



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 17 Deireadh Fómhair 2017

Tuesday, 17 October 2017

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

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

The need for the Minister for Education and Skills to review the Education Support Centres (Appointment and Secondment of Directors) Regulations 2017, SI 394 of 2017, to allow the holder of the position of education centre director, after secondment of an initial period of five years, to be given the right to reapply for a consecutive five years.

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

The need for the Minister for Health to outline how many children in Limerick, Clare and north Tipperary were referred for an assessment of need and how many of these children were assessed within the required timeframe committed to by the HSE.

I have also received notice from Senator Jerry Buttimer of the following matter:

The need for the Minister for Education and Skills to make a statement on the negative impact of the Education Support Centre (Appointment and Secondment of Directors) Regulation 2017, SI 394 of 2017, on the continuing professional development of teachers and school personnel.

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

The need for the Minister for Employment Affairs and Social Protection to outline the steps being taken by her Department to implement a Labour Court recommendation to introduce a pension scheme for supervisors and assistant supervisors on community employment schemes.

I have also received notice from Senator Kevin Humphreys of the following matter:

The need for the Minister for Education and Skills to provide an update on the develop-

ment of Roslyn Park and Harold's Cross stadium as educational facilities.

I regard the matters raised by the Senators as suitable for discussion. However, as Leinster House and Government Departments were closed yesterday as a result of the assessment of the national emergency co-ordination centre in respect of yesterday's storm, I decided, on advice, not to select Commencement matters for discussion today. I will facilitate those Senators who had submitted matters for today as soon as possible. The House now stands suspended until the Order of Business and I apologise for any inconvenience.

Sitting suspended at 2.35 p.m. and resumed at 3.30 p.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Recognition of Irish Sign Language for the Deaf Community Bill 2016 - Report and Final Stages, to be taken at 4.45 p.m.

Senator Catherine Ardagh: I convey my sympathy and that of the Fianna Fáil group to the families of Ms Clare O'Neill, County Waterford, Mr. Michael Pyke, County Tipperary, and Mr. Fintan Goss, County Louth, who tragically lost their lives yesterday in Hurricane Ophelia.

I congratulate those who worked tirelessly yesterday on the front line from the ESB, Dublin and other fire brigade services around the country, the Army and the Garda Síochána. Their work ensured that we could go to work today on safe roads as they took it on themselves to go out and clear the fallen trees from the roads. We should be very grateful.

Met Éireann did a great job in highlighting the clear and present danger and that it was incumbent on all of us to stay indoors to ensure that no further accidents occurred. I believe the work that Met Éireann and RTÉ did yesterday mitigated more loss and prevented further tragedy.

Let me convey my disappointment with those who went against orders and were out kite surfing or swimming yesterday. I think it should be illegal to put the lives of front-line service men and women in that danger. We should mark it by having a debate on that issue in this House.

In addition to the financial cost to the country, it is estimated that Hurricane Ophelia caused approximately €800 million of damage. I understand the insurance companies will pay out for damage. We should call on the Government to actively engage with the insurance companies so that the money is paid out in a most efficient and timely manner.

I congratulate those who supported the people who sleep rough, in particular Brother Kevin and the Capuchin Day Centre. With the onset of global warming, these types of storms will become more frequent. We need to ensure that were such weather events to recur, we would be prepared, and have services in place for those without a roof over their head, especially in light of the growing number of homeless people. I call for a debate on the action the Government will take to deal with emergencies that might happen.

Senator Gerard P. Craughwell: I extend my sympathy to the families who lost their loved

ones yesterday. It is tragic that such things happen.

I sat and watched the television yesterday and I saw what I would call a clown in Blackrock, Galway, walking along the diving tower to go in for a swim. It might interest the House to know that the tower is there as a direct result of my father saving a woman's life during a riptide in Blackrock in 1947. It was dangerous then when there was no tower, but it is twice as dangerous now.

We should look at legislation that would provide for people to be charged with reckless endangerment and, if necessary, put in jail. Somebody suggested last night that there should be a fine for this type of behaviour. How much of a fine would pay for the loss of a rescuer's life in a situation like that?

I congratulate the Government on an excellent job of preparedness, and for the excellent co-ordination of services throughout the storm. The Taoiseach and his Minister have been a credit to this country. However, there is always a downside. This morning I listened to the Minister of State with responsibility for Defence, Deputy Paul Kehoe, and was absolutely horrified that he would mislead the country in the way he did. He spoke about engineering units being available in every barracks in the country to assist the local authorities. There are no engineering units in counties Donegal, Galway, Limerick or Kilkenny. A third of an engineering unit is available in Dublin, two thirds of an engineering unit is available in Athlone. There is one full engineering unit, as we learned during the Donegal floods, available in Cork. We know that because they brought the bailey bridge to Donegal. The Minister of State spoke about members of the Defence Forces being available with chainsaws to cut down felled trees. There are two qualified chain saw operators covering the entire northern section of the country in a line from Dublin to Galway. I wonder how useful they will be in the entire counties of Galway, Mayo, Sligo, Donegal, Leitrim, Cavan, Monaghan and Louth. This is shameful misleading of the public. I believe that the Minister misled the public this morning. He should come to this House this afternoon and explain where precisely are the resources he is talking about. He spoke about plant being available. There are two pieces of plant available in this country from the Defence Forces right now for an emergency situation like this. It is outrageous, when the Government has gone so far to build the confidence of the people of this country on our preparedness to deal with a crisis, that one Minister would tell what can only be described as blatant lies. I am asking for the Order of Business to be amended to bring the Minister before the House.

An Cathaoirleach: I thank the Senator.

Senator Jerry Buttimer: On a point of order, a Chathaoirligh, Senator Craughwell should withdraw the use of the word "lie".

An Cathaoirleach: The Leader should let me handle it.

Senator Jerry Buttimer: Senator Craughwell should be asked to withdraw the word "lie". He should be asked to withdraw that now.

An Cathaoirleach: Leader, please allow the Chair to handle this. It is totally inappropriate language that Senator Craughwell would call any Minister or anybody else who is not here to defend himself or herself a "liar". I ask Senator Craughwell to formally withdraw the remark.

Senator Gerard P. Craughwell: I substitute the word "misleading" for "lies".

An Cathaoirleach: The Senator is clarifying the position.

Senator Gerard P. Craughwell: Yes.

An Cathaoirleach: Thank you. I call Senator Devine.

Senator Máire Devine: On behalf of the Sinn Féin team, I extend condolences and sympathies to the families, friends, and communities of Fintan Goss in Louth, Clare O'Neill in Waterford and Michael Pyke in Tipperary, and on other tragic losses in the wake of the destructive Storm Ophelia. I also convey our thanks to the front-line workers, the fire and ambulance crews, the accident and emergency staff, the ESB crews, and the local authority emergency teams. They make us proud.

I would like this House to congratulate the President-to-be from tomorrow of the Royal College of Physicians of Ireland, RCPI, Professor Mary Horgan. She will be the first woman to hold the post of President of the college in its 363 year history. She will be appointed tomorrow, and not before time.

I want to bring up the issues of the gender pay gap and pensions. Last December, the very first motion put forward by Sinn Féin's social protection team was on the 2002 pension changes which amended the pension system such that it saw women being more likely to lose out. They are far more likely to have smaller State pensions than their male counterparts and are less likely to have occupational or private pensions. I see there is a motion on the subject tabled by the Fianna Fáil Party which is to be discussed tomorrow night in the Dáil, and I welcome that, although it is a bit late. Fianna Fáil refused to support our motion in December and got out of it by supporting an amendment instead. That amendment did not make a clear call and was useless. I hope Fianna Fáil will deal with urgency with the motion tomorrow night.

I raise the issue of the detention of the Catalan independence leaders. I would like the Leader to call on the EU to engage in urgent international mediation and dialogue. The EU espouses and likes to trumpet loudly the values of free speech, free association and democracy, but it seems to be silent at the moment.

Senator John Dolan: Today is world day against hunger. We also heard about the recent terrible bombings in Mogadishu in Somalia. Up to 300 people were killed and clearly multiples of that number will have been injured, with whole families destroyed. At home we had Hurricane Ophelia, and while it is true to say that things are relative in this world, there are three families, one in Waterford, one in Tipperary, and one in Louth, that are ripped apart and will be so forever as a result of their tragic losses yesterday.

I want to focus on a particular issue related to yesterday, namely, Irish Sign Language interpretation. I want to show appreciation for the swift action that was taken when issues were raised by my office directly with RTÉ and with the Minister of State, Deputy Moran. In particular I thank the Leader of this House, Senator Buttimer, for his support yesterday afternoon in making sure that there was Irish Sign Language interpretation for the media briefings. I seek a number of assurances, including that the Office of Emergency Planning would have sign language interpretation for all such media briefings; that local authorities would have a register of people, including people with disabilities and various illnesses, who are vulnerable in terms of their households not having an electricity supply; that there would be a review, when we are over this, of measures for people with disabilities and others who are vulnerable in respect of emergencies; and that Members remember that we have signed up to the sustainable develop-

ment goals, which clearly refer to people with disabilities and others when it comes to emergency situations.

As others have done, I want to thank neighbours, community groups and volunteers and commend the national Government and local government response, notwithstanding the criticisms I have. All our public services performed well over the weekend and yesterday, alongside local community groups and local efforts. It is great to know that Ireland can pull all its public services and community groups together. I would love to see the day when this is our everyday response to the needs of people, as distinct from this being something we pull out of the hat when there is an emergency. Can the Oireachtas lead the way? We should respond like this to people and their needs on an ongoing basis.

An Cathaoirleach: Go raibh maith agat. I call Senator Humphreys.

Senator Kevin Humphreys: Like so many others, I extend my sympathies to the families who lost their nearest and dearest yesterday. It truly is a tragedy for those families. Like many others, I want to thank the services that turned out so well, including the Garda Síochána, the ESB, Irish Water and the local authority workers. I was looking at social media on Monday morning, and there were people criticising the local authority workers in Dublin for clearing up leaves. I witnessed local authority workers in my area clearing leaves. They were blocking gullies, which could have led to flooding. It is so easy to criticise, but I want to commend the work done. While many of us were safe at home, ambulance and fire brigade personnel and local authority workers were out doing their jobs. We have to say thank you loudly and clearly to them, and stop nitpicking.

I have to say that the Government got it right. Ministers worked exceptionally well together and they worked hard to make sure there was a good response to the storm. I will not nitpick. By and large, the response by the Government was excellent. Certainly, we always have lessons to learn, and we can improve.

Unfortunately, however, this is going to happen more often. Climate change is a reality, despite Deputy Danny Healy-Rae denying it and saying God controls the weather. Sea temperatures are increasing. This storm formed over an area of sea, the temperature of which has risen by 2° Celsius. It is a one-in-50 year event. All we can be certain about is that this is going to happen more often. The House has a responsibility to show leadership. We need to show very clear leadership in relation to climate change, and to plan for it. Unfortunately, since we put climate change legislation through the Seanad and the Dáil two years ago, very little has happened. I am still waiting to see a proper plan from the Department of Transport, Tourism and Sport, because transport emissions are increasing, not diminishing.

I call on the Leader to pass on my compliments to the Taoiseach and the Ministers for working exceptionally hard over the weekend and, by and large, getting it right, although we can always improve, as I said. However, I certainly would like a full debate in this House on the measures the people and the Government can take in relation to our carbon footprint and the effect that can have on climate change. Ireland is a small country, but one thing we can show in relation to climate change is leadership. We need to show that leadership, otherwise we will see this happening much more frequently. The environment we pass on to our children and our great-grandchildren is certainly going to be far worse than what was passed on to us.

An Cathaoirleach: Go raibh maith agat. I call Senator Joe O'Reilly.

Senator Joe O'Reilly: There is a unanimous view, which I have picked up anecdotally everywhere, that the Taoiseach and Government Ministers deserve congratulations for the way in which they managed this situation and that their clear messaging and leadership was exemplary. I am impressed that has been acknowledged across the floor today.

The agencies, An Garda Síochána, the Army and all the various emergency services excelled themselves and did an exceptional job. I am delighted to join in congratulating them and our local authorities. Our council in Cavan was very proactive in removing fallen trees and so on. We did not get the worst of the storm but the council was exceptionally effective. All of that is good. I also congratulate Met Éireann. Everybody did their part and we can be proud, as a people, of the way it was handled. Of course I want to convey my sympathy, as did others, to the three bereaved families. For them it is a horrendous and shocking tragedy. I agree with Senator Craughwell in respect of the people who were out on the pier in Salthill. I could not agree more. Action needs to be taken. I agree with Senator Ardagh and also commend to the Leader that this question be looked at by way of a special debate.

I want to raise one very specific, distinct and new aspect in respect of the storm. I personally find seeing nice trees along our roadsides aesthetically pleasing, beautiful, lovely and idyllic on some occasions. They are part of the tapestry of rural Ireland and they are nice. However, when we consider the three bereaved families today, I put to the Leader that the relevant Minister should come to the House to discuss the need to remove and ban trees within 40 m of either side of a roadway. In other words they should be set back from the road a distance equal to the height of the tallest tree. The logic of this measure is that we are going to have more of these storms, as has repeatedly been said in this debate and has been suggested by the science. We cannot have a situation in which a tree can fall on a car. It has the potential to kill somebody. Despite aesthetics and the fact that we would love to have our trees there, they have to go. That is a lesson from yesterday. Had this been done, those families would not be in the position they are in today. Into the future this must be done. I commend a special debate to the Leader on removing trees from the side of the road to a distance equal to the length of the tallest possible tree. We have no option on this. Sadly, the reality is that we need to do it.

Senator Keith Swanick: I applaud all those people who visited their elderly neighbours yesterday and who asked them whether they needed any groceries from the shop before the storm hit, who helped them secure their homes and who ensured they had torches or candles at hand should the power fail. These are small actions which made an enormous difference. It is unfortunate that it takes something such as a major weather warning for us to realise our neighbours may need some assistance or even reassurance in some cases.

Recently physicians and researchers examined the impact of loneliness and social isolation on health, well-being and mortality. The data are overwhelming and suggest “a lonely person is significantly more likely to suffer an early death than a non-lonely one”. As a nation we are ageing and the percentage of people over 70 is growing faster than the rest of the population. Added to this is the rise in single-person households. We are beginning to see the impact of loneliness and isolation and therefore, new policy approaches are needed. Much is said about rural isolation and lack of services, which of course is true, but when I worked as a general practitioner in Finglas, the exact same issues of loneliness and isolation existed in the heart of a busy community.

I recommend that Senators consider the Campaign to End Loneliness in the UK. It is a powerful and evocative campaign that really makes one think about the human consequence of

loneliness and isolation. This highlights the need to look out for our neighbours not just during a storm, but every day.

The political scientist Robert Putnam wrote an excellent book called *Bowling Alone* in which he warned that our stock of social capital, that is, the very fabric of our connections with one other, has plummeted recently, damaging all our lives and communities. We need an urgent debate on the issue of loneliness and how it has an impact upon the more senior members of our society both in rural and city settings.

Senator Billy Lawless: I extend my sincere sympathies to the families of the three people who were killed yesterday. Their deaths show the dangers of these types of storms, of which, as previous speakers noted, we will have many more as a result of climate change. I congratulate the Taoiseach and Ministers on their preparedness for yesterday and on the way in which they handled the situation. They were at the top of their game. While some people criticised as unnecessary the decision to have schools remain closed today, I believe it was the right decision to make because we did not know how bad the damage was. The loss of life would have been much greater if warnings had not issued.

As a Galwegian, I have jumped off the diving boards at Salthill many times. I can think of a worse word than “clowns” for those who were swimming in Salthill yesterday. Their outrageous actions placed first responders in extreme danger. I agree with previous speakers that, in such circumstances, it should be a criminal offence to ignore warnings and that those who do so should be fined. It was heartening yesterday to see the storm bring out the best in people and a community spirit. Listening to the radio yesterday afternoon, I heard the owners of guest houses and hotels offer free beds to people who found themselves stranded. The storm served as a warning to us. I congratulate all of those involved, including the public servants in various Departments.

Senator James Reilly: I sympathise with those who lost loved ones in yesterday’s storm. I join other Senators in commending the members of the emergency services and first responders who did sterling work yesterday and who will continue to do such work for some days. I also commend the Government on its preparedness and the preparations that took place, without which the loss of life would have been greater.

I do not agree with my near namesake, Senator Joe O’Reilly, on the issue of trees. Not only are trees aesthetic living forms, they are also the lungs of the world. While I fully understand the rationale for his proposal and his good intentions, his suggestion is not practical.

I echo the comments of previous speakers regarding those who ignored the advice that was given and placed themselves and others who were required to intervene in great danger. We did a morning surgery yesterday and closed for the afternoon because the storm was due. Returning home, I saw a young man cycling a bicycle which I could not believe in light of the warning that had been issued. It is not only that people took foolish chances at sea but given the strong advice not to cycle, I found it extraordinary to see someone cycling yesterday. I expect that the young man in question was under 18 years of age and I wonder what his parents were thinking and doing about this. He could easily have been hit by a gust of wind and knocked into the path of a car. As I stated, the people who engage in this behaviour put not only themselves but also put the first responders who have to deal with the fallout from their actions in danger.

I raise the cases of people whose premises and businesses suffered severe damage, particu-

larly those who cannot get insurance. My understanding from those involved in horticulture - a major industry in my area that supplies more than 50% of vegetables to the country - is that it is nigh on impossible to insure a glass house or polytunnel. Many horticulturists and nursery owners suffered severe damage to their property yesterday. I hope the Government will take full advantage of the European Union fund established to deal with such natural disasters in order that we can put money aside to help people to deal with the losses they sustained as a consequence of yesterday's storm.

4 o'clock

The most important thing today is to commend all the men and women who work in the services and the first responders who have performed such sterling work over the past 24 to 48 hours and who continue to do so. As Senator Lawless pointed out, many people showed tremendous generosity and care for their neighbours and for others during this time of difficulty for some of our most vulnerable citizens.

Senator Rose Conway-Walsh: I second the motion by Senator Craughwell to the effect that the Minister should come before the House. I wish to express my sympathy and condolences to the families and friends of the three people, Clare O'Neill, Fintan Goss and Michael Pyke, who lost their lives yesterday. I thank the emergency services who attended any of the incidents yesterday for all the great work they did. I acknowledge and thank all the neighbours, friends and people who checked in on the vulnerable and the elderly, not least those doing home help and care work right across the country. They showed the true Irish spirit in the work they carried out in very difficult circumstances. I particularly thank the regional radio stations, in my own case Midwest Radio, which kept people up to date on everything that was happening throughout the day and about the services that were available through the local authorities and so on. It really goes to show the importance of local radio and how the sector should be supported.

I really cannot find words to condemn those who, by their own arrogance, misdemeanours and actions, put the lives of emergency service personnel at risk. It was particularly poignant for us in Erris when the R116 crew had to be called out. I cannot imagine what the families of those who were bereaved in the R116 tragedy must have thought yesterday as these services had to be called out in Blackrock, County Louth. The attempts today by those persons to try to defend their actions are even worse, as if they somehow have real and knowledgeable expertise of the sea. I did not see any fishermen putting out to sea yesterday. If anybody has knowledge of the sea and what it is about, then it is the fishermen in our coastal communities. Something must be done to ensure that people do not declare themselves to be above the law or not within it when a national emergency such as this is called. I call for legislation to be put in place in order that huge fines might be imposed on people who put the lives of others at risk.

Senator Frances Black: I too wish to pay my condolences to the families who lost loved ones yesterday's storm.

I wish to express shock and outrage that the brave journalist Daphne Caruana Galizia, who led the Panama papers investigation into corruption in Malta, was tragically killed by a car bomb near her home on Monday. I extend my deepest sympathy to her family and friends. This is not just a tragic loss of life, it is a clear attack on democracy that was carried out in broad daylight in an EU member state. Ms Galizia did what investigative journalists are supposed to do. She showed bravery in asking difficult questions of those in power. She never relented in pointing the finger at corruption at the highest political levels, such as activities involving

offshore accounts and money laundering. She was murdered for asking these questions. In her final blog post less than one hour before she was killed she warned, “There are crooks everywhere you look now. The situation is desperate.” This morning, her son Matthew stated, “My mother was assassinated because she stood between the rule of law and those who sought to violate it.” This is an absolute disgrace and should resonate with everyone in Ireland and in this House. I cannot help but think of Veronica Guerin, another brave woman journalist, who was murdered for speaking truth to power and for standing up to corruption and criminality. Has the Minister for Foreign Affairs and Trade formally expressed his outrage and offered Ireland’s assistance wherever it may be needed?

Senator Ray Butler: I, too, would like to pay my condolences to all the families who lost loved ones in yesterday’s storm. I congratulate the Taoiseach, the emergency services and all the Departments on getting the message out early.

It was a disgrace to see those going for a swim in Galway or kite surfing and I agree with Members that penalties should be imposed on such people. Those in the emergency services do not have a choice as to when they are called out, but those who were swimming and kite surfing did have a choice. What would have happened if there was an emergency down the country? The resources of our helicopter services and emergency services are limited. Shame on those people.

Three people lost their lives due to tree falls. In my county, all roads were blocked in Trim due to tree falls and Athboy, Oldcastle and certain areas of Navan had no power. This morning, I received a telephone call from a gentleman who worked throughout the country with Kelly’s roadmarking company. He told me that the number of rotten trees and trees planted on roadsides is inappropriate. We are all aware of the vital role of trees and their benefit to our economy and environment, particularly visually, as part of our infrastructure. This is especially so in our cities. However, the benefits are only achieved with strategic planting and aftercare. I do not see a whole lot of aftercare when trees are planted in estates and at the sides of roads. They are just left there to grow into monstrosities. This can have a negative impact and lead to a variety of health and safety concerns. Inappropriate species of trees on roads and streets need to be urgently addressed by the Minister with responsibility for the environment and local government.

Senator Robbie Gallagher: I wish to raise the disappointing manner in which the more than 8,000 special needs assistants, SNAs, in our primary schools are being treated by the Department of Education and Skills. Their frustration is borne out by the 97% vote in favour of industrial action over the delay in the publication of SNA allocations for the 2018 academic school year, which is very disappointing. The problem is that special needs assistants in our primary schools do not know if they will have a job for the year. If they do not get a post when the allocations are published, they are not in a position to apply for one in another school due to the delay in the publication. IMPACT, which represents more than 8,000 SNAs countrywide, is of the opinion, with which I agree, that the Department could be in breach of employment law due to the manner in which SNAs are being treated. It is also unfair on schools and boards of management which are trying to plan for the year ahead. I would like to see the Minister address the House on the issue so that it can be sorted out for the benefit of not just the special needs assistants and the schools, but the children who most need their help.

I join others in commending everyone involved in the response to yesterday’s storm. The point made by my colleague on the national broadcaster is an important one. It is also important

to note, however, that our local radio stations played a vital role. In Cavan-Monaghan, people were informed of roads being closed, whether local or minor, which was great information to have. This demonstrates the benefit of local radio.

Senator Michelle Mulherin: I would like to be associated with the expressions of sympathy to the families of those who lost their lives during Storm Ophelia.

I welcome the initial responses to the public consultation conducted by the agricultural markets task force established by EU Commissioner Hogan. This task force seeks to introduce fairness into the European food supply chain, particularly in respect of the agricultural sector. It is particularly welcome that a majority of stakeholders, non-governmental organisations, NGOs, member states, farmers' groups, and the list goes on, are saying that the weak position of farmers in the food supply chain needs to be addressed and changed at EU level. We know, and I have raised this several times, that the weak position of the farmer causes problems in regard to his income and the sustainability of farming. Farmers are at the mercy of big meat factories and multiple retailers. That is well known. When this public consultation is concluded, the European Commission needs to formulate a response. I have no doubt that is what Commissioner Hogan will do. I would like us to extend an invitation to him. This is a critical issue for farmers. They complain repeatedly that they produce meat, vegetables etc. which are sold as loss leaders in multiple retailers. They are victims of the pricing in factories and they face myriad problems because of their position. There are ways and means, including the potential use of value-sharing agreements, to ensure that bonuses and losses resulting from evolutions in market prices are shared. It would be opportune to bring in the Commissioner as the EU response is being formulated in order that we can make an input into that.

Senator Rónán Mullen: Great credit is due to the Government and all involved in the authorities and various agencies in preparing for Storm Ophelia. Their approach was to get us to expect the worst but hope for the best. It was a very good approach to take. I join those who have expressed their sorrow that three people lost their lives and in expressing sympathy with their families. Ar dheis Dé go raibh siad. I wonder how Ireland still manages to be rearing its share of lúdramáns who put themselves in danger and potentially make the job of the emergency services and heroes who are out to look after us all on a day like yesterday, harder. It is hard to fathom.

The increase in stamp duty on commercial property transactions from 2% to 6% as per last week's budget is of concern to farmers. The decision to extend the reduced stamp duty rate of 1% for transfers between family members and to maintain the young trained farmer stamp duty are positive. I agree with the president of the Irish Farmers Association, IFA, Joe Healy, who said that these measures are important to support the timely and structured transfer of family farms. It is known that the Minister for Finance is likely to reverse the steep increase in stamp duty for non-residential land for a small group of farmers inheriting land from family members. It is essential, however, that this action will serve those who do not currently qualify for the consanguinity exemption, that is, those who are to inherit active farming land from a family member who is over 67 years of age. The *Irish Farmers' Journal* reported that one farmer's son from Tipperary, whose father was aged over 67, saw his stamp duty bill for taking over the farm rise from €25,000 to €75,000 and, to quote that farmer, Bill Burke, "It makes it an unpayable amount."

People are often blinded by the value of farming assets but they forget how difficult it is to turn that farming asset into anything like a decent income. That is why it is not a case of farmers

engaging in special pleading. Farming is a difficult business. It is difficult to make a livelihood, especially for small farmers. I hope the Government will make the necessary amendments to facilitate the transfer of land, particularly at this time when there is a desire to encourage young people to get into farming. It would be a very bad thing if the necessary changes were not made.

Senator Trevor Ó Clochartaigh: I dtosach, ba mhaith liom tacú leis an méid atá ráite ó thaobh comhbhrón a dhéanamh le muintireacha an dream a bhásaigh sa stoirm inné. Ba mhaith liom comhbhrón a dhéanamh freisin le cairde, muintir agus comhghleacaithe Fheargal Ó Cuilinn a bhásaigh roinnt laethanta ó shin agus atá á chur inniu. Bhí Feargal ag obair leis an eagraíocht Glór na nGael le roinnt blianta anuas. Ba fhear óg é a bhásaigh i mbealach aisteach go leor. Thit sé i dtinneas an lá a raibh Cluiche Ceannais na hÉireann á imirt. Bhí Baile Átha Cliath ag imirt. Ba fan mór leis na Dubs é. Níor tháinig sé as an tinneas sin. Ba fhear óg é agus bhí clann óg aige. Is mór an chailliúint é. Ba fhear é a bhí díograiseach agus gealgháireach i gcónaí ó thaobh na Gaeilge. Bhí sé ag gach ócáid a raibh tábhacht ar bith leis a bhain le saol na Gaeilge agus thug sé an-tacaíocht do dhaoine thar na blianta. Déanaim comhbhrón le gach duine a bhain leis.

The situation in Catalonia is getting very worrying, with the head of the Catalan National Assembly, Jordi Sanchez, and the head of Omnium Cultural, Jordi Cuixart, being kept in custody. It is also worrying that the chief of the Catalan police, Josep Lluís Traperó, is facing charges. The two Jordis are the main pro-independence leaders of what are civic society organisations in Catalonia. In an Irish context it would look like the ard-rúnaí of Conradh na Gaeilge or the president of the GAA being sent to prison because they organised peaceful protests. It is a huge issue and is worrying.

Can Senators imagine if this Government had decided to imprison the people who organised the Right2Water protests? It is on the same scale and it is a very serious infringement of human rights. It is about time our Government got off the fence on the issue, it is about time the EU got off the fence on the issue and it is about time the international community got off the fence on the issue. We need to stop the bullyboy tactics from Madrid and put in place an international talks and mediation process outside the politicised courts of the Spanish system. We need an urgent debate and I call on the Minister for Foreign Affairs and Trade, or the Taoiseach, to come to the House to debate the issue.

Senator Colm Burke: I would also like to be associated with the expression of sympathies to the families of the three people who died in the past few days. They suffered a tragic loss. It is important to commend all the work done in the past 72 hours, at national level down to local community level, where people put their shoulder to the wheel to ensure those people who had to travel could travel safely. The situation was very carefully managed.

I join with Senator Mullen in raising concerns about stamp duty. There are two sides to this and one of them relates to the need to ensure good planning is carried out in respect of farm transfers. There was not a huge disincentive in respect of transferring at an earlier stage and that has to be changed but there are difficulties and a number of issues need to be resolved. The issues around the transfer of assets and elderly care need to be looked at more carefully and we need to get a lot more information out there.

Recently, I came across a situation where a person who is being admitted to a nursing home has not transferred land and there has been no long-term planning. As a result of a medical condition, the person in question cannot now make any decisions. On Friday, I was with an elderly

retirement group whose attitude was that they wanted to continue to live in their own homes for as long as possible. We need to get out a great deal more information on long-term planning and elderly care because we are not doing enough. We also need to address the question of enduring powers of attorney and other issues on which we are also not getting out enough information. It is something we need to do. We need to plan in order that the maximum number of people can stay in their homes for as long as possible.

Senator David Norris: I notice that the Press Council has been complaining about defamation and the cost to the press of libel actions. I disagree with it completely. I put down legislation previously, which has dropped off the Order Paper, as did the Government. I would welcome the introduction of such legislation at this point. A previous Defamation Bill was put forward in the House at the instigation of the press barons but I managed to derail it by way of a series of well-argued amendments. One of the reasons I feel strongly about this was because of the last presidential election after which I took ten libel actions. Among the things that were said about me were that I was an alcoholic, blind, a pension and social welfare cheat, had sex with my students in Trinity and advocated parents having sex with their own children. These were unspeakable, downright lies. I accept that a person in public life should be subject to greater scrutiny, which contention is perfectly correct. However, the same level of truthfulness should obtain whether the subject is a private person or a person in public life. If one tells lies about someone, one is taking a risk and should be prepared to pay the cost.

I put a notice about this on my website and drew the attention of the press to it but there was, unsurprisingly, no response. When I challenged one of them, I was told there was an issue of libel. How laughable can one get? I did not mention names although I could have, having won every single one of those ten libel actions. My name is now justified, or would properly be so had the newspapers printed proper and prominent apologies. However, it has all gone up into the cloud so my reputation can never be completely cleansed. I reiterate that I won ten libel actions and, having been bankrupted by the presidential election, now have two very healthy bank accounts.

Senator Billy Lawless: Well done.

An Cathaoirleach: I call Senator Hopkins.

Senator Jerry Buttimer: Follow that one.

Senator Catherine Noone: How is Senator Hopkins's bank account?

Senator Maura Hopkins: Not great. Many Senators have spoken about the effects of Storm Ophelia, and I, too, extend my sympathies to the three bereaved families. This is a very difficult time for them. Likewise, I commend all who were involved in yesterday's efforts.

I join Senators Mullen and Colm Burke in raising the issue of stamp duty. While there were many positive aspects to last week's budget for the agriculture sector, including the €25 million for areas of natural constraint, low-interest loans and increased investment in the targeted agricultural modernisation schemes, TAMS, I am extremely disappointed by the effect on farmers of the increase in stamp duty from 2% to 6%. Margins are extremely tight at the moment and I have received numerous calls over the past week from active, genuine farmers who want to be progressive and to build farm enterprises. They are now experiencing a huge hike from 2% to 6% where they want to purchase a bit of land or consolidate holdings.

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I have two points to make. First, while the young farmer relief is very positive for farmers under the age of 35, I know very few farmers that age who can afford to purchase land. Second, the consanguinity relief is very restrictive. I have spoken with the Minister for Finance and emphasised strongly that we know there are so many farmers over the age of 67 who have not transferred land to their family members. It is essential, therefore, that this matter be considered. However, we need to go further. We must properly understand that it was the agricultural sector which turned this country around and we need to properly support genuine, active farmers. I ask the Minister to look at the consanguinity relief and the wider issue of the major hike, from 2% to 6%, in stamp duty in the budget.

Senator Fintan Warfield: I join previous speakers in expressing my condolences to the families and friends who lost loved ones during Storm Ophelia yesterday. I wish to be associated with many of the comments that have been made. A friend of mine works as a manager in a store in this city. The company in question employs over 1,000 people across this State. He waited until 11.30 a.m. to hear from the company's headquarters and still there was nothing - no word or direction. He eventually made the decision to close the shop but many private businesses - my family members have commented on this as well - placed the responsibility in the hands of employees. We hear a great deal about those who put our emergency services in danger, and I accept that entirely, but surely these private businesses - many of which are multinational companies - with vulnerable staff who have few workers' rights might have put lives in danger as well. I wonder whether the Government should have been more proactive in advising those businesses to close. Obviously, a lead was taken by the public service, which was very welcome. Should what was done in the case of the public service not have been recommended or advised to the private sector as well? Could more have been done?

Senator Marie-Louise O'Donnell: It was a profound tragedy that there was such loss of life yesterday as a result of the storm. I offer my sympathies to the families involved. I happened to be on a train yesterday for approximately ten hours. We were treated with absolute civility by Iarnród Éireann. Without the guys with the chainsaws, we would not have moved anywhere because they were ten hours on the tracks between here and Wexford through Rathdrum, Arklow and Gorey clearing the debris in order that we could get back to Dublin. Ours was the last train to arrive into the city.

I wrote to the Committee on Procedure and Privileges, CPP, during the week in respect of a matter that relates to the Independents - the real ones, of which there are only two. Other people who are described as Independents are not really independent, they join groups. There is a kind of apartheid whereby if someone joins a group, he or she will get the facility to actually speak in the House and a few other things. A Senator might not agree with the other members of the group in respect of thought processes or he or she might not agree with it politically but he or she will join in any event. Even though they are Independents and get the leader's allowance, they are not independent at all. I was making a suggestion that, outside of the leaders, the people who come into the House in order of time, preference and form should be given speaking rights. I have written that down. The Cathaoirleach was away when I wrote to the CPP on foot of the fact that I feel a form of apartheid operates here. For whatever reason, people who really are Independents are not given the same amount of time to speak. This is because the bigger groups are just that - bigger- and have more speakers.

I used to be a member of the Irish Federation of University Teachers but when I went to lecture in Dublin City University, DCU, SIPTU informed me that if I took the job, I had to join it. I was so innocent at the time that I did not take it on in the courts so I had to join the union

to become a lecturer in DCU. It is as if a person, even though he or she is an Independent, has to join a group within the Seanad in order to obtain proper speaking rights. This is not an attack on the Cathaoirleach. It is the form. The Cathaoirleach is extremely flexible and good but it is the form and it is wrong. I have written to the CPP about the matter.

An Cathaoirleach: That is a matter for the CPP rather than the Chair.

Senator Marie-Louise O'Donnell: I am just letting the Cathaoirleach know since he was not here.

An Cathaoirleach: In fairness, since I became Cathaoirleach 18 months ago, I have always treated everybody as fairly as possible.

Senator Marie-Louise O'Donnell: That is not the point I was making.

An Cathaoirleach: I accept that but if I go strictly by the rules that are set down before me, some Independents - real Independents, as the Senator calls them - will not get in.

Senator Marie-Louise O'Donnell: With respect, I am questioning the rules; I am not questioning the Cathaoirleach.

An Cathaoirleach: A CPP meeting is due. I am not aware that it is on the agenda but if it is, it will be dealt with. Finally, I call Senator O'Donnell.

Senator Kieran O'Donnell: I thank the Cathaoirleach for affording me time. With regard to Storm Ophelia, I would like to acknowledge the phenomenal work done by public servants on the ground in Limerick through Limerick City and County Council, the HSE, An Garda Síochána and every other public body involved. It was a day we could be proud of our public servants and the work they do. I take grave exception to the behaviour of the people who abused and wasted valuable time for emergency services. We will have to examine this. There has to be a punishment if people waste valuable time when emergency services could be saving lives. Unfortunately, three people lost their lives yesterday, which will have a significant impact on their families. That demonstrates the power of nature. What we must take out of yesterday is that this will become a recurring feature. We were supposed to have floods every 100 years but we are now having them every five or six years. We need to put a structure in place to ensure that if something like this happens again, the people who are abusing the time of the emergency services are held to account. They should probably be brought to court in some form. I took grave exception to this behaviour yesterday and we need to look at it.

An Cathaoirleach: Before I call the Leader, I would also like to offer my sympathies to the families of those who lost their lives in the storm. I compliment the meteorological staff who, for once, got it right. They are much maligned for getting it wrong. They predicted the storm five days out and it was easy for the people in power. They got it spot on and they more or less told us when the storm would hit the south-west coast, which is unusual for Met Éireann. They have often got a lot of stick for not getting it right over the years but, in this instance, they tracked the storm clinically and correctly for five days and they deserve credit for ensuring those in authority, the public services that were engaged and volunteers who did tremendous work were alert and active when the storm struck.

Senator Jerry Buttimer: I thank the 22 Members for their contributions. Every Member made reference to the tragic deaths of three of our fellow citizens yesterday. On my own behalf

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and on behalf of Fine Gael group and the House, I pay tribute to the memory of the late Ms Clare O'Neill, Mr. Michael Pyke and Mr. Fintan Goss who were tragically killed yesterday. It illustrates the fragility of life and the way in which we must all take care. These three innocent people were killed going about their business, one bringing her mother to safety, one going home to his family and the other doing what we would all do, which is to try to make life better by clearing an impasse on the road. I express my deepest sympathies and condolences to the families of the three people who were killed. Our hearts go out to the families of the bereaved. It is only through standing together as communities that we can help them cope with their loss. No words of ours will ease their pain but it will show them that the people are standing in solidarity with them.

The collective work of those charged with managing, co-ordinating and planning for Storm Ophelia deserve to be commended. It shows the importance of getting the message out and communicating. As the Cathaoirleach said, Met Éireann got it absolutely spot on and the Government, despite some people's criticism of school closures, was correct. Code red means code red. Yesterday, a school roof was blown off in Cork city. The principal, Mr. Jim Long, acting in a spirit of civic-mindedness was in the school before, during and after the storm. I fully support the Government's decision to close schools today because an assessment can only be made the day after such an event, not on the night of it or during it. I commend all the men and women in our public services who played a role, and in particular the national emergency co-ordination group under the chairmanship of Mr. Seán Hogan. We have mentioned the Garda, the Defence Forces, the fire service, the ambulance service, the Civil Defence and Met Éireann. We must also mention the men and women of ESB Networks, who were out in the eye of the storm along with gardaí. I lost power in my house early yesterday morning, but it was back this morning because of the ESB Networks workers. I also pay tribute to the local authority workers and the maligned Irish Water personnel who put themselves at risk yesterday and today in ensuring the water supply.

Senators made reference to the importance of public service radio and television. We saw it at first hand with RTÉ. I commend RTÉ and the local radio stations on their work in providing such service. In our case in Cork city, they extended the talk radio programme for two hours to give people information, to allow people to phone in and communicate.

It is important that we all stand united in condemning the silly irresponsible actions of those who were walking the promenade, swimming and kite surfing. They may think they are thrill seekers and attention seeking. However, they are putting their lives and those of the first responders at risk. We need to look at how we can prosecute or put in place some type of mitigation where these people will not in the future be able to put themselves and others at risk. I know it might not be popular but there is no place for that type of irresponsible behaviour. Senator Mullen used the word "lúdramán"; I would use a far stronger word to describe those people, but this is a national Parliament and I will not. However, they should be condemned outright.

It is about ensuring that Government got the response right. I accept that lessons have to be learnt. The issue of climate change is a reality; it is not going away. I agree with what Senator Humphreys said about the Government's response and that of agencies and Departments in the area of climate change. We need to focus minds on the effects of global warming. This is not a once-in-50-years event; this will be an ongoing event. I agree with Senator Humphreys that we need to see action.

Senator Craughwell raised the issue of the Defence Forces. I know he is a champion of the Defence Forces. I heard the Minister of State, Deputy Kehoe, say that the Defence Forces are ready to assist in a multiplicity of ways. I know the Senator does not want to politicise the House by having a vote this afternoon. In the middle of the storm Defence Forces personnel were out assisting local authorities and local communities. For example, 25 Army and Air Corps personnel were out assisting ESB Networks and HSE staff. Members of the Third Infantry Battalion from Kilkenny travelled across the country. Twelve personnel and five vehicles were out assisting. Rather than dividing the House and politicising the debate, which I know Senator Craughwell does not want to do-----

An Cathaoirleach: There was no amendment to the Order of Business moved by anyone. I am quite clear about that.

Senator Jerry Buttimer: Was there not?

An Cathaoirleach: No.

Senator Jerry Buttimer: I thought someone had, because Senator Conway-Walsh was quick to second it.

An Cathaoirleach: Yes but I am very careful and I checked.

Senator Jerry Buttimer: I know Senator Conway-Walsh was quick to second it, but-----

An Cathaoirleach: Just to clear the air for a point of view-----

Senator Jerry Buttimer: In order to assist Senator Craughwell, the import of whose remarks I understand, I will try to get the Minister of State to come to the House in the next week. Given that we are in the immediate post-Ophelia period and that a review will be carried out, I would be very happy to have him come to the House to speak about the matters the Senator raised. I know the Cathaoirleach has said that no division has been called but I just wish to assist the Senator in that.

Senator Humphreys's remarks about a debate on climate change and the measures to address our carbon footprint are well made. I would be happy to try to have that debate in the coming weeks. It is a continuation of a debate that we have been having and which the Senator initiated.

We are fortunate that no more lives have been lost and that we did not incur greater damage than we did. As many Senators have said, it epitomises the good about being Irish. There was a spirit of friendship and community around yesterday. People were checking on neighbours and calling to old people. People who were involved in meals on wheels were travelling at difficult times to ensure that people's meals were delivered. As stated, those who did not heed the advice yesterday should be condemned. We are very fortunate in the wonderful public servants that we have. When we get it right, we get it right.

Senator Warfield referenced businesses, many of which closed early yesterday. The advice from the Government was for people to remain indoors and not to travel, and, thankfully, this advice was heeded. In regard to the businesses that were open, some of them were manned by family members. I cannot answer for the city of Dublin but I know that the city of Cork was pretty much closed, with the exception of one or two small shops. If there are particular issues of which the Senator is aware, I would be happy to bring them to the attention of the Govern-

ment.

On the issue of financial cost, the Taoiseach has said that local authorities will be assisted. Every effort must be made to ensure that insurance companies work with home owners, businesspeople, schools and sporting organisations who have suffered loss of or damage to their property.

I commend all who assisted in ensuring homeless people were housed during the storm. It was a well co-ordinated, multi-agency, voluntary and community-orientated effort.

Senator Dolan referred to the provision yesterday of Irish sign language interpretation. Following on from the raising of the issue with me yesterday by a member of staff from the Senator's office, I raised the matter with the Minister, Deputy Murphy, who acted immediately. I welcome the members of the deaf community who are in the Visitors Gallery for the next item on today's agenda. It is important that the deaf community is assisted in every possible way by the organs of the State, in particular RTÉ. Senator Dolan also referenced those who are disabled and house-bound and the need for a register of same. Following a review of the events of Storm Ophelia, we will be able to put in place a much more co-ordinated response.

Senators O'Reilly and Butler raised the issue of trees. Senator O'Reilly highlighted the issue of the close proximity of trees to our roadways and motorways. Notwithstanding that this is an important issue, Senator Reilly also made the important point that trees are the lungs of the world, which points to the urgency of having the heritage Bill enacted. We need hedgerows to be cut back and moved back from roadways and we need proper maintenance of our roads. I accept that we need trees, but it is equally important that we get this right given the potential for damage, as witnessed yesterday.

Senator Marie-Louise O'Donnell: It is not the fault of the trees.

Senator Jerry Buttimer: I refer the Senator to what occurred yesterday.

Senator Marie-Louise O'Donnell: The roads were built incorrectly.

An Cathaoirleach: Allow the Leader to continue without interruption, please.

Senator Jerry Buttimer: I accept that trees are the lungs of the world, but I also agree with Senator Reilly on the need for policy in this area.

Senator Swanick referred to the issue of loneliness, isolation and single person households and the UK Campaign to End Loneliness. I would be happy to provide time for a debate on that issue.

Senator James Reilly also spoke about the EU fund used to assist people. I would be happy to provide for a debate on that issue with the Minister.

Senator Mulherin referred to the European Commissioner for Agriculture's public consultation on the agriculture market and fairness in the EU food supply chain. I welcome that the majority of NGOs and member states are engaging in that process. Senator Mulherin has on many occasions raised in this House the need for fairness in regard to meat factories and retailers. I would be happy to provide time for that debate.

I join Senator Black in condemning the death of Ms Galizia, the eminent journalist who

brought the Panama papers to the fore. An attack on a journalist is to be deplored and the killing of a journalist is to be strongly condemned. It can have no place in any democracy. I join in Senator Black's condemnation of the killing of Ms Galizia. We all cherish freedom of speech and the right of people to write, which in any democracy should be sacrosanct. Any killing is to be deplored.

Senator Gallagher raised the vote of the SNAs for industrial action. The important point here is that the Government increased the number of SNAs in the budget. The place to engage on this is the Department of Education and Skills. The allocation model is based on the school need and the needs of individual pupils. However, I will invite the Minister to the House to discuss the issue.

Senators Ó Clochartaigh and Devine raised the issue of Catalonia. That situation is ongoing and we would all welcome anything that could be brought to bear to resolve the matter. However, it must be rectified internally in Spain first. The Senators can shake their heads but we have different viewpoints on how it can be resolved. That is what should happen first. If anybody is detained illegally for whatever reason they should certainly be supported in their attempts to regain their freedom.

Senator Trevor Ó Clochartaigh: We should have a debate on it.

Senator Jerry Buttimer: I join Senator Ó Clochartaigh in offering condolences to the family of the late Feargal Ó Cuilinn a fuair bás le déanaí. Bronnaim mo chomhbhrón ar a chlann agus a chairde. Níor bhuaíl mé leis an Uasal Ó Cuilinn riamh, but it is clear from listening to Senator Ó Clochartaigh that he was a man who was very strong in his convictions about the Irish language and his work in that regard. I offer sympathy to his family and friends on his tragic death.

Senators Mullen, Colm Burke and Hopkins raised the changes in stamp duty in the budget and capital gains for land sales. I am sure that matter will be clarified and debated further when the Finance Bill comes before the House. It is important to highlight the many positive aspects of the budget relating to agriculture. Notwithstanding that, the Senators referred to consanguinity relief and the transfer of lands, which they wish to see addressed.

Senator Norris spoke about the Press Council and legislation. I do not have up-to-date information on the matter but I commend him-----

Senator David Norris: Perhaps we could have a debate on it.

Senator Jerry Buttimer: I will be happy to arrange that debate. I commend the Senator on winning his ten libel actions.

On the matter raised by Senator Marie-Louise O'Donnell, the Cathaoirleach adjudicates on the issue at the Committee on Procedure and Privileges, CPP. To be fair to you, a Chathaoirleach, you have been fair to both Senator Norris and Senator Marie-Louise O'Donnell in allowing them to interact and engage. As Leader of the House, I have offered to support them in any way I can to take part in debates. I have offered time to both Members on the issues. We should allow Members who are not part of a group to participate in debates in the House. I will be happy to facilitate that in so far as I can. I have never stopped Senator Norris putting a Bill before the House. However, technical groups are created and it is a matter for the CPP. Given that two Members are discommoded for not being part of a group, I can offer both of them membership

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application forms for Fine Gael and they would be more than welcome to join us. We would love to have both of them.

Senator Marie-Louise O'Donnell: Or Fianna Fáil.

Senator Jerry Buttimer: I join Senator Devine in congratulating Professor Hogan on her election as chair-----

Senator Máire Devine: She is president.

Senator Jerry Buttimer: I beg the Senator's pardon. The gender pay gap was raised last week and I replied on it then. Hopefully, the Minister will come to the House to discuss that.

I hope I have responded to all the Members. Finally, I wish to thank all of our emergency personnel for their tremendous work yesterday and I join all Members in sending sympathy to the families of Clare O'Neill, Michael Pyke and Fintan Goss. Ar dheis Dé go raibh a n-anamacha dílse.

Senator David Norris: On a point of order, I wish to point out to the Leader that Senator Marie-Louise O'Donnell's point was not that leaders be taken first and so forth, but the way in which people who are not leaders but members of groups who come in late and whose contributions are taken before those of the Independents.

An Cathaoirleach: That is not a point of order.

Senator David Norris: I believe it is a question of the order of precedence.

Senator Jerry Buttimer: I am sorry I thought-----

An Cathaoirleach: Senator, this is a matter for the CPP. It should not even be discussed on the Order of Business.

Senator Marie-Louise O'Donnell: It is about the Order of Business.

An Cathaoirleach: If there is a motion or a letter before the CPP it will be dealt with at the next meeting of the CPP, which is due to take place next week.

Order of Business agreed to.

Recognition of Irish Sign Language for the Deaf Community Bill 2016: Report and Final Stages

An Cathaoirleach: I welcome the representatives of the deaf community to the Public Gallery for this very important debate. Before we commence I remind the House that a Senator may speak only once on Report Stage with the exception of the proposer of an amendment who may reply to discussion on the amendment. I also remind the House that on Report Stage each amendment must be seconded. Amendment No. 1 is a Government amendment which is also in the names of Senators Mark Daly and Lorraine Clifford-Lee. Recommittal is necessary in respect of this amendment as it creates a cost on the public revenue under Standing Order 160.

Bill recommitted in respect of amendment No. 1.

An Cathaoirleach: Amendments Nos. 1, 3 to 6, inclusive, and 8 are related and will be discussed together by agreement. Is that agreed? Agreed.

Senator Mark Daly: Which amendments were they?

An Cathaoirleach: Amendments Nos. 1, 3 to 6, inclusive, and 8. Only the grouping was agreed.

Government amendment No. 1:

In page 5, to delete lines 6 to 16 and substitute the following:

“An Act to provide for the recognition of Irish Sign Language, its use in legal proceedings and the provision of interpretation into Irish Sign Language by public bodies and to provide for related matters.”

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Cathaoirleach and all the Senators in the House. I am delighted to be here again and to have been able to achieve consensus on this Bill. I commend Senator Mark Daly for his magnificent work. I also thank and commend members of the deaf community for all of the work put into achieving this consensus.

It is important that I, as Minister of State, recognise the value of the work of the Seanad in respect of this issue, but also in respect of the broader issues in society. We had a debate a number of years ago on the abolition of the Seanad. When I was in opposition, I strongly supported the Senators in that campaign. One of the reasons I supported them was because of work such as we are doing today. It is very important work for Irish society and, in this context, it is great work for the deaf community.

Senator Mark Daly has tabled a small number of amendments which do not reflect the Government amendments. I hope that during the debate we will be able to reach agreement on these. I have an open mind on these issues and I want to listen to what the Senator and others have to say. I will be very open to accepting the consensus opinion of the House on each of these points.

I have difficulty in principle with amendment No. 9. If Senator Mark Daly is happy to accept my amendments instead, amendments Nos. 10 and 11, I will be able to reciprocate on the other issues on which we have slightly different approaches. The amendments we are now discussing are all technical. They include an amendment of the Title of the Bill to reflect other amendments which we will discuss this afternoon, and the deletion of definitions of words or phrases which will no longer form part of this Bill and are therefore unnecessary. The rule, which is a sensible one, is that definitions must relate to words and phrases which are used in the Act and which must be defined for clarity.

Other amendments include a regulation-making power which relates to the definition of a public body in section 2, so that regulations can be made to include new public bodies, if necessary and if desired, in respect of section 2(h), which allows for additional public bodies to be prescribed; and a correction of the text of that section by deleting the words “following consultation with the Commission”. These words were included in error and are taken from the equivalent definition in the Irish Human Rights and Equality Commission Act 2014.

I commend amendment No. 1 to the House.

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Senator Mark Daly: I thank the Minister of State.

An Cathaoirleach: By way of clarification, as the names of Senators Daly and Clifford-Lee were attached to this amendment before it was recommitted, I will be giving priority to those who originally moved the amendment.

5 o'clock
Senator Mark Daly: I thank the Cathaoirleach. I thank colleagues for their support on this Bill. I thank the Minister of State and his staff. In respect of the amendments and the Minister of State's explanation of the reason for the changes, which we have gone through in detail with his officials, and the preamble to the Bill, which is dealt with in amendment No. 1, we support the Minister of State and thank his officials for their assistance in this regard.

As the Minister of State has pointed out, they are merely technical and we are happy that consensus could be reached.

Senator Lorraine Clifford-Lee: I second the remarks of Senator Mark Daly and thank the Minister of State for his work and co-operation. I know he has a personal commitment to the issue. I also thank my colleague, Senator Mark Daly, for his dedication to the Bill down through the years.

Senator David Norris: I welcome the Minister of State to the House again. He has shown great and sympathetic interest in the Bill. He is committed to the area. I also welcome, in particular, members of the deaf community. I am glad to say that we have a signer with us today, which is not allowed in the Dáil and shows another advantage of Seanad Éireann. On the Order of Business today, the question of a signer for the emergency committee report that was broadcast on RTÉ television was raised. There was a signer, who was very noticeable. I was interested in following his signage.

I received a list of amendments proposed by the deaf groups and I signed them up immediately and sent them to the Bills Office. However, I was advised that it would be better if I withdrew them as Senator Daly was in consultation with the Government. Having taken a significant part in the debate, I am sorry that I did because, had I not, I would have had my name on all the amendments. However, that is a small issue that does not really matter all that much.

I compliment Senator Daly on his lengthy discussions with the Government and his success. Some 42 of 46 amendments originally proposed by the deaf community via Senator Daly have now been supported by the Government. One of the four remaining amendments was ruled out of order as it would create an expense on the Exchequer and the other three are small matters that are up for agreement and the Minister of State has suggested compromise. I also compliment the members of the deaf community for their persistence in pushing the Bill. Since it has pretty well all been agreed and I have a Commencement matter tomorrow, I will go home and study for that matter, but not before I have complimented the Minister of State, Seanad Éireann and Senator Daly, in particular, on concluding this work. It is important that the legislation becomes operative and that the Bill becomes an Act of the Oireachtas.

I understand there is a prospect that the amendment which has been ruled out of order as it would create a charge on the Exchequer will be more substantially addressed in Dáil Éireann.

Senator Fintan Warfield: On behalf of Sinn Féin, I commend Senator Daly. I understand the Minister of State is supportive and Sinn Féin is also proud to support the legislation. I was

reading a contribution by Deputy Caoimhghín Ó Caoláin in the Dáil on 10 November 2016 about the report of the committee on justice and equality. He mentioned, as Senator Norris did now, the interpreters who were present in that Chamber. It was a first for that Chamber but having an interpreter has been normalised for me in these debates. I welcome them and I welcome everyone in the Gallery. Sinn Féin will support amendments Nos. 1, 3 to 6, inclusive, and 8.

Senator John Dolan: As others have done, I welcome the strong representation of people in the Gallery today. I know many of them over the years. I am pleased to compliment Senator Mark Daly on the work that has been done collaboratively with the Minister of State and his officials to be able to get to this point today. I congratulate them all on being able to do it.

Not wishing to put a sting in the tail, reference was made to the availability of sign language interpretation yesterday. That happened because it was brought to people's attention yesterday. It was not planned. I mentioned this earlier today and I am not trying to go over old ground, but the point is that all too often we presume everything will be okay for everyone or that everyone can hear or read in the same way. That is not so, which is why a cultural shift and the push to have this happen is important.

I know of no other group across the broad disability family that feels exclusion so innately as those who are deaf. Many of us take for granted the ability to be involved ordinarily in human intercourse with others and to hear. I hope a lesson has been learned from yesterday, which is that it is important these things happen. It was not important just for deaf people that there was sign interpretation. It was important for everyone else watching it to realise that some of our neighbours do not get the updates and do not know what is happening. It is a reminder or a little sting for the rest of us to think about others who cannot pick things up in the easy way and the usual way that we can.

We should all be grateful for the determination of those who are deaf, their families their and supporters and the huge reserve of work they carried out before this got to Senator Mark Daly.

Senator Maria Byrne: I welcome the Minister of State and thank him for agreeing to the amendments. I compliment the deaf community on its work to date on the proposed amendments which Senators Daly and Clifford-Lee have brought to this conclusion. I met members of the deaf community in Limerick. They were good at putting forward suggestions on how compromise could be reached. I also compliment the Minister of State. He has taken these proposals on board and this can be worked on. Everyone wants the same conclusion which is that the deaf community would be involved, considered and included. The signing yesterday on the national disaster was positive and well-received. In other major events, it should be compulsory to have someone signing.

Senator Trevor Ó Clochartaigh: Níl mé ach chun a rá cúpla focal ar an mBille seo le tacú leis an méid oibre atá déanta agus leis an méid atá ráite go dtí seo. I welcome the guests in the Gallery. There are some familiar faces. They have been here on many occasions and are very welcome again today. It is hoped that we will have a positive outcome today. I welcome the signers as well for their work. The conciliatory nature of the Minister of State coming in today is important. We have seen the Bill in different guises over the past number of years and, to be quite honest, the Ministers have not been as conciliatory when they came into this House. It is good to see that there has been a change of heart on the part of the Government.

We have soldiered on the Bill for hours in this Chamber over the past number of years and

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I commend Senator Daly for the great work he has put into it. Fair play to him. He deserves recognition for all his work.

The Minister of State understands that we should not be patting ourselves on the back. This is a question of civil rights. This is about the rights of people who are deaf and their being able to live their lives the same way as anyone else in the State. This is about them being able to apply for a job, have an interview, engage with the courts and do whatever day-to-day business they may wish to do. They have the added difficulty of having a hearing impairment or being fully deaf and the State should have recognised this right much sooner. Let us hope this Bill moves speedily through the House. It is a good testament to the Seanad that we have had the tenacity to stick with this Bill and that it is being brought forward. The contributions across the House have been fairly unanimous that this needs to be done as quickly as possible.

I apologise that I cannot remain for the rest of the debate on the Bill. My colleague, Senator Warfield, will take it on our behalf. Sinn Féin is fully supportive of what is being achieved here today and welcomes it wholeheartedly.

Deputy Finian McGrath: I welcome the comments from all Senators and totally endorse what they said, particularly about the exclusion of the deaf community. It is not acceptable any more and I agree with Senator Ó Clochartaigh that it is a civil rights issue. We are all on the same page in that respect.

In the emergency over the past couple of days, Senator Dolan is right that the intervention of the deaf community focused our minds. The good news is that people listened and responded to it. The days of exclusion are ending. We need to focus on this and ensure that every citizen in this State is treated in an equitable manner and that is part of my agenda. That is why I warmly welcome Senator Daly's Bill.

Amendment agreed to.

Bill reported with amendment.

An Cathaoirleach: Amendments Nos. 2, 42 and 43 are related and may be discussed together by agreement.

Government amendment No. 2:

In page 5, to delete lines 17 to 25.

Senator Mark Daly: Amendment No. 2 deletes the Short Title of the Bill by agreement but there is no agreement on its replacement. Amendment No. 42 is the Government's replacement. We are looking for a different format for the Short Title in respect of when the Bill comes into operation. Our amendment proposes that it "come into operation on such day or days not later than 3 years after the passing of this Act". While that may seem a long time off, the Government amendment does not give a date when it would come into operation. It states that it: "shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision". The important point is that if the Government falls next year and the provisions of this Bill are not enacted, it may never be enacted. We have seen, unfortunately, time and again, Bills passed by this House and the other House, which the Minister of State has supported, outlining regulations that should take effect but which have never come in. We all agree to amendment No. 2, that the old Short Title of the

Bill passed on Committee Stage should be deleted but some timeline is needed.

We fought for one year but there are many provisions in this Bill which it will take Government some time to put in place. There is the provision that the Courts Service must ensure that sign language interpreters are available, and, as discussed with members of the deaf community, there is not capacity for that now. It would be unfair of us to put a burden on the State that we know is not achievable today or in 12 months' time. In three years' time there will be a different Government and it may not be the case that the Minister of State will hold his current portfolio although we hope he might be, supporting a Fianna Fáil-led Government.

Deputy Finian McGrath: Senator Warfield may be there as well. Or Senator Dolan.

Senator Mark Daly: The point is that there is a three-year deadline for the provisions of the Act to come into place. In the Government's proposal there is no end date.

Deputy Finian McGrath: Amendment No. 2 is a technical one, which moves a section to the end of the Bill. Once we have agreed the suite of amendments before us we will have a much shorter Bill with just one part. The convention in respect of short Bills is that the commencement provision comes at the end. Then we have two variations, in that the Government's amendment is for a standard commencement provision, whereas Senator Daly wants to specify that the Bill will automatically come into operation after three years. I have no objection in principle to that and am happy to listen to what the Senator has to say and am listening to him and other Members of the House on this issue.

Senator Fintan Warfield: Amendment No. 43 compels the Minister to commence the Act within a specified timeframe. Sinn Féin supports this amendment and will not support amendment No. 42.

Senator Mark Daly: The amendments as grouped mean that amendment No. 2 will delete the section and we accept amendment No. 43, which proposes a three-year timeline.

Amendment agreed to.

Bill recommitted in respect of amendments Nos. 3 to 6, inclusive.

Government amendment No. 3:

In page 5, to delete lines 28 to 30, and in page 6, to delete lines 1 to 4.

Amendment agreed to.

Government amendment No. 4:

In page 6, to delete lines 5 to 13.

Amendment agreed to.

Government amendment No. 5:

In page 6, between lines 14 and 15, to insert the following:

“ “prescribed” means prescribed by regulations made by the Minister;”.

Amendment agreed to.

Government amendment No. 6:

In page 6, line 35, to delete “following consultation with the Commission,”.

Amendment agreed to.

Bill reported with amendments.

Acting Chairman (Senator John O’Mahony): Amendments Nos. 7 and 16 are related and may be discussed together by agreement.

Government amendment No. 7:

In page 6, to delete lines 37 and 38.

Senator Mark Daly: Amendment No. 7 is a technical amendment. Amendment No. 16 proposes “A court or a public body, in compliance with its obligations under this Act, shall not engage the services of a person providing Irish Sign Language interpretation unless the person’s competence has been verified by having been accredited in accordance with an accreditation scheme funded by the Minister for Employment Affairs and Social Protection.” This is a very important amendment that we have negotiated and agreed with the Government. It replaces a raft of sections about setting up a sign language council. It requires that only qualified sign language interpreters can be hired by the State. This follows discussions with the deaf community because even when interpreters brought into hospitals were not qualified or nearly fit to do the job, the State continued to employ them because it used an interpreting company for sign language and other languages and assumed that these people were qualified. Despite being presented with the fact that they were not qualified, it continued unfortunately to hire these people. We are trying to achieve a situation whereby there is an onus on public bodies to take only interpreters from an accredited service funded by the State. I thank the Minister, his advisers and the Department for reaching an agreement on what is a laborious and detailed section to ensure interpreters hired by the State are fit for purpose.

Deputy Finian McGrath: We want to ensure public bodies only use the services of interpreters who are competent and whose competence has been verified by accreditation under the new scheme to be put in place by the SLIS, for which funding via the CIB has been agreed. In response to the issues raised by the deaf community, the commitments to ISL in the national disability inclusion strategy have also been strengthened. In addition to providing to the extension of working hours in the ISL remote interpretation centre to evenings and weekends, the new national disability inclusion strategy, which was published on 14 July, supports the legislation to ensure all public bodies provide ISL users with free interpretation when accessing or availing of their statutory services. A new action will ensure that the sign language information service, SLIS, will be resourced to increase the number of trained sign language and deaf interpreters. A quality assurance and registration scheme for interpreters will be established and there will be ongoing professional training and development provided for interpreters.

As already announced, I have secured the funding for these actions, the details of which will be provided in 2018 and which will be worked out in dialogue with the SLIS, the Department of Employment Affairs and Social Protection and the Citizens Information Board. This will ensure we have sufficient and sufficiently competent interpreters available so that public bodies can meet their obligations and so that the ISL user and the public body can be confident that the interpretation service is of a high quality. It has happened in other countries that interpreters

were not of a high quality and it was a complete disaster. We are well aware of what happened, for example, at the funeral of Nelson Mandela and we want to make sure this does not happen when public services are being provided to ISL users here.

Acceptance of this amendment has been agreed on the basis that we do not need the provision relating to the establishment of a new public body, which the Government regards as inappropriate for meeting the real needs of ISL users, or the amendments relating to establishment of a statutory register and scheme of accreditation. Amendments Nos. 32 to 39, inclusive, therefore, propose the deletion of the provisions of the Bill relating to the accreditation of interpreters. The bottom line is to make sure we have competent, credible people who provide a high quality public service.

Senator Colette Kelleher: I commend Senator Mark Daly on his tenacity in bringing this to us and it is great that the Minister of State listened with openness and sincerity to the proposals. The Cork Deaf Club lobbied me very well and a competent interpreter raised the burning issue of competence, verification and accreditation of a person who would translate the will and preferences of a deaf person in any setting, particularly a court setting or a health setting. The club identified harrowing situations when this went horribly wrong for people, with huge consequences. I welcome this provision and I am glad the Minister of State is acting on this now and that we do not have to wait three years for good and competent, verified, accredited people to be available to the deaf community for difficult situations involving health, well-being and legal matters.

Amendment agreed to.

Bill recommitted in respect of amendment No. 8.

Acting Chairman (Senator John O'Mahony): Amendment No. 8 is a Government amendment which is also in the names of Senators Mark Daly and Clifford-Lee and arises out of recommittal proceedings.

Government amendment No. 8:

In page 7, to delete lines 1 to 22 and substitute the following:

“Regulations

3. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.

(2) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the

regulations is passed by either House within the next 21 days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.”.

Amendment agreed to.

Bill reported with amendment.

Acting Chairman (Senator John O'Mahony): Amendment No. 9, in the names of Senators Mark Daly and Clifford-Lee, is out of order.

Senator Mark Daly: May I speak to it?

Acting Chairman (Senator John O'Mahony): Not when it is out of order, I am afraid.

Amendment No. 9 not moved.

Bill recommitted in respect of amendments Nos. 10 to 13, inclusive.

Acting Chairman (Senator John O'Mahony): Recommitment in respect of amendment No. 10 is necessary as it creates a cost on public revenue. Amendments Nos. 10 and 11 are related and may be discussed together.

Government amendment No. 10:

In page 7, lines 24 to 26, to delete all words from and including “(1) The” in line 24 down to and including line 26 and substitute the following:

“(1) The State recognises the right of Irish Sign Language users to use Irish Sign Language as their native language and the corresponding duty on all public bodies to provide Irish Sign Language users with free interpretation when availing of or seeking to access statutory entitlements and services.”.

Deputy Finian McGrath: My objective in amendment No. 10 is to replace the existing section 1 with a text that strengthens the recognition of Irish Sign Language and links it explicitly to the duty on public bodies to provide users of Irish Sign Language with free interpretation when availing of, or seeking access to, statutory entitlements and services. One key provision of the Bill will be of critical importance in helping to ensure the users of ISL can, in practice, gain access on an equal basis with others to public services. I have listened very carefully to the deaf community on how difficult it can be to gain access to public services and we have crafted this improvement to the Bill, which I hope we can agree to, so as to address that issue.

Amendment No. 11 proposes the deletion of the reference to the fostering, extension and transmission of deaf culture in section 2. There are two difficulties here. The first is a definitional one; it is not clear how one can define “culture” in this context. The second is a more serious objection in that it is entirely wrong in principle for the Government or the Oireachtas to purport to have the right to say any group of people does not have the right to develop its culture or partake in cultural events. People have the right to go about their lives without interference by, or the approval of, the State. If we declare in legislation that the State grants the right to develop culture we could, equally logically, provide for a community not to have that right and this is a precedent we should not set. If we were to insert “we shall not have the right” we would be including a provision that would amount to unconstitutional interference in the right of the deaf community to organise itself and live its life without such interference. It is not necessary to legislate for something that people have an inherent right to do, unless there are special circumstances that impose a compelling logic. There is no need to do so in this instance.

I accept that the Senators might apply the same logic to the rest of subsection 2 and they may have a point in this, but the difference is that we are linking the right to use ISL with the obligation on public bodies to provide free interpretation so the positive statement in the rest of subsection 2 serves a useful purpose. However, it is not necessary to make a similar statement in legislation in relation to the development and transmission of culture and the House should not set such an undesirable precedent. I note that amendment No. 9 has been ruled out of order.

Senator Mark Daly: We have had long discussions about this and the Bill is entitled the Recognition of Irish Sign Language for the Deaf Community Bill 2016. The symbolic recognition provided for in the current drafting is not only important, but central to the issue. We support amendments Nos. 10 and 11 but perhaps the Minister would facilitate a motion, either in this House or in the Dáil, on the recognition of the rights of the deaf community at some future date. We thank him for his amendment and the work of his officials to provide the explanation he has outlined to the House of the reasoning behind the amendment.

Senator Alice-Mary Higgins: I join with those who have commended Senator Daly and all of the advocates who have brought the Bill to this point. While the amendment is due to be accepted, I want to add to Senator Daly's remarks and put a question to the Minister of State. There is a duty in terms of culture that is not entirely outside the role of the State. At a Council of Europe level, we have a document, *In From the Margins*, which states that there is a responsibility to ensure participation in cultural life is available to all. While I understand absolutely that this may need to be amended in the Bill, I urge that as the legislation comes to pass, we do not simply restrict the availability of translation services to those very urgent and essential areas my colleague highlighted, including the courts, medicine and access to services. We must also set an ambition for the State to ensure that those who are deaf are able to participate in and, importantly, contribute to other aspects of the cultural life of the State so that we in the hearing community can avail of translators also and the cultural perspectives of those who may be deaf. There is a responsibility in the context of culture and there may be other mechanisms besides the Bill where that can be carried forward.

Deputy Finian McGrath: I accept what Senator Daly has said. It may be that in the future we will facilitate a motion in the Dáil and Seanad as that would be a very important statement. I will absolutely take the views of Senator Higgins on board. I take the point about participation in culture. Not to be excluded but rather to be actively involved is very important. A few months ago, we had a statement of recognition of the ethnicity of Travellers. Having spoken to people in that community, I know it gave them a great lift and a great sense of inclusion. I accept that we have a hell of a lot of work to do to implement the rights around that and if anybody wants to come at me on it, I will acknowledge that we need to do a lot more. The level of exclusion that goes on regarding the deaf community is unacceptable. The good news is that we are moving in the right direction, albeit we must, of course, move faster and ensure that we not only respect their cultural rights but also address the issue for the broader society. Senator Dolan mentioned the impact of the sign language interpreters on television during the crisis over the last few days, not only on the deaf community but on the broader society. It sent out a message which I have absolutely seen.

Senator Higgins mentioned culture. There is a huge debate going on at the moment among the disability community on arts, culture and drama. A great deal of work is being done which we need to focus on. It has huge potential. It is not a matter solely for the Minister of State with responsibility for disabilities; I speak regularly to the Minister for Culture, Heritage and the Gaeltacht, Deputy Heather Humphreys, on the arts and funding for arts projects for people with different kinds of disability. There are huge numbers of talented people in the disability community who we are not getting at and who are not brought into the broader society to make the contribution they wish to. I am listening very carefully to what the Senators say.

Senator Fintan Warfield: To follow on from the contribution of Senator Higgins, I note that the Universal Declaration of Human Rights includes the right not to be discriminated against as a result of cultural choices. The International Covenant on Economic, Social and

Cultural Rights includes the right to access culture in accordance with Article 15 thereof. There is a right to cultural expression in accordance with the UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions. Sinn Féin would have voted in favour of amendment No. 9 had it not been ruled out of order and we will support amendment No. 10.

Amendment agreed to.

Government amendment No. 11:

In page 7, lines 28 and 29, to delete “, as well as to foster, extend and transmit deaf culture”.

Amendment agreed to.

Government amendment No. 12:

In page 7, to delete lines 30 to 37 and substitute the following:

“Use of Irish Sign Language in legal proceedings

5. (1) A person may use Irish Sign Language in, or in any pleading in, any court.

(2) Every court has, in any proceedings before it, the duty to do all that is reasonable to ensure that any person competent in Irish Sign Language and who cannot hear or understand English or Irish appearing in or giving evidence before it may be heard in that Language, if that is his or her choice, and that in being so heard the person will not be placed at any disadvantage.

(3) For the purposes of ensuring that no person is placed at a disadvantage as aforesaid, the court may cause such facilities to be made available, as it considers appropriate, for the simultaneous or consecutive interpretation of proceedings into Irish Sign Language.”.

Deputy Finian McGrath: We propose to change the section to more closely follow the format of the Official Languages Act 2003. This section along with section 4 captures the full range of courts and public bodies, including the Workplace Relations Commission, which adjudicates complaints under employment, equality and equal status legislation. I commend the amendment to the House.

Senator Lorraine Clifford-Lee: I am a practising solicitor as well as being a Senator and I consider the amendment to be vital. To have interpretation services available in court proceedings, whether civil or criminal, is very important. There have been a number of very tragic cases in recent years where members of the deaf community were involved in court cases but could not understand the proceedings or express themselves. This is a basic denial of human rights. As such, I commend the amendment.

Senator Mark Daly: I thank Senator Clifford-Lee who is knowledgeable about this. It is very important to make an amendment relating to legal proceedings. It arises out of real world consequences for members of the deaf community. In a particular case, a deaf person’s co-accused was instructed by the court to interpret for, and therefore give evidence on behalf of, that deaf co-accused person. It would not happen in any other legal circumstances and it was bizarre. It goes back to the lack of understanding of what it is like to live in the deaf community

and the consequences of that. It is therefore important to enshrine in legislation a duty on the courts, on top of the other duties the legislation places on public bodies and the Department of Education and Skills, so that a member of the deaf community will have the right in legal proceedings to an accredited interpreter to represent what he or she is saying. It should not be left up to people who just happen to have some basic knowledge of sign language in circumstances where someone's fundamental rights and liberty are in issue.

Deputy Finian McGrath: Senators Daly and Clifford-Lee make very important points. Recent court cases have demonstrated the practical consequences on people's lives. I feel very strongly about the provisions on legal proceedings. Senator Daly referred to a lack of understanding. We need huge cultural and attitudinal change in the broader society. I have seen some of the research carried out by the National Disability Authority and I am not happy about it. We have a long way to go to change attitudes and this amendment is a practical step in that direction for many in the deaf community.

Amendment agreed to.

Government amendment No. 13:

In page 8, to delete lines 1 to 5 and substitute the following:

“Educational supports for deaf children

6. The Minister for Education and Skills shall--

(a) establish a scheme for the provision of Irish Sign Language classes to--

(i) the parents, siblings and grandparents of a child who is deaf, and

(ii) other persons who serve in *loco parentis* or as a guardian to a child who is deaf,

(b) pending the conclusion of the review of the Special Needs Assistant Scheme which the National Council for Special Education is undertaking and the implementation of any recommendations arising from the review, establish a scheme to provide Irish Sign Language support for children attending recognised schools (within the meaning of the Education Act 1998) whose primary language is Irish Sign Language,

(c) ensure there is established by institutions of higher education in the State, as part of programmes of teacher education and training provided by those institutions, such provision, as he or she deems necessary, to ensure that there are a sufficient number of educational placements offering Irish Sign Language training for teachers of children who are deaf or hard of hearing and who are attending recognised schools, and

(d) shall, where practicable and having regard to the need to ensure the provision of education and support services to children who are deaf or hard of hearing and who are attending recognised schools, determine, from time to time, minimum qualifications of teachers of those children.”.

Deputy Finian McGrath: I am delighted to have achieved agreement on how this section should be amended. Mr. Andrew Geary and officials in the Department of Education and Skills

have put a great deal of work into this. This amendment takes a practical approach to meeting the needs of deaf and hard-of-hearing children within the education system, including supports in classrooms. Interpretation centres and other supports will be captured by the amendment as well. The training of teachers, standards and qualifications are addressed by the amendment.

Speaking as a former teacher, I support this amendment. Historically, we have not achieved high standards for deaf children in schools. In this context, early education is important, especially at preschool and primary school levels where we need to give children a lift early in life. If the amendment is accepted, it will provide a great educational support for deaf children and their families. It is an important amendment and I am delighted that officials from the Department of Education and Skills put a great deal of work into it.

Senator Mark Daly: This is an important element of the Bill. I thank Mr. Geary and the Irish Deaf Society, including Dr. John Bosco Conama, Mr. Eddie Redmond and others, for their assistance on this. It is difficult to capture and right all of the wrongs that members of the deaf community and their families experience while trying to get into the education system. Mr. Geary has twins, one of whom is hearing and one of whom is deaf. He had to fight to get an interpreter for his son. We are introducing this legislation to ensure that no other family has to fight the battle that he had to go through to get civil rights for his son.

We ask that the Minister of State accept a further provision included in the Bill, namely, a review mechanism. Other jurisdictions that have introduced legislation recognising sign language have also placed educational requirements on the State, but those jurisdictions have not always been successful. The most successful version is probably the Finnish legislation, but it has so many other Acts underpinning it that it was difficult for us to get it into this Bill. A review of our legislation every five years would show whether it is working, particularly for children, which is the most important requirement if they are to be able to achieve their full potential.

I thank the Minister of State and his officials. I am hopeful that this provision will do what we hope it will do in terms of access to education. That will require the necessary funding that the Minister of State has outlined, but it is important that we enshrine in law access to education not only for children but for their parents and siblings who are of the hearing community in order that they can know what is going on in their lives, communicate with them and ensure that they have equal opportunities.

Senator Colette Kelleher: I endorse the importance of this amendment in terms of giving children educational opportunities in a mainstream setting. I remember a cousin of mine. He was the youngest of eight children. Uniquely in his family, he was sent away from his farm in Macroom to Cork city. He suffered all of his life with a sense of detachment from his family. That was in no way needed. He had a hearing impairment that did not need such an approach, but because of a lack of supports and imagination, there were long-term repercussions for him in his sense of family and self.

Moving to another Cork connection, Mr. Geary is to be commended on his focus on this issue. Like the Minister of State's policies, this will include people and ensure that they can participate fully and be educated without being sundered from their families in such a terrible way. I remember my cousin from my childhood clearly. There is no need for it. Amendment No. 13 is important in terms of the proper inclusion of a person who is deaf in his or her rightful education, so I support it wholeheartedly.

Deputy Finian McGrath: I take everyone's points, especially as they relate to education for deaf children. People who are now in their 50s and 60s tell of being sent off to Dublin from Kerry, Galway, Cork or somewhere else as very young kids. That was the thinking at the time. It shows that we need to change the thinking, so I welcome this amendment.

Amendment agreed to.

Bill reported with amendments.

Acting Chairman (Senator Colm Burke): Government amendment No. 14 is also in the names of Senators Daly and Clifford-Lee.

Government amendment No. 14:

In page 8, to delete lines 6 to 24.

Deputy Finian McGrath: I note that Senator Mark Daly had proposed to replace section 7, which specifies the number of hours of interpretation that the State is to provide for users of ISL for social, cultural and other purposes, including GP visits, with a simpler section that provides for funding for such purposes. This annual quantum of hours for the provision of services will be in addition to the provision of ISL when availing of statutory services. The objective is to tackle the social isolation that the deaf community experiences. I am fully supportive of this objective, but I note that the amendment has been ruled out of order.

I am delighted to confirm that the funding will be provided as discussed with the deaf community in recent weeks. I thank the Sign Language Interpreting Service, SLIS, for its response to my request for a funding submission for this purpose. We agree that funding for this worthwhile purpose should be provided, with the details to be finalised and announced shortly. I understand that we will discuss amendment No. 17 in the Dáil.

Acting Chairman (Senator Colm Burke): I am sorry, but this is amendment No. 14.

Senator Mark Daly: I thank the Minister of State. This amendment would delete the section detailing a very specific number of hours for sign language interpreting services in education. This matter is addressed in the section on the education system that we have just discussed. The issue of access to the service for cultural and social purposes, in which regard there would be a voucher system, will be discussed under amendment No. 17, to which the Minister of State referred and which will be ruled out of order. However, we hope to move it on Committee Stage in the Dáil and get agreement so that we can put on a legislative footing a system whereby the Government would each year have to consider providing a fund in order that members of the deaf community could, for example, attend job interviews and cultural events. Without it, they would be unaware of what was happening because neither they nor the organisations putting on the events could afford interpreters or might not even know that deaf people would be attending. Like what happened yesterday in a different way, organisations are not aware that interpreters are required. Therefore, while agreeing to the deletion of lines 6 to 24 in regard to the Irish Sign Language interpreters, we hope the Minister of State will be able to get his colleagues to support the point that access of Irish Sign Language users to social, cultural and other activities, while being ruled out here, will be agreed to in the Dáil on Committee Stage. This is very important. The purpose of what we are trying to achieve in amendment No. 17, which is ruled out of order, is to ensure access for members of the deaf community who are going to other events. It is not just about access to the State; it is about access to society and to

life outside of access to the State, which would form a very limited amount of their access but which is very important nonetheless. While we agree to the amendment, we hope the Minister of State will be able to persuade his Cabinet colleagues to put it on a legislative footing. It does not specify an amount but, each year, at least it would have to be revisited at budget time to see if the fund is enough to meet the demand.

Amendment agreed to.

Acting Chairman (Senator Colm Burke): Recommittal is necessary in respect of Government amendment No. 15 as it creates a cost on the public revenue. Amendments Nos. 15, 19, 21 to 39, inclusive, and 46 are related and may be discussed together. Is that agreed? Agreed.

Bill recommitted in respect of amendment No. 15.

Government amendment No. 15:

In page 8, to delete lines 25 to 34, and in page 9, to delete lines 1 to 6 and substitute the following:

“Duty of public bodies

8. (1) A public body shall do all that is reasonable to ensure that interpretation into Irish Sign Language is provided for a person who is competent in that language and cannot hear or understand English or Irish when that person is seeking to avail of or access statutory entitlements or services provided by that public body.

(2) The provision of interpretation shall be at no cost to the person concerned.

(3) The Minister by regulations may provide for advance notification by a person wishing to avail of such interpretation services and for other practical matters in relation to the provision of the service.

(4) Provision of or availing of a remote, web-based service shall be sufficient to meet the obligations of a public body under this section.”.

Deputy Finian McGrath: Amendment No. 15 is on the duty of public bodies and amendments Nos. 19, 21 to 39, inclusive, and 46 will be taken with it. This is one of the key sections of the Bill. We are creating an obligation on public bodies to provide free services to Irish Sign Language, ISL, users when users are accessing public services and entitlements. This is a very important part. Given the real constraints we face in regard to the availability of qualified people and the cost of providing interpreters who may have to travel at short notice, the Government amendment proposes that the provision of a remote web-based service shall be sufficient to meet the duty of public bodies under this section. The Sign Language Interpreting Service, SLIS, provides a remote service which works well and is funded via the Citizens Information Board.

I note Senator Mark Daly seeks to change this provision so that the consent of a user will be required if the service is not to be provided face to face. From our discussions with the deaf community, we know that a remote service may not be suitable in all cases so I am open - I say this very strongly - to considering this suggestion of requiring the user's consent.

I might also mention that in response to concerns raised by the deaf community, the com-

mitments in regard to ISL in the national disability inclusion strategy have been strengthened, and this is something I myself am driving. The new national disability inclusion strategy was published on 14 July. We are meeting regularly and pushing many of these issues. I have already asked every single member of the Cabinet to push the disability issue right across their Departments and they are coming back to me again on 8 December. I wanted to let Members know that work is going on in the background.

In addition to actions providing for the extension of the ISL remote service to evenings and weekends, and supporting this legislation to ensure that all public bodies provide ISL users with free services when accessing or availing of the statutory services, there is a new action which ensures that the sign language service will be resourced to increase the number of trained sign language and deaf interpreters. A quality assurance and registration scheme for interpreters will be established and ongoing professional training and development will be provided for these interpreters. As already announced, I have secured funding for the above actions. The details of the funding to be provided in 2018, year one, will be worked out in dialogue with the SLIS, the Department of Employment Affairs and Social Protection and the Citizens Information Board. This will ensure we have sufficient and sufficiently competent people available in order that the public bodies can meet their obligations and that the ISL user and the public body can both be confident that the interpreting service is of high quality. As mentioned, we are aware of situations where this was a disaster. Acceptance of this amendment has been agreed on the basis that we do not need the provision in regard to the establishment of a new public body, as I have mentioned. I commend the amendment to the House.

Senator Mark Daly: I move amendment No. 1 to amendment No. 15:

To delete subsection (4) and substitute the following:

“(4) Provision of or availing of a remote, web-based service shall, if the Irish Sign Language user consents, be sufficient to meet the obligations of a public body under this section.”.

Moving an amendment to an amendment sounds a little like poetry or pedantry but I can only describe this amendment as legislative poetry. Earlier in the debate on the Bill there was huge discussion and argument on the difference between “required” and “reasonable”. The original amendment had been that “A public body shall do all that is required”. The argument which was made by the writers of the poetry opposite me was that, in fact, because of the lack of capacity in terms of the number of sign language interpreters available to the State at present, we cannot put a burden on the State that we know is not reasonable, and we can only do what is reasonable. It was suggested that, because of this legislation, there will be opportunities for sign language interpreters into the future but we must do all that is reasonable, and that is the balance of legislation. Again, part of the poetry of the writing of this legislation was the issue of the very generous suggestion and proposal from the Minister of State’s officials in regard to the headline. The original headline in our proposal was “Principles to guide public bodies”, whereas the officials suggested the wording “Duty of public bodies”, which is far more important and forceful, and puts a greater onus on public bodies to ensure they do what they are required to do under the legislation.

We are proposing an amendment to the amendment, which is rare enough, but when we are writing this kind of poetry, we might as well use every rule in the book. While we would all assume that, due to technology, one could have a sign language interpreter with an iPhone who

could hear the conversation, there are, of course, situations where there is more than one person in the room discussing, say, a medical issue with a member of the deaf community who does not want another family member there. For example, there might be more than one consultant and there might be a team of doctors in the room, and the same could apply in a legal situation where a person is getting advice or there is questioning from gardaí. Where there is more than one member of the deaf community and one other person, using web-based interpreting is not appropriate or practical. Again, this proposal arose due to the discussions with the deaf community over the summer, including face-to-face meetings. These discussions in themselves proved the point, in that if we were trying to have those discussions with web-based interpreting, it would have been impossible.

I hope the Minister of State will agree to the amendment to the amendment. We are delighted to support the proposal on the duty of public bodies. The amendment we ask the Minister of State to support states: “Provision of or availing of a remote, web-based service shall, if the Irish Sign Language user consents, be sufficient to meet the obligations of a public body under this section.” It is with the consent of the sign language user that the web-based service would be provided, and this could be done in many circumstances. However, in those circumstances where it is not practical and would not give the right outcome, we need to ensure the permission of the member of the deaf community is given.

6 o'clock

Senator Lorraine Clifford-Lee: I second the amendment to the amendment.

Senator Fintan Warfield: Sinn Féin supports the amendment to the amendment, which provides that “provision of or availing of a remote, web-based service shall, if the Irish Sign Language user consents, be sufficient to meet the obligations of a public body under this section.” This means that the user will be in control of the decision as to whether the service is sufficient. As we see so often, the individual in question, in this case the member of the deaf community, is best positioned to determine whether a service provided is adequate.

Deputy Finian McGrath: When legislation such as the Bill proposed by Senator Mark Daly is before the House, I examine its strengths. As I stated at the beginning of this process, I have an open mind and am open to persuasion. Having listened to the comments of Senators Warfield and Mark Daly, I am fully persuaded of the merits of this amendment and I propose to accept it.

Amendment to the amendment agreed to.

Amendment No. 15, as amended, agreed to.

Bill reported with amendment.

Government amendment No. 16:

In page 9, between lines 6 and 7, to insert the following:

“Engagement of verified competent Irish Sign Language interpreters

9. A court or a public body, in compliance with its obligations under this Act, shall not engage the services of a person providing Irish Sign Language interpretation unless the person’s competence has been verified by having been accredited in accordance with an accreditation scheme funded by the Minister for Employment Affairs and Social

Protection.”.

Amendment agreed to.

Acting Chairman (Senator Colm Burke): Amendment No. 17 is out of order.

Amendment No. 17 not moved.

Acting Chairman (Senator Colm Burke): Amendments Nos. 18, 20, 44 and 45 are related and may be discussed together.

Government amendment No. 18:

In page 9, between lines 6 and 7, to insert the following:

“Broadcasting principles

10. Broadcasters (within the meaning of the Broadcasting Act 2009) in fulfilling their obligations in relation to Irish Sign Language targets and requirements in respect of programmes transmitted on a broadcasting service (within the meaning of that Act) provided by the broadcaster as set out in the broadcasting rules made under section 43(1) (c) of the Broadcasting Act 2009 by the Broadcasting Authority of Ireland shall adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of such programmes.”.

Deputy Finian McGrath: I am pleased that we have been able to reach agreement on the amendment to this section. As we have seen in recent days, television broadcasting services are a vital aspect of life in terms of access to information, recreation and education. It is especially important to persons who are deaf or hard of hearing. Ensuring access to television services for people with disabilities contributes to a more equitable and inclusive society by promoting and facilitating social integration, inclusion, cohesion and, above all, participation.

The new statutory provision in section 10 of the Recognition of Irish Sign Language for the Deaf Community Bill further supports and enhances the principles and aspirations underpinning the development of the Broadcasting Authority of Ireland’s access rules provided under section 43 of the Broadcasting Act 2009. The rules are designed to promote the understanding and enjoyment of programmes by persons who are deaf or have a hearing impairment, persons who are blind or partially sighted or those who have a hearing impairment or are partially sighted. The amendment recognises and ensures that the principles of equality, dignity and respect underpinning the access rules remain constant. I commend it to the House.

Senator Mark Daly: The amendment underpins the Broadcasting Act and the activities of the Broadcasting Authority of Ireland. A substantial mechanism is available to members of the deaf community for engaging on broadcasting. The process is technical and requires reporting of issues relating to interpreters and subtitling and there is always an argument as to whether targets in these areas are being met. Senator Clifford-Lee and I have agreed to delete the substantial section on broadcasting in light of the amendment proposed by the Minister of State and to allow for further engagement.

With regard to the television coverage of yesterday’s events, members of the deaf community tweeted and sent text messages before 12 noon yesterday pointing out that they could not understand what was taking place. Clearly, they could not listen to radio reports but the televi-

sion broadcasts did not feature subtitling or an interpreter. The use of Twitter by the President of the United States shows the power of this medium and communication in general. As a result of the contacts made with Met Éireann, RTE and TV3, interpreters featured on their broadcasts by yesterday evening. This would not have occurred in previous times because the deaf community is extremely marginalised and its members would not have been able to contact these organisations quickly through tweets, texts and emails. The issue that yesterday would not have been resolved in the past. It should be highlighted through the Broadcasting Authority of Ireland that in circumstances such as yesterday's weather event, the use of sign language interpreters should be standard operating procedure for television broadcasts.

Deputy Finian McGrath: I endorse the comments of Senator Mark Daly. Television broadcasting services are a vital aspect of modern life. It is wrong that thousands of people would not be directly involved. It is important to note that action was taken when this issue was highlighted. However, I accept the point that it should not have to reach that stage. I reiterate that we are discussing equality, dignity and respect, which are the focus of the amendments. Above all we are dealing with the issue of inclusion.

Amendment agreed to.

Government amendment No. 19:

In page 9, to delete lines 7 to 29.

Amendment agreed to.

Government amendment No. 20:

In page 9, to delete lines 30 to 38, and in page 10, to delete lines 1 to 6.

Amendment agreed to.

Government amendment No. 21:

In page 10, to delete lines 7 to 11.

Amendment agreed to.

Government amendment No. 22:

In page 10, to delete lines 12 to 23.

Amendment agreed to.

Government amendment No. 23:

In page 10, to delete lines 24 to 31.

Amendment agreed to.

Government amendment No. 24:

In page 10, to delete lines 32 to 34, to delete page 11, and in page 12, to delete line 1.

Amendment agreed to.

Government amendment No. 25:

In page 12, to delete lines 2 to 24.

Amendment agreed to.

Government amendment No. 26:

In page 12, to delete lines 25 to 32.

Amendment agreed to.

Government amendment No. 27:

In page 12, to delete lines 33 to 37, and in page 13, to delete lines 1 to 8.

Amendment agreed to.

Government amendment No. 28:

In page 13, to delete lines 9 to 22.

Amendment agreed to.

Government amendment No. 29:

In page 13, to delete lines 23 to 28.

Amendment agreed to.

Government amendment No. 30:

In page 13, to delete lines 29 to 33.

Amendment agreed to.

Government amendment No. 31:

In page 13, to delete lines 34 to 38, and in page 14, to delete line 1.

Amendment agreed to.

Government amendment No. 32:

In page 14, to delete lines 2 to 16.

Amendment agreed to.

Government amendment No. 33:

In page 14, to delete lines 17 to 35, and in page 15, to delete lines 1 to 19.

Amendment agreed to.

Government amendment No. 34:

In page 15, to delete lines 20 to 36, and in page 16, to delete lines 1 to 11.

Amendment agreed to.

Government amendment No. 35:

In page 16, to delete lines 12 to 20.

Amendment agreed to.

Government amendment No. 36:

In page 16, to delete lines 21 to 35.

Amendment agreed to.

Government amendment No. 37:

In page 17, to delete lines 1 to 7.

Amendment agreed to.

Government amendment No. 38:

In page 17, to delete lines 8 to 14.

Amendment agreed to.

Government amendment No. 39:

In page 17, to delete lines 15 to 20.

Amendment agreed to.

Acting Chairman (Senator Colm Burke): Amendment Nos. 40 and 41 are related and will be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 40:

In page 17, to delete lines 21 to 31.

Deputy Finian McGrath: Amendment No. 40 proposes to delete section 30, whereas Senator Mark Daly's amendment proposes to retain and amend it to specify issues in respect of education which should be reported on in the reviews and to provide that each subsequent review should take place at five-year intervals. I will not oppose this amendment in the interest of agreeing a Bill by consensus. I am happy to listen to the views of Senators.

Senator Mark Daly: I thank the Minister of State, his officials and all Members for the debate on this issue. I hope they will support the amendment in my name. This goes back to the issue of education and to the review of the Act to ensure that it is operating correctly. It will ensure that there will be a requirement on the State, long after we have shuffled off this mortal coil, to produce reports on the workings of the provisions of the Bill, which will include input from members of the deaf community, users, representative organisations, families of the users, Members of this House and members of the Joint Committee on Justice and Equality. Five years seems like a long interval between reviews, but there is nothing to stop the Joint Committee on Justice and Equality producing a report every year or to prevent anybody bringing

up issues in this regard in the House or individually. It will be a total review of the legislation.

We have found that the issue of access to education for children has been very difficult to resolve in other jurisdictions. Before I had even made my first attempt to produce a Bill on this issue in 2013, Scotland had passed legislation of this nature. Even that jurisdiction is not happy with the education section of its Act. New Zealand has also had this difficulty and did not include a provision for access to education in its equivalent legislation. It is now going through the enormous process of trying to rectify that omission in legislation.

It has taken a colossal effort on the part of many people to get this legislation this far. The idea of even having to amend it at some future date would be enormously daunting. This amendment will not stop provisions being changed by policy decisions, budgetary allocations or ministerial decision. That could only happen, however, if there is an onus on the Government to review this legislation every five years. That would mean that the deaf community could list the parts of the legislation, or the parts of policy falling outside the legislation, which they feel are not working. That report or review could then be debated in this House and there would be an onus on the Government to then implement the recommendations or requirements. If that has not been done five years later, the recommendations will have formed a benchmark against which to measure implementation.

This is not a perfect system but we have to live in the world of what is doable. What matters is what works. This works. As I said, it is not what we started out with and hoped to achieve, which was to require a review every three years, but it is something that should be done with legislation because it allows for review and allows people to look at provisions which may not be working as intended. I hope the Minister of State will be able to support our requirement for a review of the operation of the legislation.

Acting Chairman (Senator Colm Burke): Senators Conway-Walsh, Kelleher, Boyhan and Warfield wish to speak.

Senator Rose Conway-Walsh: I will be very brief. I have not spoken on this Bill before.

Acting Chairman (Senator Colm Burke): I will not be limiting the Senator's time in any way.

Senator Rose Conway-Walsh: I understand that others wish to speak but I want to take the opportunity to express the importance of this provision regarding the review. Reviews are not something of which we should be afraid. We should embrace provisions of this nature in all legislation. What point is there in enacting legislation if it does not work practically for the people it exists to serve? I certainly support the amendment. I commend my colleagues on the Fianna Fáil benches on all of the work which has been done in respect of this Bill. I also commend others who have had input. I thank the Minister of State for his flexible and open approach to getting this Bill right. I am sure that, in the main, it will work out right on the ground. I also thank him for putting the resources relating to it in place. Time will tell if they are sufficient to make it work in the way in which it needs to work. I commend everybody involved and I look forward to seeing this legislation enacted as soon as possible.

Senator Colette Kelleher: I also wish to commend and support this Bill and to argue in its favour before the Minister of State. He said that he is open to argument on the checks and balances provided by reviewing this legislation within a five-year timeframe. Access to education is of particular concern. It is one thing to get past the school gate, but will the teacher be

capable of communicating and transmitting information? Education is critical in and of itself, but it is also critical to a person's life chances down the line. We know that there is a high rate of poverty among those in the deaf community. If we are able to break the education barrier, we should be able to help to break the employment barrier. I very much support the Bill. It seems obvious but I also support the provision that the people from the deaf community would be the first port of call when reviewing whether the law is working. I am strongly in favour of this system of checks and balances and how it is constructed. I am pleased that the Minister of State is open to taking it on board.

Senator Victor Boyhan: I note what the Minister of State and Senator Mark Daly have said. It is really important that there will be a review because that is critical. Senator Daly spoke about starting off in 2013, but as I was coming up the stairs today, I was thinking of the heated debates and the tensions earlier this year. Time has moved on. I was at one of the meetings in the Department with the Minister of State. There was a big delegation led by Senator Daly. It may have been one of the biggest delegations ever to Hawkins House. It was quite tense at the beginning, but come the end of the day and as weeks moved on, people compromised. Politics is about pragmatism, compromise and delivery. Forget about the deadlines and the timeframes if we can deliver. I acknowledge the enormous and amazing work of Senator Daly, his background team and staff and those who were involved in the sign language matter. He has championed this cause and has stuck with it and at it. This will be remarkable legislation. It will be the first Private Member's legislation, beginning to end, that will be completed in here. It is also important to acknowledge that in this Seanad term.

I salute those in the Gallery who have also stuck with the cause. It is not always easy when we have to scale back and pull back but this is a positive start. I felt that in recent weeks. I also acknowledge the work of Senator Clifford-Lee. Both Senators have done a lot of work on these amendments and they have stuck with it.

It is important that there is a review and that all stakeholders and users of the service are involved and engaged fully in the process. At the end of the day, this is about equality, access to employment opportunities and information, and communication and real engagement in their lives with other people. Information is power and all that comes with it. This is really important legislation and I acknowledge the work and input that the people put into it. I am happy to support the Bill.

Senator Fintan Warfield: I encourage the Minister of State to take on board this amendment. I proposed legislation to amend the Gender Recognition Act. Thankfully, a review of the Act's operation after two years was provided for in the legislation. The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, will commence the review and I hope that it will be informed by the legislation in this House. I hope that, in years to come, these reviews will be informed by amendments which were perhaps rejected by Government. I encourage the Minister of State to take on board this amendment.

Senator John Dolan: We are speaking about a five-year review but the clock does not start ticking until the Bill is enacted. In that regard, having moved it on in this House this evening, I hope that we will all give it our best efforts to ensure it comes before the Dáil at an early stage.

I hope that the five-year review will not be the sole mechanism for reviewing the legislation. The Minister of State has mentioned the national disability inclusion strategy on a number of occasions today and some of its key elements relate to this legislation. The ratification of the

UN convention, which the Minister of State and I most love to discuss, is due fairly soon. This concerns many of the issues discussed here today, for example, equality and non-discrimination. The convention provides that “States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to ... equal protection”. On children it provides that “States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity”.

Article 9 relates to accessibility to information, communications and other services, including electronic services and emergency services. Article 12 provides for equal recognition before the law. This matter was raised by Senator Clifford-Lee and others. The article provides: “States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.” On independent living, the convention states that party states will ensure that “[c]ommunity services and facilities for the general population are available on an equal basis”.

That is a bit of a list but it is still only a short one. We have agreed to these things and getting on with them as speedily as possible gives further support to ensuring that what is agreed here and, it is hoped, will be agreed in the Dáil can come to pass as soon as possible.

Senator Kieran O’Donnell: I commend the Bill and acknowledge the people from the deaf community in the Gallery. I wish to speak to amendment No. 41. In essence, such a review mechanism every three to five years is provided for in most legislation. The first review would be three years after the legislation is enacted and then every five years thereafter. I have no doubt that there will be a kind of a formal informal protocol where people can advise as to how the legislation is working in real time. Therefore, when the three-year review is carried out, we will have debugged, for want of a better term, many of the initial issues that may have arisen in the first three years. It is a practical measure. Therefore, when the legislation is reviewed three years after its enactment, a review would have already been carried out and there would be a consensus around the terms of the review, its terms of reference and the outcome of the review. I hope that this will be done in real time over a three-year period. Then there will be the formal mechanism, which is good to have in any legislation. I wish the legislation good passage.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank all our colleagues for their comments. Education is an important part of Irish life and an important issue for me about which I speak regularly. This legislation is about funding and resources for members of the deaf community and we have been negotiating funding over recent months. Having the funding for the services is key. I would be interested to hear a little more about the New Zealand experience and the difficulties encountered there.

On the key issue of accountability, there must be accountability in our education services. As well as having the review of the Act, I would also like to see a regular and constant review of education services at primary, secondary and third level. As part of such a review, the Department of Education Skills would investigate what is happening in terms of providing services for members of the deaf community. Let me emphasise that, due to the lack of services in the past, on top of this being a rights issue, we are also missing out on a huge pool of talent for Irish society. I constantly meet that resource and am very conscious of it. Recently, when I helped launch the Irish Sign Language Awareness Week in the Mansion House, I was disappointed by the low turnout among the broader society, particularly our national media. Members of the

Irish Deaf Society were there. It was the Monday after the Dublin match. Still, the launch was at 11 a.m., at which stage people would have been out of bed, and I was disappointed in the broader society and by the lack of interest from most of the media on the day. The issue was highlighted for a week, and it is only colleagues such as those in this Chamber who regularly talk about it or bring legislation concerning the issue before the Houses.

I am happy not to oppose amendment No. 41. I have listened to Senators' points about the review and I am very interested in consensus on this legislation, so I will not oppose that amendment.

Amendment, by leave, withdrawn.

Senator Mark Daly: I move amendment No. 41:

In page 17, to delete lines 21 to 31 and substitute the following:

“Review of the operation of the Act

30. (1) The Minister shall, 3 years after the date on which this act is enacted and every 5 years thereafter require a report to be prepared on—

(a) the operation of this Act,

(b) without prejudice to the generality of the foregoing, a report under this section shall include an assessment of:

(i) whether any amendments to the scope and contents of this Act are necessary or desirable;

(ii) whether additional provisions need to be made in relation to supports for a child within the school system whose primary language is Irish Sign Language;

(iii) the qualifications for the minimum level of Irish Sign Language competency for persons who are teaching a child whose primary language is Irish Sign Language.

(2) The Minister shall ensure that persons or organisations that are representative of the interests of the members of the deaf community are consulted on the matters to be considered in a report prepared under this section.

(3) The Minister shall cause a copy of a report prepared under this section to be laid before each House of the Oireachtas.”.

Senator Lorraine Clifford-Lee: I second the amendment.

Amendment agreed to.

Government amendment No. 42:

In page 17, after line 31, to insert the following:

“Short title and commencement

30. (1) This Act may be cited as the Recognition of Irish Sign Language for the Deaf Community Act 2017.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.”.

Amendment, by leave, withdrawn.

Senator Mark Daly: I move amendment No. 43:

In page 17, after line 31, to insert the following:

“Short title and commencement

30. (1) This Act may be cited as the Recognition of Irish Sign Language for the Deaf Community Act 2017.

(2) This Act shall come into operation on such day or days not later than 3 years after the passing of this Act as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions.”.

Senator Lorraine Clifford-Lee: I second the amendment.

Senator Mark Daly: We have already discussed it.

Senator Victor Boyhan: May I address it?

Acting Chairman (Senator Colm Burke): It has already been discussed with amendment No. 2.

Amendment agreed to.

Government amendment No. 44:

In page 18, to delete lines 1 to 19.

Amendment agreed to.

Government amendment No. 45:

In page 18, to delete lines 20 to 24.

Amendment agreed to.

Government amendment No. 46:

In page 19, to delete lines 1 to 37, to delete pages 20 and 21, and in page 22, to delete

lines 1 to 8.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

Minister of State at the Department of Health (Deputy Finian McGrath): I thank everyone here. I especially thank and commend my colleague, Senator Mark Daly, on having done fantastic work over recent months and on having fought on the issue for a number of years. I also thank Senator Lorraine Clifford-Lee for the outstanding work she did with Senator Daly on this. I thank all Senators here, my Independent colleagues and members of the Government, Sinn Féin, Fianna Fáil and the Green Party. Did I leave anyone out? No. It is a very important day for members of the deaf community. I thank the deaf community for its resilience, vision and courage and for sticking with it. I know we have had many differences in the past, but I was trying to get the legislation through the system. There were many occasions when I understood exactly where they were coming from, and we acknowledge their magnificent work, particularly when they worked very closely with Senator Daly and his staff. I commend Senator Daly's backroom staff and team, who did fantastic work. Back to my side of the House, I commend, thank and pay tribute to Deaglán Ó Briain here and my disabilities adviser, Gerry Maguire, who has put in the hours and the work over recent months.

These are very important issues and this legislation is hugely important. Many Senators talked about it earlier. For me, it was always a civil rights issue and an equality issue and was always about the rights of the deaf community. At the same time, I emphasise that the important thing is that when we pass legislation dealing with the issue of rights and equality, we must ensure that resources or funding are put in place as well. This is very much an important part of the reason we have got through the process over recent months. Again, I thank Mr. Ó Briain, Mr. Maguire and the various Departments that worked together very closely, namely, the Departments of Education and Skills, Health, Employment Affairs and Social Protection, and Justice and Equality, because they were very much on our side. Despite some difficulties along the way and some lively debates, it is important that this day has come. Again, I thank everyone directly involved in the whole process.

Senator Mark Daly: I thank the Minister of State. As he said, this is a civil rights Bill. It ensures that the citizens of this State who suffer from the most extreme marginalisation, as described by the Joint Committee on Justice and Equality, have rights enshrined in law. Members of the deaf community on this island are unable to access the most basic of services. Citizens are excluded from participating in civil and economic society and activity because they are deaf. When we pass this Bill, we will have enshrined in law the meaning of the 1916 Proclamation when it refers to "cherishing all of the children of the nation equally" and states that the Republic would guarantee religious and civil liberties, equal rights and equal opportunities and declare the resolve to pursue the happiness of all citizens.

I thank the members of the Irish Deaf Society, including Eddie Redmond, Lianne Quigley and John Bosco Conama, and all those members of the deaf community who had input into this Bill. I thank the members of the Civil Engagement group and the other Independents. I will name them because they are here. Senator Boyhan went to the meeting referred to earlier, which, by the way, was six hours long. I thank Senators Gerard Craughwell, Joan Freeman,

Michael McDowell, Rónán Mullen, Pádraig Ó Céidigh, Brian Ó Domhnaill and Billy Lawless. I thank the Sinn Féin grouping led by Senator Rose Conway-Walsh, who also sent a representation to that six-hour meeting, which was the longest meeting but not the only meeting. As I said, I thank the Civil Engagement group: Senators Frances Black, John Dolan, Alice-Mary Higgins, Grace O'Sullivan, Lynn Ruane and Colette Kelleher. I thank Senator David Norris, who spoke earlier, Senator Marie-Louise O'Donnell, my own group, including Senator Lorraine Clifford-Lee, who has supported the Bill, and all those who have participated in it.

I compliment, in particular, Deputy Caoimhghín Ó Caoláin who, as chair of the Joint Committee on Justice and Equality, ensured that pre-legislative scrutiny of the Bill was done in a day, brought in the members of the committee and did a report that highlighted the extreme marginalisation faced by the deaf community that allowed the Bill to come to the Seanad so quickly. I thank Deputy Jack Chambers, Deputy Jim O'Callaghan, our justice spokesperson, who was on that committee and ensured that the process happened quickly, and Deputy Micheál Martin, who met the members of the Cork Deaf Club, who highlighted the extreme marginalisation they face.

I thank the many public servants who were involved in this legislation. There are too many Departments and public servants to name, but I will name two. The Minister of State has already spoken about Deaglán Ó Briain. He is an extraordinary public servant. He is not just a civil servant; he is a public servant because he puts in long hours. He put in every one of those six hours at that meeting in Hawkins House. It was a long day which was not over until after 9 p.m. He went through the Bill section by section and gave of his vast experience and expertise. He improved the Bill and gave great advice. Gerry Maguire, a most extraordinary individual, is in the Gallery. Mr. Maguire was supposed to be on the Gerry Ryan show for ten minutes and ended up being on it for an hour telling his story. He has written a book called *Walk Away & Forget Him*. It is an extraordinary story. It is the story of this Bill. It is about people who suffered from extreme marginalisation and people who were left abandoned by the system. We always need champions. Gerry is a champion of this Bill and his mother was his champion. I thank Gerry for his great work on this Bill. His book describes the challenges he faces and the triumph over adversity, the battle for integration and the fight for independence, as well as fighting all the other demons that we all face. He will be signing copies afterwards.

I thank the Minister of State for his support for the Bill. It shows in a very bizarre way that new politics works. It works slowly, tortuously so. We had that big battle here on that day because that is the way old politics would have worked. The Bill would have died on that day but new politics requires a lot more engagement.

The Minister of State spoke about my staff. I, too, have someone like Gerry Maguire who works tireless hours. We do not have a big staff, myself and my parliamentary assistant, Grace Coyle, because we are the staff. She is my boss and the chief of operations. She was in charge of all the legislation, countless amendments and drafting and keeping people informed. She has been working on this Bill since 2013, which is a long time. We have been involved in some big issues such as flags for schools, which we organised with the Department last year. She organised the event in Croke Park where 6,000 children showed up from 723 schools and were presented with a flag that flew from the building where the first tricolour was flown. I was too busy getting re-elected so she was doing everything else, including getting me re-elected. We drafted the report together on uniting Ireland, which was the first report of its kind in the history of the State. That started on 1 January at 6.30. She was also involved in getting a replica of the 1916 Proclamation put inside the Washington Monument which, I suppose, enshrines what we

are trying to do here today.

It takes a team of formidable people to make history and to get this legislation passed. If and when it goes through the Dáil and is signed by the President, Senator Alice-Mary Higgins's father, hopefully before the end of the year, it will only be the 27th Private Member's Bill in the history of the State to achieve this. That tells a story in itself. It is an important Bill because, as the Minister of State said, it is a civil rights Bill for the most marginalised people in society. I thank all Members for their assistance and support.

Senator Victor Boyhan: It is a very proud day for the deaf community and particularly for Senator Mark Daly. He has stuck with it since 2013 and it is now 2017. That is a remarkable achievement. It does not surprise me. It is his style. He is known for his focus on specific topics. He is persistent. He referred to Grace Coyle. I think I met her more often than I met Senator Daly to work on this issue. She co-ordinated it and always stood with it and believed that she, Senator Daly and their team would get it over the line. They are a formidable and successful team, as today demonstrates. It is really important that the deaf community has a champion in Senator Daly. They were right to believe he could see it through to the end. He used every mechanism and tool in the book to put the pressure on. He was right to do so. That is the art and skill of politics. Ultimately, there needs to be compromise.

I want to acknowledge the Minister of State. I remember the first day I came across all of this and the tensions that were there. We have moved on and I thank the Minister of State and his team. There is no question about their commitment. He is right to point out the issues of funding and resources. That aspect will become an issue. All we can hope for is that the Bill will go through the Houses as quickly as possible and will be proactively pushed at every level so that there is no delay. It is critically important. It is about equality and access to so many aspects of personal and professional life and everything that goes with communication. I acknowledge the enormous work and goodwill of the Minister of State and of everyone on all sides who took part in this debate. It is a really positive step in respect of new politics. I salute Senators Clifford-Lee and Mark Daly for the level of input they had into the amendments. That made for the smooth transition of today's work. I thank them and I thank the deaf community.

Senator Maria Byrne: I thank both the Minister of State and the team in the Irish Deaf Society. One thing that is clear is that the Bill will pass because of teamwork from the Irish Deaf Society and all the Senators. I congratulate all. It is a good news day for the Irish Deaf Society. I know from my communication with my own colleagues in Limerick, who were very vocal in putting forward their views, that it was down to everyone working together. That is something we need to look for in the future when delivering Bills of this importance. I wish the Bill safe passage through the Dáil.

Senator Lorraine Clifford-Lee: I also thank the Irish deaf community and Senator Mark Daly for their input into this Bill. My contribution has been minimal. It has really been Senator Daly's baby and he has seen it through since 2013. He made reference to his boss, Grace Coyle, and we all acknowledge the work she put into it as well. I hope this Bill will help members of the deaf community with integration. Reference was made earlier to the levels of poverty faced by the deaf community and I hope this will be a step forward for them to ensure independence, autonomy and better outcomes for the community as a whole. I welcome the members of the deaf community who are here in the Gallery. It is a big day for them and I particularly welcome Scoil Chaitríona led by principal Marianne Brady, who is an old school friend of mine from Waterford. She is doing great work up in Scoil Chaitríona in Renmore in Galway. The Minister

of State will be familiar with that school.

Senator John Dolan: For those Senators who were involved in the practice of old politics, it might take a while to getting around to knowing how to practice the new politics. Some of us were never polluted with the old politics.

There are two wonderful things about this evening's debate. First is the actual debate and the conclusion to it. Second is this last piece, which is not focused on the legislation but rather is about recognising others and the contributions they have made. It is a colour piece about people who have been involved in the process. I will not mention any of those in the Gallery or among Members whose names have already been well acknowledged, but it is important to bring this back to the part people have played with some bit of colour on their lives and backgrounds.

The issue of sign language interpretation arose yesterday and I wish to make a subtle point about it. There was no unwillingness on the part of anybody on the State side, in RTÉ or among those involved in the planning for Ireland's response, when the lack of sign language interpretation was raised as an issue with them. Rather, it was a case of "We never thought of that". I have been informed that as we have been dealing with the Bill this evening, many people from the Irish Sign Language community have been expressing their upset and anger that the Oireachtas is not broadcasting the debate with live interpretation on the Internet or television. I will just leave it at that. While there would be no huge difficulty with getting that to happen, it is the thoughtlessness that screws up people's daily lives again and again. It is not that one will get a row from anybody as to why they cannot do this or that; it is simply that it was just not thought about. The legislation, the UN convention and the strategy being implemented are about putting smacht on all of us involved in public services to ensure we think and think again. The failure to think about simple and practical things is an injury to people who are already well outside the Pale in terms of any easy participation in life.

We have seen the same issue in public transport, as the Minister of State knows. Even where there are accessible bus services and even when there is one or two days' notice, the system does not seem to be able to provide an appropriate bus. It is the same torrid issue of simply being forgotten. While I am labouring the point, it is an important one. We often can do things, but fail. We should be very clear that the compromise we are lauding here today is a price people who are deaf pay every single day. Every day, they accept that while it is great that there are certain things they can now do, they must also accept that it is less than what they should have. That is something we must keep in mind. We talk about this from the perspective of what the State can afford and "reasonable cost" for the private provider, but we should flip that and ask about the unreasonable cost and compromise people must still make in their daily lives. We must continually remind ourselves of that aspect. Nevertheless, this remains a joyous occasion because we have moved to another stage. Hopefully, the legislation will get through the other House sooner rather than later and be implemented. In our happiness that we have concluded this well, we must remain conscious that it is not the end point and that there is a still a stretch to go.

Senator Frances Black: I am very happy to see the Bill on Final Stage and I support its passing 100%. I commend Senator Mark Daly strongly on his tireless work and I also commend Senator Lorraine Clifford-Lee on the legislation. Senator Daly has shown a particular passion in bringing it forward and has worked tirelessly with Ms Grace Coyle, who I know very well and who is a powerhouse. I have huge respect for everyone involved. It took a huge effort

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to get the legislation to where it is today. I commend the willingness they have shown to get the Bill passed.

The Bill is a very important step forward on inclusion and equality for the deaf community. It is fantastic. We are judged by how we treat our fellow citizens. Everyone in Irish society should have the same opportunities and supports. The Bill is another step in that direction. I commend the members of the deaf community who pushed the issue for so long. My colleagues and I in the Civil Engagement Group in the House were happy to engage with them on the Bill and to offer our full support. The deaf community sees this as one step and its ambition is to go much further. We all offer our full support in that push for improved rights and conditions for members of the deaf community in Ireland. I thank the Minister of State and his team for being so supportive of the legislation.

Senator Kieran O'Donnell: I wish to be associated with the remarks on this historic moment. I acknowledge what it means for the deaf community and wider society to acknowledge formally something that needed to be righted. From dealing with the deaf community in Limerick, I know how passionately they feel about this. I commend Senators Mark Daly and Lorraine Clifford-Lee and their team on this as well as the Minister of State for supporting the Bill. The key thing now is to get it into the Dáil to be enacted and implemented as quickly as possible. This is about a set of principles becoming a set of practices.

Senator Fintan Warfield: On behalf of the Sinn Féin team, I thank all of the contributors, the community, Senators Mark Daly and Lorraine Clifford-Lee and the Minister of State. On two occasions this evening, I thought about Nelson Mandela, first, when the interpreter at his funeral was mentioned, and, second, when Senator Victor Boyhan referred to the challenges facing campaigners in our society. He set out a beautiful quote from President Obama following the death of Madiba:

When the night grows dark, when injustice weighs heavy on our hearts, or our best-laid plans seem beyond our reach - think of Madiba.

We must continue to build a rights-based society as our response to a fractured world, including all voices that speak of Ireland and for a new Ireland.

Acting Chairman (Senator Colm Burke): I join colleagues in thanking everyone involved, including Senators Mark Daly and Lorraine Clifford-Lee, the members of the deaf community and those who have lobbied over the years. I thank the Members who have worked very hard on this important Bill as well as the Minister of State and his departmental officials for getting involved to make it possible to bring forward what is implementable. That concludes the Bill in the Seanad and it will now go to the Dáil in what is, hopefully, a timely manner.

Question put and agreed to.

Acting Chairman (Senator Colm Burke): When is it proposed to sit again?

Senator Maria Byrne: Tomorrow morning at 10.30 a.m.

The Seanad adjourned at 7 p.m. until 10.30 a.m. on Wednesday, 18 October 2017.