standards and, in the main, they are very good. Typically, with the home care scheme, the providers have local people working for them - both men and women. Therefore, when the carers come in to look after elderly people, in many cases the elderly person will know the carer. That is to be commended. It is something which should be fostered.

We need to look at whether we can put in place a scheme similar to the fair deal scheme in the area of home care, which would tick the boxes in that way. We have an ageing population and dependency rates are increasing. In my experience, most people want to live at home but for many people, the infrastructure is not there. We should develop a home care scheme which works off the structure of the fair deal scheme, which is more formally called the nursing homes support scheme. It is the way to go. The Minister of State ran a consultation scheme, which finished yesterday. Will the Minister of State indicate when he anticipates the findings of that consultation will be published and when he expects to set about putting in place a statutory, formal home care scheme in which people will know that they have the same level of certainty they have with the fair deal scheme?

**Minister of State at the Department of Health (Deputy Jim Daly):** I thank all the Senators for their contributions, their thoughtfulness, the amount of time they have put into considering these issues and their assistance in formulating my thoughts on a new home care scheme, which seemed to be the focus of most contributions. That is, of course, linked to the fair deal scheme. I will answer a few questions, if I may.

Much was made of farm assets and small businesses. Nearly ever Senator referred to those matters. People will be aware of the story to date. The Irish Farmers Association, IFA, among others, has been leading the lobby on these matters for a number of years. It has put forward a number of different proposals for ways to ease the burden on farm families who are subject to the fair deal scheme. I have had a number of meeting with the IFA, as did my predecessor, the Minister of State, Deputy McEntee. On taking office I committed to getting this issue off the table as quickly as I could and to try to move it on. We went through a period of negotiation, I dealt with my officials and we looked at a number of different scenarios. I came back to the IFA last week and confirmed to it that my preferred option would be not to negotiate any further schemes based on 90% of assets and so on. I explained that progress could take another four years if we were to negotiate on those terms. I told them that it would be cleanest and most efficient to treat farm assets and small business assets in the same way as the principal private residence and to apply the three-year cap. That is the most efficient way I can deal with this and the IFA seems to be reasonably happy with that suggestion. I have outlined the process from here. Obviously there will be legislation, because the fair deal scheme was established through legislation. Primary legislation must be changed and that will probably take me to the end of the year. Subsequent to completing my negotiations with the Attorney General's office we should be in a position to draft legislation and begin the legislative process early next year. That is my hope and my ambition. Sometimes it is a case of "events, dear boy, events" and things can be overtaken, but that is my ambition and that is where the scheme stands.

On the issue of additional charges in nursing homes, to which many Senators referred, as Minister of State I can choose to bring in legislation in the morning - or at least to put legislation before the Houses for consideration - to legislate on this matter but my hope is we can engage with the industry to deal with it through self regulation. If the industry refuses to deal with it, I will certainly come back to the House to introduce legislation to force it to so do. Somebody once said - I am not sure who it was - that the more legislation there is, the less justice there is. I am not sure who said it but I read it at some point. We should avoid legislation if we can and I am fairly confident from my engagement with Nursing Homes Ireland, which is the representative body for its members, that it is very anxious to deal with the issue of additional charges.

I want to give the same message a number of times and it is that I have asked nursing homes to flag additional charges at inquiry level as opposed to the day on which one lands one's loved one, one's mum or dad, into the nursing home. That day brings trauma. One's loved one is in their bed and then one is given a list of additional charges. One is typically given the charges on the day one signs the contract. That is not good enough and it is not acceptable. That is catching people blindside. I have asked nursing homes to flag additional charges in an open and transparent way, to put them on their websites and to publish them in so far as they can. I have asked that they be flagged at inquiry stage, that is, when somebody is approved for the fair deal scheme and is looking at which nursing home he or she would like to go to. The nursing homes have agreed to do that and I understand many of them are in the process of doing so already. I have also asked them to develop a standardised template for these charges and to consider preparing something like a profit and loss account which would show clearly the amount of

charges collected from residents in a year on one side and, on the other side, what those charges were spent on.

We do not want to throw the baby out with the bathwater. The last thing I want to see is elderly people in nursing homes with their heads thrown sideways, sitting and staring out a window for eight hours a day. We do not want to kill social activities programmes. There are many voluntary groups and schools which are quite willing to come into nursing homes to provide entertainment and play music and so on and which do great work. We want to ensure that there is a good, lively social programme in every nursing home. If there are charges attached to that, we want to ensure that they are open, transparent and consistent. I am confident, from my negotiations and engagement to date, that the industry is making good strides towards that. It appreciates the pressure on it to deal with this, and I believe that it will.

We need to make people aware that within the last year or two, the Ombudsman got jurisdiction over nursing homes. Therefore, if any family comes into a Senator's office with a concern about charges and how they are being spent, the family will first need to take it up with the nursing home to get clarity, but if they are not satisfied they can go to the Ombudsman, who will investigate. I recently met the Ombudsman. He only received 30 complaints about nursing homes last year, only one of which related to additional charges. Again I encourage any family that has concerns about additional charges to avail of the Ombudsman's services, and I ask each Senator to get that message out. It is a free, efficient and effective service.

Senator Kelleher asked about engaging with Professor O'Shea, which she suggested to me before. I have not done so yet, but I will attempt to do so in the future. She also made a point about deteriorating in hospital, which I very much accept. That is one of the big challenges for society. People, and particularly elderly people, are very vulnerable in hospitals. It would be far better and healthier for us to protect them and support them to live in their communities. The challenge for us all is to try to reorient the current system, with up to €1 billion spent on the fair deal scheme, into the community, where we are spending approximately €360 million on home care packages and home help hours, and to try to get the money away from the one side. However, one cannot just remove something and not replace it with something else. We must gradually bring down the nursing home care bill, which I hope we can do, and increase the bill on the other side. I have an interesting statistic on that. Since the introduction of the fair deal scheme in 2009, which is not that long ago in the greater scheme of things, the average stay of a resident in a nursing home has gone from seven years down to 2.2 years. It is a very welcome development that that is the average length of time people are spending in nursing homes as a result of the fair deal scheme.

Senator Kelleher also asked about the next steps and the timeline, as did Senator Ó Donnghaile, and some other Senators might have asked about them. The next steps are as follows. The public consultation finished yesterday. The Department is going through the submissions received. When I last checked, I think there were about 2,300 submissions. I suspect there were many more in the final week. Whatever came in the final week will be added to the 2,300, and the Department will, I hope, have a report published on those submissions by the end of this year. Then it is up to us to go back out and deal with HIQA on the regulation of a home care scheme. Someone spoke about including the home care package under the fair deal scheme. That will not be considered. The fair deal scheme is a very separate scheme. It is there for long-term residential care. We want to create a fair deal-type scheme in the community. Bearing in mind that this is not an ambition or a target, it took nine years to devise the fair deal scheme. I certainly do not intend anything like that length of time to be spent devising the scheme and its



introduction. The next steps are to get the report published by the end of the year, start engaging with HIQA on the regulation of it and carry out some other work teasing it out. I envisage getting a scheme up and running in its entirety in probably 18 months to two years.

Senator Kelleher mentioned dementia, which is a societal time bomb awaiting us all and is a hugely pressing challenge. I had meetings today with the HSE and the Department on this very issue, trying to increase funding for dementia care and recognising it as a top priority because that is what it is for society. For whoever will be here in years to come, in the next three, four or five years, and for all of society, this will become an increasing challenge.

Senator Feighan spoke about farm families, his mum's care and the self-employed. Again, I will just say that I have noted his comments and his concern for people who do not have pensions and the self-employed who have shares instead of pensions.

Senator Ó Donnghaile spoke about celebrating longer years as an opportunity. I could not agree more with him and I speak all the time about the fact that while we have been very successful in adding years to life and that the number of people living over 65 and 85 is doubling and tripling, respectively, we must add more years to life. That is the real opportunity. The Senator is absolutely right. It is an opportunity for us to add years to those lives. He also spoke about small businesses and voiced his concern about additional charges, which I have addressed.

Senator O'Reilly spoke about the public meeting in his area and the charges and contributions towards home care, which I think I have addressed.

Senator Byrne spoke about farm assets and home care and the nursing home payment to clients. Many people ask the question, if my mum were in a nursing home, it could cost €1,000 or €1,100 a week to have her there, so why can I not get some of that money to continue to support her at home? I think this is what Senator Byrne was talking about. Unfortunately, we do not have that flexibility in the fair deal scheme. It is very much committed to the long-term stay and one cannot pick or choose. However, the ambition is that in another two years one will be able to decide whether one wants to go into a nursing home or put one's loved one into a nursing home or whether one wants to be supported in the community.

Senator Colm Burke spoke about the challenges ahead and said that if current trends continue, there will be 40,000 people in nursing homes, and if 23,000 cost €1 billion, we will be looking at a doubling of the cost to €2 billion. It is vital, therefore, that we very rapidly take the steps towards reorienting towards community care. Senator Burke also spoke about the rising cost of nursing homes. I am aware of many of these issues and have had numerous engagements with Nursing Homes Ireland. The National Treatment Purchase Fund, NTPF, is the body that negotiates nursing homes. It is reviewing its pricing structure with nursing homes at present and will have that concluded by year end. Something that will be done next year is a look at the cost of private nursing homes versus public nursing homes. There is a commitment as part of the implementation of the review in 2015 to look at that into next year. I have also been speaking recently to Nursing Homes Ireland about adequate payments to reflect the level of care in the context of delayed discharges and dealing with those challenges. At present it is a very rigid payment structure. It is one payment and one payment only and does not reflect the level of care provided. I have been speaking to the Department, the NTPF and the HSE to try to bring about solutions to this. It will take some time before we get what is called the SAT, the standard assessment tool, up and running, which can assess the level of care, but I am aware of

the issue and am interested in seeing its resolution. I am aware of the increased cost of staffing in some hospitals because of their geography. I ask Senator Burke to send me a note on the calculation of the interest on moneys invested. He seems to have a good grasp of it, but I am not aware of it. I will certainly have it looked into for him and would welcome his thoughts if he had time to send me a note. The regulation of home care is a feature of the new home care scheme. It is not there at present, which I regret. I would like it to be there. There is no point in bringing in regulation through the existing scheme because it would delay the introduction of the new scheme. I would prefer to concentrate on getting the new scheme up and running as quickly as possible, and that is my present ambition.

Senator O'Donnell spoke about the role of carers, which is very important for us to recognise and protect. He spoke about the timeline from here on, which I have also reflected in my comments. I note that there was no mention at all of HIQA, which is interesting from the point of view of our discussing nursing homes. I will make one point about HIQA, which often arises as an issue and a challenge, and various nursing homes and the HSE find the HIQA experience very frustrating. We as a society have an awful lot to be very grateful to HIQA for because it has really upped the ante beyond recognition in the past ten years on the standing of living of our elderly, and I always want to commend it on that at every opportunity. However, I am aware it creates a very healthy tension between providers of care for the elderly and, of course, it represents the system, and I as Minister must keep away from involvement in that regard. It is an independent body. I do not tell it how to do its business. Issues arise from time to time but, on balance, the winners of the healthy tension it has created have been our elderly, which I very much welcome.

Overall, the fair deal scheme, by and large, for most of us - all of us here are practising politicians - does not come up an awful lot in our day-to-day business. Of all the schemes on which we get representations and with which we have difficulties, notwithstanding the complexities of it and issues with it, I think it works fairly well and is a good scheme.

I like to acknowledge good practice when I see it. I was in Galway yesterday. COPE Galway - I do not know whether any Senators are aware of it - provided 45,000 meals last year as part of its traditional meals on wheels. This ties in with the fair deal scheme and our ambition to keep people at home. COPE Galway has a superb service. Senators should go and see it and try to replicate it in all our communities. It has the highest standards as regards the Q mark and hygiene. Its key focus is nutrition and it delivers meals seven days a week to elderly people living on their own. It has a bus service going out into the communities and many volunteers helping with it. It is a very noble aspiration. For those of us who are practising politicians in our own communities, this is something we should all try to see replicated. Again, there is an awful lot of a voluntary effort to it, which I very much welcome and support. The State cannot and will not do everything. We can spend all the time we want giving out about the State's failure or we can ask what we ourselves can do about it, getting communities up and running, tapping into the volunteerism that is there and seeing something like COPE Galway, which, as I said, provided 45,000 meals with the highest nutrition standards to elderly people living on their own last year. It is doing an enormous amount to keep people well in their own homes and out of nursing homes.

I hope I have answered all the questions.

**Senator Keith Swanick:** Would the Minister of State agree with me that we cannot really make the necessary changes within the fair deal system or regarding home care provision with-

out liaising with some of the stakeholders that provide that care, be it the general practitioners, GPs, or the public health nurses? Often within the Department, through no fault of anyone, there can be disjointed thinking. Will the Minister of State commit to engaging with some of the representative bodies that will provide this care? There is no point in having people staying at home if there are not enough public health nurses. Only 20% of young GPs are staying in the country. Will the Minister of State liaise with the Irish College of General Practitioners, the Institute of Community Health Nursing or the other-----

**Acting Chairman (Senator Diarmuid Wilson):** Senator Swanick-----

**Senator Keith Swanick:** -----multidisciplinary team members? Will he look at that in the coming weeks?

**Deputy Jim Daly:** I am very happy to do that because part of the Department's ambition is to have the widest consultation possible. While the formal consultation period has closed, I will continue to consult informally as widely as I can, and we would be more than welcoming of the views of any particular group.

**Senator Keith Swanick:** Especially the public health nurses?

**Acting Chairman (Senator Diarmuid Wilson):** That was not a point of order, but I gave Senator Swanick a little latitude there. I thank the Minister of State for his answer. That concludes statements on the fair deal scheme. When is it proposed to sit again?

**Senator Colm Burke:** At 10.30 a.m. tomorrow.

The Seanad adjourned at 6 p.m. until 10.30 a.m. on Wednesday, 4 October 2017.