



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Céadaoin, 18 Deireadh Fómhair 2017*

*Wednesday, 18 October 2017*

Chuaigh an Leas-Chathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

**An Leas-Chathaoirleach:** I have 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 Centre (Appointment and Secondment of Directors) Regulation 2017, SI 394 of 2017), to allow the holder of the position of education centre director, following secondment for 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 Keith Swanick of the following matter:

The need for the Minister for Justice and Equality to outline the sanctions for people who enter the water despite a nationwide red alert weather warning.

I have also received notice from Senator Victor Boyhan of the following matter:

The need for the Minister for Transport, Tourism and Sport to provide an update on the current waiting times per county for the driver testing service; and his plans to address this issue.

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

The need for the Minister for Public Expenditure and Reform to outline the steps being taken by his 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 Neale Richmond of the following matter:

The need for the Minister for Employment Affairs and Social Protection to provide an update on the rate of take-up of paternity leave.

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

I have also received notice from Senator James Reilly of the following matter:

The need for the Minister for Employment Affairs and Social Protection to make a statement on the 23,000 female pensioners who are receiving reduced pension payments due to band changes and the marriage ban; and her proposal to deal with this discrimination.

I regard the matters raised by the Senators as suitable for discussion. I have selected those of Senators Norris, Swanick and Boyhan and they will be taken now. Senator Reilly has withdrawn his matter, which I had selected. The other Senators may give notice on another day of the matters that they wish to raise.

## **Commencement Matters**

### **Education Centre Network**

**Acting Chairman (Senator Gerard P. Craughwell):** Senators Buttimer and Norris have agreed to share time on this.

**Senator David Norris:** I very much welcome the Minister. I know he has had to leave a Cabinet meeting and I really appreciate his presence in the Seanad. I also very much appreciate the fact that the Leader has asked for time. I am happy to give him two of my four minutes.

This matter is about education centres, ECs, and the appointment of directors. Education centres lead and manage continuing professional development for primary and post-primary teachers. They also manage support services for the Department of Education and Skills, working specifically with teacher education services. There are 21 full-time ECs in Ireland. In developed countries, the position of director is permanent. The contract is for a five-year period in this country and the Minister proposes now to limit the appointment to one five-year period. Also, in August of this year on foot of a legal note indicating that no directives had been issued under section 37 of the Education Act 1998 to include regulations, he decided to include regulations. The Drumcondra EC was only alerted to the new regulations on 22 August, eight days before they took effect. It replied on 24 August but received no response from the Department. There was no official consultation. The effect of these amendments is to ensure directors would be limited to one five-year period in the post. Previously, in 2012, the then Minister had agreed that this policy was a mistake and should not be implemented. A subsequent Minister said the same and so did the Taoiseach.

Circular 11/02 from the Department of Education and Skills states that in the case of existing secondment to Department programmes, an application for a further extension may be considered. The Minister reappointed a director to the Teaching Council in May this year and, therefore, there is a clear contradiction. The result of the new regulation will be that by September 2018, some 18 of the 21 directors will have two years or less experience. As a result of this, corporate memory, connections, experience, knowledge and skill will all be lost. On a human level, one director relocated her house to a position one minute from DEC. She will now have to return to a school, which is many miles away, and she will also lose 15 years of pension entitlements. Eight directors will return after 15 years to an alien teaching environment. A reply from the Minister to a parliamentary question tabled by Deputy John Curran on 28 September

is riddled with inaccuracies. For example, no account is taken of the fact that directors come from management ranks and not from teaching positions. Secondments were not required to be certified until 2007.

**Acting Chairman (Senator Gerard P. Craughwell):** The Senator is leaving little time for Senator Buttimer.

**Senator David Norris:** I am sure the Chair will be flexible.

I will give the Minister the document I have because I want him to examine the job description specifically, which is all about management and not at all about teaching. Will he revise the situation and allow for a director to apply for reappointment? I will give him the documents I have.

**Senator Jerry Buttimer:** As a teacher myself, I recognise the importance of professional curriculum development and ECs. As Senator Norris said, this matter is about not losing corporate knowledge. Being out of a school for five years is an eternity in the education world. This is about ensuring that we continue to have upskilling, training, and professional curriculum development, which is an integral part of our education system. ECs play a key, pivotal role in driving change and in upskilling and professional development. I know first-hand of the professionalism, attention to duty and care of those who work in the professional development unit and in our ECs. It is important to make the post of director of EC permanent for one reason only, which is corporate knowledge. It is difficult to return to the classroom when one has been in a management position as a director of education.

**Minister for Education and Skills (Deputy Richard Bruton):** I thank the Senators for raising this. There is a good deal of misunderstanding in this area. These posts have always been on secondment. They were never designed to be permanent management posts and they were always renewed on a yearly basis. They have never been permanent positions and they are not management positions. The approach the Department has always taken is that it wants those who direct these centres to have recent education experience and to ensure they are drawn from and refreshed from the pool of people teaching in the classroom because the policy is that those who have that active and recent learning experience are best placed to develop the programmes that serve teachers. It has also been the policy that those teachers who have been in an education centre on a temporary secondment can go back to their schools and enrich the environment. As the Senators are aware, the most important thing in any school is the quality of leadership and teaching. Those teachers who have had experience in these centres and have been exposed to the learning there can enrich the position of their own schools. That is important background to this. It was never intended that these would be permanent management positions. They have been consciously designed as drawing from active teachers for a period. The policy up to 2010 had allowed a year-on-year roll-on and it was decided at that point not just to reduce the number but to have five-year terms. I think that policy is correct. It allows that rotation, the return to the classroom and the refreshing of the people who are in it.

The Senator suggests there has been no consultation on this but that is not the case. This was introduced in 2010, seven years ago. People in those posts were allowed to get a new contract. At the end of that period, because people were concerned, there was a negotiation and agreement was reached that there would be a three-year phase where people would rotate out, and that would give time for succession planning. This was not taken up by many of those individuals and, as the Senators know, there has been a suggestion that the Department did not

have an entitlement to execute the policy, which was that these are secondments, which are temporary in nature. Therefore, we have had to introduce a statutory instrument to ensure we do have that authority and that there is no doubt about the authority.

**Senator David Norris:** I never said that the Minister did not have the authority.

**Deputy Richard Bruton:** That policy has always been the policy but the statutory instrument and the regulations were not in place.

It is also important to say that many hundreds of teachers have rotated out on this basis. There are some directors who do not want to rotate out but we believe it is the right policy. Where we have replaced the directors, we have obtained very good people and there has not been disruption to the management of these centres. That has been in more than half of the centres, given ten have been replaced.

This is the right policy. I believe the investment in leadership and teacher upskilling is one of the most important investments we can make. It is a very dynamic environment where we want to continually see fresh blood coming through. The priorities change. It is now about rolling out digital and how people execute digital in the classroom whereas, at other times, it will be about assessment. For example, we now have the junior cycle, which now involves a portfolio of assessment and a move away from the rigid terminal examination model. All of that creates a need. At different times we need different capacities and the Department must have the flexibility to plan those capacities and deliver them in a flexible way.

It is important to note that the 21 education centres have been very valuable and have done very good work. However, I absolutely believe the approach we are taking is the right approach. I am undertaking a very detailed assessment of the whole CPD, as they call it in the jargon of the Department, both in terms of leadership and upskilling, in order to make sure the 3% of payroll we invest in this, which is a substantial amount at over €100 million, is spent in the very best possible way. I want to get best practice. It is one of my ambitions that we would have an education and training service that is the best in Europe within a decade. I think we can do better in this area and it is an area I want to improve. I appeal to Senators. Moving back to saying these are management positions that should be there forever is not the way in which we can create a dynamic environment for supporting teachers to upskill and have that rotation in and out of classroom activity that is at the heart of the current policy.

**Senator David Norris:** I thank the Minister for his reply, although I am rather disappointed with it. I am not looking to create a permanent post. All I am looking for, and I would like the Minister to consider this, is to allow the directors to reapply for a second five-year term. If they are particularly good or have particular skills, I think it would be in everybody's interest that they be allowed to apply a second time. I appeal to the Minister, in light of the documentation I am going to present to him, to consider just this - just to allow them to reapply, which does not mean they are going to get it. We should not apply a very strict, iron rule.

**Senator Jerry Buttimer:** My only concern is that we should not allow that corporate knowledge to be lost. I agree with Senator Norris. I have never looked for permanency but it is about that second five-year term. I agree with the Minister on the need for flexibility and to invest wisely and the 3% is a considerable amount of money. However, as the Minister knows, he is getting good people. While he is right to carry out an audit, I ask that we would have flexibility because it is very difficult for people, having been out of school for five years, to go

back to school again.

**Deputy Richard Bruton:** When this policy came in, other teachers who had been in the system for 15 years had to go back into the school room, and support was provided for the transition. Many of the directors have been in post for ten and sometimes 15 or 20 years. I do not think that is at all in accord with a secondment policy. Secondment is, by its nature, temporary. These are year-on-year renewals. We are willing to allow a second term where someone has returned to the classroom for a period and then comes back again, and I think that is quite acceptable. However, the idea that, effectively, we keep rolling on those who are there, and that what is designed as temporary becomes permanent by lack of ever intervening, is not a good way to manage this. We believe that having this renewal within the directors is the right policy. It has worked and we are getting very good people to come in and out, and to go back and enrich the school.

While I understand that people do not like disruption in their lives and so on, and would like a temporary secondment to become forever, that was never intended and we never made any such commitment. We will try to be flexible with the people involved. We have given extensions but we have reached the point where we have to have a policy that is workable and gives us the capacity, as a Department, to plan and execute what is a really important area of departmental work.

**Senator David Norris:** Does this mean the Minister has not totally closed his mind to a possible second application?

**Deputy Richard Bruton:** I have. That is not in the regulations, which provide for one five-year term. People can come back and apply for a second term but, as I understand it, that is after they have been back in the school environment. They can then have a second term on a second occasion.

### **Emergency Planning**

**Senator Keith Swanick:** First, I extend my condolences to the families of Clare O'Neill, Michael Pyke and Fintan Goss who lost their lives in Storm Ophelia. The loss of their lives is a fitting reminder of the dangers that extreme weather events can cause. We must all pay tribute to the phenomenal emergency services workers who went to work as usual on Monday, leaving their own families behind to ensure the safety of others. The ESB and local authority staff have worked around the clock to keep us all safe.

Storm Ophelia was the worst storm to hit Ireland in more than 50 years and, despite being downgraded as an ex-hurricane, almost 300,000 homes were left without power, schools and businesses closed and our public service broadcaster, RTÉ, had special programming all day to keep us informed of the storm's trajectory. All of this was co-ordinated, of course, by the work of the national emergency co-ordination group. Nonetheless, acts of stupidity were carried out, with incidents in Louth, Galway and Kerry where the reckless behaviour of a few risked their lives and the lives of others. I think of the volunteers in Clogherhead and Greenore in County Louth who had to go out bravely into the full force of the hurricane because of two kite surfers. I ask why they were obliged to put their lives in danger just because of the stupidity and selfishness of others. John Draper from Valentia Coast Guard wrote that Monday was, "A never-ending cycle of telling people not to risk lives". The actions of those surfers and swim-

mers who took to the water despite the constant pleas from the authorities were nothing short of anti-social behaviour. They put the lives of others at risk. Niamh Fitzpatrick, sister of Captain Dara Fitzpatrick who tragically lost her life on Rescue 116, adequately summed up the feelings of many of us when she urged people to “PLEASE cop on”. Her language was temperate compared to that which I and others would have used with regard to these fools.

What are the sanctions and who is responsible for enforcing them? I have drafted legislation which would impose harsh penalties on those who damage lifesaving equipment such as defibrillators and lifebuoys. The fact that such legislation is necessary is also a sad indictment of where our society stands. The political scientist Robert Putman wrote a book called *Bowling Alone* and warned that our stock of social capital, the networks of relationships we have with people, marked by reciprocity, trust, and co-operation, have plummeted, damaging all our lives and communities. This is evident in the number of people who selfishly took to the seas on Monday despite the numerous warnings to stay indoors.

I fully support entirely my Fianna Fáil colleague, Deputy Darragh O’Brien, who has advised me that he will draft legislation to give emergency responders the protection they deserve by imposing deterrents on those who decide to be reckless and put lives in danger. Yesterday in the Dáil, my party leader, Deputy Micheál Martin, called on all parties to co-operate in bringing in legislation to prevent people taking undue risks against safety advice. Will the Government co-operate with his request? There are many who will label those of us calling for harsh penalties as kill-joys but the O’Neill, Pyke and Goss families know the reality of the danger of the storm.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I am speaking this morning on behalf of Minister for Justice and Equality who sends his regrets that he cannot be present due to other official commitments. He is grateful to the Senator for raising this important matter in the House today.

We will all have seen the reports which emerged on Monday, while Hurricane Ophelia battered our shores, of a number of persons who took to the sea against the advice of Met Éireann, An Garda Síochána and the national emergency co-ordination centre, among others, putting their own lives at serious risk. The Minister shares the frustration and anger of many others who have commented on these incidents. Their blatant disregard for the safety of the brave men and women of our Coast Guard and other emergency services is staggering. The Irish Coast Guard does not have a role in sanctioning people who enter the water in such instances. The primary function of the Coast Guard is search and rescue. Its role is to save, not sanction. The Coast Guard responds to individual incidents on a case by case basis. Each incident is assessed based on severity and on the availability of declared resources to perform a search and rescue safely. The most appropriate and best located resource is tasked based on this assessment.

The Coast Guard, including through its marine search and rescue centres, offers advice in relation to safety matters pertaining to maritime activities as requested. It is more a matter of luck than anything else that no one appears to have been seriously injured while swimming or surfing off the coast on Monday. We need no reminder of the three people who were tragically killed during Hurricane Ophelia and I join the Senator and others in extending my sympathy, and that of us all, to their families and friends. These were really tragic events. Weather events such as Hurricane Ophelia are a rarity on this island. This was Ireland’s first national red alert. There is now a danger that these weather events will become more frequent and the Minister is aware of the calls for the introduction of sanctions for the kind of behaviour which the Senator has outlined.

While there are no specific sanctions in place, the Criminal Justice (Public Order) Act 1994 allows a Garda member in certain circumstances to direct people to desist from acting in certain ways that give rise to a reasonable apprehension for the safety of persons and to leave the vicinity of the place concerned. Failure to comply with a direction in this instance constitutes an offence punishable by a fine not exceeding €1,000, imprisonment for a term not exceeding six months or both. Of course, for a Garda member to make such a direction he or she must be present at the incident, which will often not be the case when dealing with such behaviour because of the danger involved.

We should be cautious of seeking a legislative response to every issue that causes concern but, as the Taoiseach said yesterday, it may be that introducing some kind of sanction for this kind of behaviour should be considered, perhaps, as the Senator has suggested, on an all-party basis. I assure the Senator that the Government is very open to looking at such proposals. The Minister has asked me to conclude by saying that, ultimately, people need to take responsibility for their own actions and for putting their lives and those of others at risk. The simple fact is that if people would exercise some common sense and find within themselves a trace of respect for those who risk their own lives to save others, we would not be here having this discussion.

**Senator Keith Swanick:** I welcome the potential for an all-party solution. Those of us who work in the emergency services respond when the bleep goes off. We treat the patient who presents in front of us. We deal with the fire and do our best. It is not the time to examine the causes during the emergency, but in the cold light of day one often thinks about what is called contributory negligence. Surely if a person enters the water against the expressed wishes of the Coast Guard, An Garda Síochána or other authorities, he or she should be liable for all costs associated with his or her rescue. We are only talking about incidents which take place while a full red weather warning has been issued by the Coast Guard. Eugene Clonan of the Irish Coast Guard was clear that people should stay away from the coastline and the water when he said:

I'd like to reiterate for recreational users to stay off the water. This is an unprecedented weather system that we're going through. We have not experienced this before and we want people to stay safe. We urge people to stay away from the coastline.

We might examine whether an all-party solution to this issue might be found. We might also consider the idea of contributory negligence in this regard and whether some costs may be attributed to the people who are wasting the time of the emergency services.

**Deputy David Stanton:** On behalf of the Minister for Justice and Equality, I again thank the Senator for providing the opportunity to discuss this very important issue during this debate today. I am very happy to pass the Senator's comments and suggestions to the Minister and to the other Ministers who have responsibilities in the area of maritime safety and extreme weather.

As I said, the best outcome for all would be for no such incidents to occur in the first place. Prevention is better than cure. In this context, the Coast Guard undertakes a variety of campaigns designed to target particular audiences, in respect of safety at sea in particular. These take the form of media awareness campaigns in the main. The Coast Guard participates in joint initiatives with other maritime bodies. One such initiative is [www.safetyonthewater.ie](http://www.safetyonthewater.ie), which aims to promote safe behaviour and practice. This website is a valuable tool to communicate advice and guidance online to the public. It should not, however, take a media campaign for people to know that they should be nowhere near the water during the worst storm on record

ever to hit the country. It is a question of personal responsibility. I repeat that the Government is open to hearing any proposal on how and whether this matter should be addressed. I will report back on the points the Senator has made today. This overall issue is one which might be looked at and should be looked at on an all-party basis.

### **Driving Test Waiting Lists**

**Acting Chairman (Senator Gerard P. Craughwell):** It is my privilege to welcome the Minister of State to the House. It is the first opportunity we have had since his elevation. He is very welcome.

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin):** I thank the Acting Chairman.

**Senator Victor Boyhan:** I welcome the Minister of State to the House and congratulate him on his appointment. He is very welcome but I want to put on the record that I had been expecting the Minister, Deputy Shane Ross, because the officials in his Department contacted my office to reschedule. This Commencement matter was originally agreed approximately two weeks ago. Having had ongoing contact with the Seanad Office, which indicated that it could not be changed, these officials made contact with my office and indicated that the date would be 18 October as it suited the Minister. We have this in correspondence and in emails. They said that this particular occasion would suit the Minister because he was anxious to be here to address the matter. Clearly there is a meeting of the Cabinet and he is busy. I appreciate that. I would not have delayed this matter for so long, however, had I thought that the Minister would not be here. That is an important point I wish to make.

I welcome the Minister of State. There are 52 driving test centres in the country. Despite all the promises made by the Minister and the officials in his Department to address the long waiting lists for people who wish to take tests, we now know that none of the driving test centres under the responsibility of the Road Safety Authority, RSA, has met its target, which was to have an average waiting period of ten weeks. I looked at the files and have tracked this every month for the past year. Looking back at February 2017, we were told in this House that additional people and resources would be provided, but it has not happened.

I am more interested in hearing what the Minister of State has to say rather than what I have to say because I know the case. All over the country, people are waiting up to and over 22 weeks. As recently as the week before last, I received a letter from the RSA. I have had very little correspondence from the Department in this regard despite my best efforts. The RSA contacted me and gave me these examples. In Buncrana, County Donegal, people are waiting 19 weeks.

People in Donegal are waiting 24 weeks and those in Letterkenny are waiting 21 weeks.

The implications of this are that students and people who study and work across the Border cannot travel if they have not done their driving tests. I refer to students who want to study in Derry. They have some level of driving experience and want to complete their driving tests in order that they might drive on their own. When they need to leave their cars at the university, they cannot do so and they also cannot get jobs. The Government has given a commitment to

rural development and to supporting rural communities. People want to sit their driving tests. I want the Minister of State to tell me how he will address and dramatically reduce the waiting lists, how the initiative will be resourced and how many people have been put in place to address the deficit in terms of this major problem for those living in rural areas.

**Acting Chairman (Senator Gerard P. Craughwell):** I need to clarify that the Seanad Office never delays a Commencement debate. Senators submit Commencement debates.

**Senator Victor Boyhan:** Yes.

**Acting Chairman (Senator Gerard P. Craughwell):** The Seanad Office then sends the matters to the Cathaoirleach and he either selects them or not as the case may be. In the case of individual negotiations between Ministers and Departments in order to request things, such matters are entirely between those involved.

**Senator Victor Boyhan:** I shall clarify the matter. I am very happy to put the matter on the record in case there was any misunderstanding on my part. To be clear, approval was granted for this matter to be debated on the Commencement. The Minister's office contacted the Seanad Office and conveyed to him that it would have to make contact with me, which it did. We discussed dates and I agreed a number of them. Then the Minister's officials - the information is trapped in emails, I mean there is correspondence on the record - indicated that today, 18 October, would be suitable. To clarify, this matter was selected previously but the Minister could not attend the House. Ultimately, I reached an agreement with the Minister but it was on the basis that he would be here today.

**Acting Chairman (Senator Gerard P. Craughwell):** I thank the Senator for clarifying the matter. The Minister of State has four minutes.

**Deputy Brendan Griffin:** I thank Senator Boyhan for raising this very important matter.

I cannot comment on the correspondence that has been exchanged between the Senator and the Minister for Transport, Tourism and Sport. All I can say is that the Minister is attending a Cabinet meeting this morning. I suspect that the Cabinet meeting has occurred because of the national emergency that arose on Monday and, therefore, these events were unforeseen and unavoidable. The Cabinet meeting was scheduled to take place now as a direct result of the national effort that was made on Monday and yesterday to avoid the worst possible outcomes of the storm that hit the country on Monday. As I am the Minister of State with special responsibility for tourism and sport, I will read the reply which the Minister has supplied and which deals with the issues raised by Senator Boyhan.

The driver testing service has experienced an increase of almost 20% in the levels of applications during the past four years. This, coupled with the retirement of driver testers, has meant that the waiting times for customers for driving tests have increased. Driving tests are delivered across 52 test centres nationally. The objective of the RSA is to have a national average waiting time of not more than ten weeks. However, the current national average waiting time for a driving test is 14 weeks. The RSA continues to monitor capacity against demand and deploys driver testers to best meet demand across all test centres.

The RSA currently employs almost 100 driver testers. The Department sanctioned the appointment of an additional ten driver testers in October 2016 and a further seven in April of this year. While these assignments have maintained core numbers following retirements, they have

not kept pace with the increase in application numbers. Last month, the Department gave sanction to the RSA to recruit a further 11 driver testers. The initiative will allow the RSA to replace retired testers as well as boost driver tester numbers to help alleviate some of the pressures from the sustained increase in demand for tests. It is envisaged that 11 driver testers will be assigned, trained and conducting tests by early 2018. The RSA is undertaking other initiatives - and plans to undertake more - in order to increase capacity to deliver extra driving tests. These initiatives include the delivery of 120 extra overtime tests per driver tester who participates. To date, 49 driver testers have committed to the delivery of the extra tests. It is expected that this initiative will yield at least 5,880 additional tests between October 2017 and March 2018.

A total of 1,184 applicants have been contacted with a view to reducing the number of no-shows for driving tests. As many as 342 tests that would have been lost due to no-shows have been avoided. The tests, in this instance, have been made available to other test applicants. In terms of a reduction in non-conducted driving tests, the RSA will shortly begin communicating with applicants via text messaging and applicants' approved driving instructors, some key messages on the vehicle and document requirements closer to test appointment dates in an effort to reduce non-conducted driving tests.

The RSA plans to introduce, in 2018, a new test booking system that will give applicants much more control over their booking and appointment choice. Regarding people who seek urgent appointments, I am assured by the RSA that there is a priority list whereby cancelled test appointments are made available to such applicants. Over 1,000 tests are cancelled by driving test applicants weekly and these slots are subsequently offered to applicants who require urgent test appointments.

I wish to advise the Senator that the Department has asked the RSA to examine the longer-term staffing needs of the driver tester service to ensure the RSA can plan for a revision of tester numbers based on demand for tests and better manage succession planning in respect of driver testers who may retire. The RSA accepts that current waiting times remain too high but I am assured that the measures it has put in place will have the desired effect of reducing waiting times for the public.

**Acting Chairman (Senator Gerard P. Craughwell):** I thank the Minister of State. I wish to advise Senator Boyhan that he has one minute.

**Senator Victor Boyhan:** I am shocked and surprised by what the Minister of State has said. I am looking at a transcript for February 2017. One might as well have cut and pasted his sentences into the document. It contains exactly the same sentences, commas and everything, which is really interesting. I would like the Minister of State to take a look at the matter. I will take the trouble to send the segment to the Minister today.

I do not agree with the sentence uttered by the Minister of State to the effect that "Driving tests are delivered across 52 test centres". I told him that and he would know that in any event. He also said that the current national average waiting time for a driving test is 14 weeks. I can tell him that this is not the case. I received a letter two weeks ago from the RSA. In that context, I reiterate that the waiting time in Buncrana is 19 weeks, in Donegal it is 24 weeks and in Letterkenny it is 21 weeks. Nowhere in the more than 50 centres does the waiting time meet the target of 20 weeks. No centre comes anywhere near that target. Let me continue with the list of waiting times, which are: Athlone, 21 weeks; Buncrana, 24 weeks, Carrick-on-Shannon, 21 weeks; Clonmel, 26 weeks and so on. None of the centres is delivering. I am shocked that

the Minister of State has come in here and said that the Minister is satisfied.

In his final sentence, the Minister of State said that the RSA accepts that waiting times are too long. I suggest that the waiting times are far too long. Local representatives throughout this country have consistently contacted my office in the past 12 months to say that they have met people on a daily basis who cannot get appointments for tests. The situation is grossly unfair. I do not know where the Government's commitment to support people in rural communities who want to access jobs has gone.

**Acting Chairman (Senator Gerard P. Craughwell):** We allow a brief supplementary comment. The Senator's time is up.

**Senator Victor Boyhan:** I have made my point.

**Deputy Brendan Griffin:** I come from a rural community and the Senator does not need to lecture me about the Government's support for such communities. I come from probably one of the most isolated rural communities in the entire country so I am very much aware of the difficulties and challenges that face these communities.

I reiterate that there is an avenue for rural dwellers who need to complete a driving test for work or other purposes. As I mentioned in my opening remarks, over 1,000 tests are cancelled per week. That situation provides an opportunity to people to avail of a test at short notice should there be a work requirement or in a situation where they need to obtain a licence because of where they live or their circumstances. This is an avenue that I encourage anybody to avail of and it is something that my office has assisted people with in the past.

I advise Senator Boyhan to go back to the local representatives who have contacted him and advise them of that avenue rather than stand up here to pontificate and rant about the Government. I suggest that he do something useful and inform people of the avenues that can assist in alleviating the problem.

The figures I have are quite different from those outlined by the Senator.

**Senator Victor Boyhan:** I give the Minister of State that point.

**Deputy Brendan Griffin:** The Senator quoted figures for Buncrana and various other places.

**Acting Chairman (Senator Gerard P. Craughwell):** The Minister of State is being repetitive.

**Deputy Brendan Griffin:** The waiting times are as follows: Killarney, 21 weeks; Clonmel, 20 weeks-----

**Senator Victor Boyhan:** I can give my letter to the Minister of State as I have it here.

**Deputy Brendan Griffin:** -----Newcastlewest, 20 weeks; Carlow, 19 weeks; Birr, 19 weeks; Kilkenny, 19 weeks; Tralee, 18 weeks; Athlone, 18 weeks; Ennis, 18 weeks; Thurles, 18; Loughrea, 17 weeks; Clifden, 17 weeks; Mullingar, 16 weeks; Shannon, 16 weeks; Longford, 16 weeks; Dungarvan, 16 weeks; Mallow, 16 weeks; Donegal, 16 weeks-----

**Acting Chairman (Senator Gerard P. Craughwell):** The Minister of State has made his point.

**Deputy Brendan Griffin:** -----Galway, 16 weeks; Tipperary, 16 weeks; Portlaoise, 16 weeks; Tuam, 16 weeks; Sligo, 16 weeks; Buncrana, 16 weeks; Letterkenny, 16 weeks; Roscommon, 15 weeks; Waterford, 15 weeks; Cork, 15 weeks; Skibbereen, 15 weeks; Nenagh, 15 weeks; Tullamore, 14 weeks; and Wexford 14. The waiting times do get much shorter. The list continues: Kilrush, eight weeks; Limerick, ten weeks; Tallaght, 11 weeks; Ballina, one of the most rural parts of the country, 11 weeks; Naas, 11 weeks; Churchtown, 11 weeks; and Monaghan, 12 weeks.

**Acting Chairman (Senator Gerard P. Craughwell):** The Minister of State has made his point.

**Deputy Brendan Griffin:** Senator Boyhan, rather than coming in here and spouting out figures that are inaccurate----

**Senator Victor Boyhan:** A point of order, Acting Chairman.

**Deputy Brendan Griffin:** -----it would be much more-----

**Acting Chairman (Senator Gerard P. Craughwell):** No, I cannot allow the Minister of State to continue.

**Deputy Brendan Griffin:** -----in order if people stuck to the facts.

**Acting Chairman (Senator Gerard P. Craughwell):** We are short on time.

**Senator Victor Boyhan:** I have stated the facts. I can give them to the Minister of State on our way out.

**Acting Chairman (Senator Gerard P. Craughwell):** I thank the Minister of State. The House stands suspended until 11.30 a.m.

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

### **Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. 1, statements on child care to be taken at 12.45 p.m. and to conclude no later than 1.45 p.m. with the time allocated to group spokespersons not to exceed eight minutes, Members may share time and the Minister to be given no less than five minutes to reply to the debate; No. 2, Private Members' business, Coroners (Amendment) Bill 2016 - Second Stage, to be taken at 1.45 p.m. with the time allocated to this business not to exceed two hours; No. 3, statements on flood prevention measures, to be taken at 3.45 p.m. and to conclude no later than 5.15 p.m. with the time allocated to group spokespersons not to exceed eight minutes and the time allocated to all other Senators not to exceed five minutes with the Minister to be given no less than five minutes to reply to the debate; and No. 4, Private Members' business, Civil Law (Missing Persons) Bill 2016 - Committee Stage, to be taken at 5.15 p.m. with the time allocated to this business not to exceed two hours.

**Senator Catherine Ardagh:** Yesterday was International Day for the Eradication of Poverty. Ireland has some of the most staggering poverty statistics with 59% of lone parent households currently experiencing severe deprivation. There are some 3,000 children living in emergency accommodation and lone parents continue to struggle to make ends meet on the

one-parent family payment and family income supplement. It is shameful that in this day and age our children are the most vulnerable people in our society and I call on the Minister for Employment Affairs and Social Protection to come to the House to outline exactly what she will do to rectify this. I would like to hear how this will be funded and the detailed plan for implementation and delivery of a strategy to eradicate poverty and deprivation our society.

The second issue I would like to raise is the floods yesterday and the dangers anticipated in respect of Storm Brian, which is on the way at the weekend. Currently, 130,000 customers are still without electricity. The ESB has been doing stellar work ensuring people are reconnected but there is a great deal more work to do. A total of 48,000 customers are without water while 110,000 customers are without telephone or broadband and other communications services. I heard on the radio earlier about people whose businesses have been damaged, especially fishermen in the south west and west whose lobster and crab pots have been destroyed. I look forward to the debate on flood protection measures later with the Minister of State at the Department of Public Expenditure and Reform, Deputy Kevin “Boxer” Moran but I also call on the Minister for Agriculture, Food and the Marine to come to the House at some stage to outline what he will do to support fishermen along our coast.

**Senator Michael McDowell:** I draw the House’s attention to the report of the Seanad Public Consultation Committee on children’s mental health, which was launched earlier. In particular, I congratulate the members of the committee, including the Leas-Chathaoirleach who served as Chairman, and not least my colleague, Senator Joan Freeman, who was rapporteur of the committee, for all the hard work they put into focusing public attention on the issues raised so concisely and graphically in the report. This is an example of the important work that can be done by parliamentarians across the board on a non-party or cross-party basis to achieve progress on matters which concern minorities that are vulnerable in our society. I wanted to record my gratitude to the committee members for the hard work they put into it and I hope it will receive further consideration from the Government. We have had a number of debates on cognate issues in recent times, both legislative and on foot of motions, but the report should focus our minds on the matters it raises. The interesting aspect is that the basic framework for providing mental health services is still A Vision for Change. I pay tribute to my former Progressive Democrats colleague, Mr. Tim O’Malley, who as Minister of State piloted that programme through and took a fair amount of stick in doing so. He stuck with the project and he has always asked me never to let go of the vision set out in the document.

The report, and Senator Freeman’s involvement, also underline the importance of co-operation in this House. Yesterday on the Order of Business, two Senators indicated that the group of which I am a member is not a group of Independents at all. The Chair ruled that this is a matter for the Committee on Procedure and Privileges and their gripe was not a matter for debate in the House. I fully accept that proposition but every member of the group to which I belong is absolutely free to vote in any direction or not to vote at all on any issue or to state what they believe one way or the other on any issue. They are wholly independent and nobody puts pressure on anybody else to support a particular position. There is no sense in which their independence of mind and their independence as legislators and as spokespersons on various issues is in any way affected by the fact that they are a member of the group. It is false to say they are not real Independents and to say that people who are not members of any group are more independent is equally false. The nub of the question is that to co-operate in this House and not to have a free-for-all where Members jump and down and demand to be heard, there are rules of order and procedure. The members of the Independent group in this House co-operate

solely for the purpose of exercising their rights as Independent Members. For other Members of this House who have been in that group and who have left for reasons that have nothing to do with policy or-----

**Senator Jerry Buttimer:** It should never be about personality.

**An Leas-Chathaoirleach:** Order.

**Senator Michael McDowell:** -----their independence - I will finish on this point - to say they are more independent than the people in my group is totally wrong.

**An Leas-Chathaoirleach:** Senator-----

**Senator Michael McDowell:** May I finish? They are less effective because-----

**An Leas-Chathaoirleach:** We cannot question other Members' motives.

**Senator Michael McDowell:** -----they have refused to co-operate. When they come into this House and say they are the only real Independents here, they are misdescribing the situation. It must be put on the record-----

**An Leas-Chathaoirleach:** The Senator knows I cannot allow that. Senator, please.

**Senator Michael McDowell:** Since they describe themselves as real Independents, the suggestion being that others are phoney Independents-----

**An Leas-Chathaoirleach:** No.

**Senator Michael McDowell:** If real independence means-----

**An Leas-Chathaoirleach:** No, we cannot comment on people who are absent.

**Senator Michael McDowell:** I certainly can.

**An Leas-Chathaoirleach:** The Senator knows this better than the Chair.

**Senator Jerry Buttimer:** He has not named anyone just yet.

**An Leas-Chathaoirleach:** Senator McDowell has gone past injury time at this stage.

**Senator Michael McDowell:** I do not want to get into comment on the fact that they are yet again absent.

*(Interruptions).*

**Senator Jerry Buttimer:** That is very unfair.

**An Leas-Chathaoirleach:** Order, please.

**Senator Michael McDowell:** If real independence-----

**Senator Jerry Buttimer:** As Leader, I say Senator McDowell should withdraw the remark about their not being here.

**An Leas-Chathaoirleach:** Senator McDowell is hogging the floor. He is out of order.

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**Senator Michael McDowell:** If real independence-----

**An Leas-Chathaoirleach:** I am surprised at him.

**Senator Michael McDowell:** May I finish the sentence, please?

**An Leas-Chathaoirleach:** No, you may not.

**Senator Michael McDowell:** If real independence-----

**Senator Kieran O'Donnell:** Name the person you want-----

**An Leas-Chathaoirleach:** Hold on. Order, please.

**Senator Michael McDowell:** If real independence-----

**An Leas-Chathaoirleach:** The Senator is destroying the nice, kind comments he made to us earlier, which are much appreciated, by the way, about the public consultation committee and the mental health services report, which is so important. I am sure the Leader, in his own time, will arrange a suitable debate with the Minister of State, Deputy Jim Daly.

**Senator Michael McDowell:** If real independence-----

**An Leas-Chathaoirleach:** I am done with independence. I will leave that to the Committee on Procedure and Privileges. Senator McDowell has made his point over and over again.

**Senator Michael McDowell:** May I finish my sentence before-----

**An Leas-Chathaoirleach:** Please, Senator.

**Senator Michael McDowell:** If real independence involves helplessness and ineffectuality, let them have it.

**Senator Jerry Buttimer:** I hope they will all vote for Seanad reform.

**An Leas-Chathaoirleach:** Over and out.

**Senator Rose Conway-Walsh:** I commend the Leas-Chathaoirleach on his work as Chair of the Seanad Public Consultation Committee on children's mental health services, as well as Senator Freeman and all the other members of that committee on producing its report. I thank in particular the parents who were courageous enough to come forward to tell the committee about their experiences, which I think has informed the report in a very positive way. However, like A Vision for Change, it is all in the implementation and how effectively the recommendations within this report will be implemented. I look forward to a full discussion and debate on this in the Seanad in the near future.

Turning to the main business I wish to raise, I was glad to see that the Taoiseach attended several engagements in Derry last week and I welcome his comments about Brexit and the devastating consequences it will have on the Border communities and indeed the entire island of Ireland. I particularly welcome his focus on the internal strife in the Tory party. This is the Tory party that is advising my leader's party on how it should communicate. The shambolic attitude of the British Government to the Border-----

**Senator Jerry Buttimer:** The one-page memo is out-----

**An Leas-Chathaoirleach:** Order, please. I call Senator Conway-Walsh, without interruption.

**Senator Rose Conway-Walsh:** Is that the one page that cost €5 million to put out?

**Senator Jerry Buttimer:** Where is Sinn Féin's money coming from?

**Senator Rose Conway-Walsh:** I am talking about the Tories. Their attitude can be summed up as "we do not know and we do not care". However, I am concerned about the remarks the Taoiseach made about the Good Friday Agreement and the provision of a Border poll. The Taoiseach said he would be uncomfortable with a situation in which there was a vote of 50% plus one in favour of Irish unity but it is simply not up to him to decide. The agreement is explicit in recognising "the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland". The Good Friday Agreement is a legally binding international agreement. It was hard fought for and involved all democratic political parties in the North along with the two Governments and international partners. The Taoiseach cannot now cite the agreement when arguing against the excesses of Brexit and then cherry-pick the parts with which he is uncomfortable. In the same interview the Taoiseach rightly called for the extension of marriage equality to the North. If there were a referendum on this issue, would he accept a 50%-plus-one result? He also referred to the fact that the majority of the North voted to remain within the EU. Was this majority good enough for him in this case? The Good Friday Agreement contains many provisions that were unpalatable to republicans. In spite of this, Sinn Féin honoured and worked on all aspects of it. It is unacceptable now that the Taoiseach, as a representative of one of the co-guarantors of the Good Friday Agreement, should seek to undermine one of its core principles. It was not too long ago that the only contribution about the North from politicians and commentators in this jurisdiction was to quote the principle of consent *ad nauseam*. Now when the prospect of a united Ireland is raised they cite stability and getting everybody on board. The Taoiseach's comments have caused uncertainty and are really unhelpful. The Irish Government needs to defend the Good Friday Agreement in its entirety and work to achieve any outcome that is democratically expressed by the people.

**Senator Aodhán Ó Ríordáin:** I wish to raise the recent ballot taken by special needs assistants, SNAs, to take industrial action. Of SNAs who voted, 97% voted in favour of industrial action because of the ongoing uncertainty caused by late allocation made by the Department of Education and Skills. This is particularly irritating to the SNAs because an Oireachtas education committee report started by me and then completed and published by the former Senator Mary Moran outlined quite a number of issues that SNAs are raising. We had quite an extensive consultation with SNAs themselves about the work practices and the uncertainty they face. Once again, the Department has failed to deal with the issues raised in that report, and this late allocation issue still undermines the certainty that special needs assistants feel in the workplace. A number of teacher unions are not signing up to the most recent pay agreement, the Union of Students in Ireland is taking to the streets over the proposal for a student loan scheme and now, another branch of our education workforce is threatening industrial action. I therefore ask again for a debate on education matters in this House with the Minister at the earliest opportunity.

Another issue I would like to raise, if I may, on a cheerier note is the push for marriage equality in Northern Ireland and in Australia, which, as was said to President Higgins on his visit there, is the most Irish country in the world outside of Ireland. A postal survey on this issue is taking place in Australia at present. The final date for posting of those ballots is, I

believe, 27 October. In order to raise awareness of the ongoing push for marriage equality in Northern Ireland and in Australia, a football match will take place this Sunday in Tolka Park at 2 p.m. between politicians and Dublin Devils Football Club, a gay men's football team. It is open to all to come along and cheer on whichever team they wish to cheer on. It is a fundraiser for marriage equality in Northern Ireland and will also raise awareness among Australian citizens in Ireland who wish to post their ballots back. As we still celebrate the fact that we in this Republic were the first country in the world to vote openly for marriage equality, we have an opportunity and an obligation to do what we can for other jurisdictions, other parts of this country and other countries in the world. We must encourage them to do what they can to bring in marriage equality where they are.

**Senator John O'Mahony:** I wish to raise a number of sporting issues. First, I welcome the announcement by the Olympic Council of Ireland yesterday of its termination of its deal with THG Sports, which was the ticket distributor that was in such controversy at the Olympic Games in Rio de Janeiro. It had done a deal with the former president, Pat Hickey, up to and including 2026. I compliment the newly-elected president of the Olympic Council of Ireland, OCI, Ms Sarah Keane, on the many difficulties she has dealt with since taking office. The new arrangement, announced yesterday, was brokered through mediation by former Supreme Court judge, Mr. Justice Finnegan, whom I also compliment. The agreement is confidential and we do not know if there was a financial settlement and so on. However, it is important that it is confirmed to both Houses by the Minister for Transport, Tourism and Sport, Deputy Ross, that no Government funding has been committed in respect of the financial settlement. In light of the progress that has been made by the Olympic Council of Ireland and the success of our athletes, it is important that athletes are not in any way impacted by the wrongdoings of others and that Government funding is restored. Perhaps the Leader will clarify the matter.

On a related matter, we were all caught up ten days ago with Ireland's fantastic win against Wales and subsequent qualification for the play-offs. Yesterday, Ireland was drawn against Denmark. It was interesting to note that within three minutes of the draw being made the cost of return flights from Copenhagen increased from €208 to more than €500. I know the market dictates and so on but I understand all flights are sold out. I call on the airline companies involved to put on additional flights at reasonable cost. I understand hotel prices in Denmark have also rocketed. We are not in control of that but we must do all we can to ensure loyal fans can attend the match.

**Senator Keith Swanick:** I congratulate all involved in the report on children's mental health, particularly the parents who bravely recounted their stories to the committee.

Tomorrow, 19 October, marks the 18th anniversary of the release of the Guildford Four by the Court of Appeal in London. Their release in 1989 after 15 years imprisonment brought an end to what was considered one of the biggest miscarriages of justice.

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

**Senator Keith Swanick:** The Birmingham Six soon followed and the campaign for their freedom was vindicated. Due in part to their innocence, compelling evidence about prison conditions began to be discussed. The depiction by Daniel Day Lewis of Gerry Conlon in the film "In the Name of the Father" illustrated this for us all.

According to the Irish Penal Reform Trust there are 60 people currently in prison who are

slopping out, without in-cell sanitation. There are approximately 3,750 people in prison custody, often in dangerously crowded cells. The work of the Irish Prison Service is very challenging and prison officers are routinely subjected to acts of barbarism against them. I witnessed this when I worked as a locum doctor in Mountjoy Prison, one of 14 institutions in the Irish Prison Service.

It is time for a frank debate about the Irish prison system, including the Dóchas Centre, Limerick, Portlaoise and Castlerea prisons, Loughan House and all the other institutions and the fact that the majority of Irish prisoners have never sat a State examination, over half of them left school before the age of 15 and the scandal of slopping out.

**Senator Victor Boyhan:** It is a regular occasion for me to raise the issue of driving tests. This issue was the subject of a Commencement matter this morning.

**An Leas-Chathaoirleach:** The matter has been discussed already.

**Senator Victor Boyhan:** I am not happy and I ask that the Leader facilitate the presence in the House of the Minister, Deputy Ross, for a debate on the issue.

**Senator Marie-Louise O'Donnell:** On a point of order, the issue has been already discussed as a Commencement matter.

**An Leas-Chathaoirleach:** I will handle the matter.

**Senator Marie-Louise O'Donnell:** I beg your pardon.

**An Leas-Chathaoirleach:** Thank you, Senator.

**Senator Victor Boyhan:** I am asking that the Minister-----

**An Leas-Chathaoirleach:** Is the Senator asking the Leader if he will arrange a debate on the matter?

**Senator Victor Boyhan:** I am asking that the Minister, Deputy Ross, come to this House for a debate on the matter during which I can tease out the matter in greater detail.

**Senator Marie-Louise O'Donnell:** The Minister of State, Deputy Griffin, was in the House. I listened to him speak for 20 minutes on the monitor in my office.

**An Leas-Chathaoirleach:** The Leader will respond in due course. I call Senator Noone.

**Senator Catherine Noone:** With regard to the sugar tax, which I welcome, it is my understanding that the approximately €50 million per annum which it is estimated will be generated from this tax will not be ring-fenced, which I do not understand. As I have stated on numerous occasions, one in four Irish children and one in three adults are now deemed to be either overweight or obese. I do not propose to repeat the statistics which I have regularly offered the House in this regard. *The Lancet* study of 2010 found that the incidence of diabetes has also significantly increased. I had a briefing on the issue last week and I thank the Members who attended. I intend to provide pre-diabetes testing in January on an appointment basis so that people do not have to wait lengthy periods on the day for a test. There was a lot of interest in the previous round of testing. I have the permission of the Superintendent to hold another round of testing in the medical room in January.

On the last occasion, we heard presentations from Dr. Grace O'Malley from Temple Street hospital and Dr. Heneghan, a bariatric surgeon from St. Vincent's Hospital who also works in the obesity department in St. Columcille's Hospital. It was apparent to me from those presentations that we are not treating obesity like the disease it is. There is no other disease treated in this country in the manner in which obesity is treated. Notwithstanding that it is a preventable disease in many instances, once people have it, it is nonetheless a disease and there is no direct treatment programme for it across the health services. Senator Norris has referred to obesity as "fatness".

**Senator David Norris:** It is.

**Senator Catherine Noone:** People who are obese are fat but obesity is still an illness and we must treat it as such. Obesity is at odds with any other disease when it comes to how we treat it. It is that type of attitude that highlights the difficulty in treating this area.

I find it incomprehensible that the Department of Finance does not intend to ring-fence moneys accruing from the sugar tax. Clearly, it is a costing issue and a finance issue as to the reason bariatric treatment cannot be provided to morbidly obese people. We heard a great deal of evidence in that regard. The plastic bag levy was implemented and the proceeds of it were used for environmental initiatives and something similar should be done in respect of this tax. This is a very important issue.

**Senator Fintan Warfield:** Last night, the Seanad progressed legislation recognising the rights of the deaf community. It came to the attention of many of us after the debate -and to my attention online - that the Oireachtas could not facilitate access to the full broadcast of that debate. This opens up the wider conversation of why the Oireachtas and this Parliament does not face outwards and why broadcasts of the Oireachtas and Parliament cannot be accessed by all of our communities. The Irish Deaf Society thanked Ms Catherine White who live-streamed a live interpretation of yesterday's proceedings on the Recognition of Irish Sign Language for the Deaf Community Bill 2016. It is hugely problematic and deeply upsetting that the deaf community could not access all debates relevant to their lives. I would welcome a comment from the Leader on what we can do in this Chamber to ensure that the Oireachtas broadcast of debates here is fully accessible and whether this is a matter for the Committee on Procedure and Privileges.

**An Leas-Chathaoirleach:** That is a matter for the broadcasting unit rather than the Leader. However, the Leader may respond.

**Senator Marie-Louise O'Donnell:** I would like to point out that I was not questioning and do not question anybody's independence of thought. I am also not questioning the order and form generally outside of the bobbing up and down and the repetition. I am questioning the Order of Business and its form and regulation. I am requesting that those who-----

**An Leas-Chathaoirleach:** I understand the Senator has already written to the CPP about that. It will be dealt with.

**Senator Marie-Louise O'Donnell:** I know, but I just want to make myself clear. I took the Leas-Chathaoirleach's advice and wrote to the CPP about it. I feel that those who are not part of a group should be afforded the same time as others, on a first come, first served basis, rather than always being at the bottom of the queue.

**An Leas-Chathaoirleach:** It will be dealt with by the CPP.

**Senator Marie-Louise O'Donnell:** I am not part of a group. I do not suggest a Senator in a group is not independent of thought, cognition or feeling, but if one is not in a group, one has to go to the bottom of a queue on the Order of Business.

**An Leas-Chathaoirleach:** The Senator will notice that I took her because there was no one here from the Civil Engagement group.

**Senator David Norris:** Big mistake. The Leas-Chathaoirleach should have taken me.

**An Leas-Chathaoirleach:** Neither Senator Norris nor Senator Marie-Louise O'Donnell has ever had to wait at the bottom of the queue when I have been in the Chair.

**Senator Marie-Louise O'Donnell:** I know that and I thank the Leas-Chathaoirleach.

**An Leas-Chathaoirleach:** I am sure that goes for the Cathaoirleach as well.

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

**Senator Marie-Louise O'Donnell:** Unlike Senator McDowell, I did not have the advantage of Jesuit training in thinking, nor did I gain the confidence the Jesuits have instilled in many people throughout Ireland. I am a Loreto girl and I understand a lack of balance.

**An Leas-Chathaoirleach:** The Senator is well over time.

**Senator Marie-Louise O'Donnell:** I have experienced this as a woman and I would never question the independence of the Independent group. I am just questioning the format.

**An Leas-Chathaoirleach:** I ask the Senator to wind up as she is well over time.

**Senator Marie-Louise O'Donnell:** I remind the Leader to call on the Minister for Rural and Community Development, Deputy Ring, to come into the House to give us an update on the German and New Zealand banking models for our post office system. There has been a report and it is a very important issue. I say to all Independents, "May you well sail in your ship".

**Senator Kieran O'Donnell:** I wish to raise the fallout of Hurricane Ophelia and insurance for people. The media have suggested that house and car premiums may go up for ordinary citizens. Insurance companies cannot use Hurricane Ophelia as a back door to raising insurance premiums. They factor heavy loadings for storms and other impacts into the prices they charge, so they cannot rip people off because of Ophelia. They also have to reinsure people. Ophelia was completely unexpected and they cannot refuse to reinsure people. We should have a debate on this in order that insurance companies are given a warning that they cannot rip people off.

**Senator Kevin Humphreys:** I wish to raise the issue of the thousands of people who have been affected by the tracker mortgages issue. In 2008, the Central Bank notified the lending institutions about treating their customers fairly in relation to tracker mortgages. It raised the issue again in 2009 and 2010 and its website refers to concerns following an examination of tracker mortgages. In October 2012, Bank of Ireland wrote to hundreds of customers stating, "as a valued mortgage customer, we want to share some interesting findings from research we carried out recently with homeowners, like you, who have a mortgage on a tracker rate". The data was gathered by RED C in August 2012 and the letter was sent to hundreds of Bank of Ireland customers. At the time, I sought the RED C survey and its first page stated why it

had commissioned the survey and its objectives, which were to encourage people with tracker mortgages to move off their product, ultimately to improve the overall profitability of the Bank of Ireland group.

That is clearly what has happened. It is not new information and I raised it at the finance committee. It has now been close to ten years and many people have not yet got their money back but have lost their homes. The figure is a minimum of €63 million and it could be up to €500 million. Nobody is clear how much was defrauded from ordinary Irish citizens. On many occasions banks and other lending institutions lied through their teeth to committees. The Central Bank held informal discussions with An Garda Síochána in April and I would like the Leader to ask the Minister for Finance to clarify whether the Garda Síochána can start an investigation without a formal complaint. The Central Bank is not about to put in a formal complaint but, given the amount of evidence and the amount of fraud that has been carried out, I want to know why. If necessary, all parties in the House should come together on this issue as they have all raised the issue regularly.

**Senator Jennifer Murnane O'Connor:** I wish to raise the national planning framework up to 2040. The last chance for submissions is 12 noon on Friday, 3 November. It is crucial for Senators, Deputies and the public to make submissions. The plan envisages that the number of people aged over 65 will more than double and half the jobs people work in now will not exist. There is a ten-year national investment plan and that is crucial. In County Carlow, we need proper transport and road infrastructure as well as links to Dublin, so we need investment, jobs and to work more with the IDA. There is a proposal for a national land development agency to work with local authorities and legislation for an independent office for planning regulation, so every local authority and citizen should make a submission to this plan.

**Senator David Norris:** In the discussion yesterday on the Recognition of Irish Sign Language for the Deaf Community Bill 2016, I said I had been advised by the Bills Office to withdraw amendments but I would like to correct that statement. It was actually the people who tabled the amendments who asked me to withdraw mine, and so I did.

On the question of independence, I am fully independent but Senator McDowell orchestrated my exit from the group of independent university Senators, which I founded 30 years ago with former Senator Joe O'Toole. Senator McDowell brought rejects from Fianna Fáil and Government nominees into his group so how independent is that?

**An Leas-Chathaoirleach:** We should not get into that. The independence of Senator Norris was never questioned.

**Senator David Norris:** I am not sure how many parties Senator McDowell has been in during his career. I suppose that when one founds the Progressive Democrats and they collapse, it projects one, willy-nilly, into a form of independence. I have not been held back on the Order of Business and have been allowed to introduce legislation. I am a completely independent Independent. Senator McDowell graciously referred to my absence from the House but he is a little bit new to the House and does not realise that one does not refer to the absence of another Member. I gather he was told this but, for his information, I play a full and active role in this House. I had a Commencement matter today and went from that matter, which I shared with Senator Buttimer, to a briefing about the Canadian trade association. I was fulfilling my parliamentary-----

**An Leas-Chathaoirleach:** You certainly are.

**Senator David Norris:** I certainly am an independent Independent. I question the independence of the Independent Group but I do wish them well.

**Senator Maria Byrne:** I wish to speak about two initiatives to do with education. One is the announcement on Monday by the Minister, Deputy Richard Bruton, and the Minister of State, Deputy Mary Mitchell O'Connor, of a €20 million investment in Limerick Institute of Technology in terms of STEM. It is an investment in a science and IT building that is much needed and will facilitate between 600 and 1,000 students. It will be built by 2021. This is a very welcome addition to the campus.

The other issue I wish to raise is the swimming pool on the grounds of the University of Limerick. It is the only Olympic-sized pool in Ireland. There is a currently a problem with its floor and all competitions, for Munster and Ireland, have been cancelled for the foreseeable future. Replacing the part in question will cost €20,000 and they also have to replace 11 other parts, which will cost huge money. I ask the Leader to ask the Minister of State with responsibility for sport to intervene and to see if he can come up with funding for the floor to be fixed so the pool can be put back into working order as soon as possible.

**Senator Gerard P. Craughwell:** When I came to this House in 2014, I had a steep learning curve.

**An Leas-Chathaoirleach:** Is the Senator gone off it now?

**Senator Gerard P. Craughwell:** Certainly not.

**Senator Rónán Mullen:** I thought Senator Craughwell was looking for nominations for the councils.

**Senator Gerard P. Craughwell:** Good people like the Leas-Chathaoirleach steered me in the right direction. I was rather shocked to hear this morning's discussion about speaking time, membership groups and so on. One learns very quickly in this House to be a member of a group or to sit in the gods up there.

**An Leas-Chathaoirleach:** The Senator can imagine how the Chair felt. That is a matter for the Committee on Procedure and Privileges, as I have said *ad nauseam*.

**Senator Gerard P. Craughwell:** Of course it is. I really respect the Leas-Chathaoirleach's ruling on this because he has always acted based on the rules of the House and allowed those of us who are Independent in groups to be treated as group members similar to our colleagues in political parties, whom I deeply respect. I also respect my colleagues who are Independents and have decided not to join a group for technical purposes.

**Senator Marie-Louise O'Donnell:** Independent Independents.

**Senator Gerard P. Craughwell:** I recognise their right to remain outside a group but, alas and alack, when we make a decision, we must live by the rules.

**Senator Marie-Louise O'Donnell:** The Senator sounds like the badger in *The Wind in the Willows*.

**Senator Gerard P. Craughwell:** I have sat here on one occasion for two and a half hours

of a debate and, as I got to my feet, I was told, “Sorry, Senator, we are out of time”. Such is the price one pays for being an Independent without the support of colleagues. We in the Independent Group are truly independent. We do not really have a Whip and we never agree on anything.

**Senator Marie-Louise O’Donnell:** He does; he pays a Whip.

**Senator Gerard P. Craughwell:** It is purely a technical issue.

**Senator Marie-Louise O’Donnell:** What is he talking about?

**Senator Frank Feighan:** In reply to Senator Craughwell, I think he is the only Independent Member of this House ever to have been elected by the Government party. In the by-election in 2014, more Fine Gael members voted for Senator Craughwell than voted for our own candidate. I wish him well in his future endeavours.

We were in Liverpool for the 55th plenary of the British-Irish Parliamentary Assembly. Without doubt, this is one of the most important assemblies. It brings politicians from North and South and from Wales, Scotland, England and the Crown dependencies. We talked about very serious issues such as Brexit and co-operation. I said that when they voted for Brexit in their referendum, the British people never thought about the island of Ireland. Effectively, the British people have shot themselves in our foot. The Border and the island of Ireland will be the Achilles heel of any deal that is done in Ireland, the UK or Europe. It is a huge issue and I do not know how we can get around it. We are losing great allies in Europe.

At the assembly were Chloe Smith MP and Robin Walker MP from the Conservative Party, and Councillor Malcolm Kennedy from Liverpool. He stated that Liverpool was probably the most sectarian city in the islands but in the 1960s, for some reason, they got over it. It was a deadpan delivery but it was a great reflection on the people of Liverpool. They had Orange marches and nationalist marches and there were huge tensions and riots. Today, although that past is commemorated, they do not have the same violence that went on before.

We also had Eoin O’Neill, the president of the British Irish Chamber of Commerce, and Professor Peter Shirlow, director of the Institute of Irish Studies in the University of Liverpool. We had a debate about a Border poll and 50% plus one. I think Professor Shirlow is going to share the results of his study with us. They will not make good reading for all of us who want to unite the people of Ireland and want one Ireland. They suggest that a Border poll would be defeated. If we get the details, we should bring the matter to this House to debate it. It was a very detailed survey. I would be concerned that a Border poll could be counterproductive, although people have every right to call for it. Most people at the assembly were alarmed by the results of the study. They could be eye-opening.

**Senator Rónán Mullen:** It is horrible to think that among the many people who travel to countries like the Philippines, Thailand and various countries in eastern Asia are Irish sex abusers. It is time that we heeded the call of Nobel Prize nominee and Columban priest, Fr. Shay Cullen. I am sure most of us are aware of him and his great work. He is calling for legislation to allow the passports of convicted sex offenders to be revoked to prevent them from perpetrating their evil activity abroad. He has pointed to cases in which people who faced charges in their home countries for sex abuse were able to travel to the Philippines, where they perpetrated further evil. He speaks with real authority, as the founder and director of Preda, a charity that works to rescue children from child abuse in the Philippines and to prevent this evil from occur-

ring in the first place by targeting abusers and seeking to bring them to justice. Deputy Maureen O'Sullivan has been working with Fr. Cullen and I believe legislation will soon be unveiled that will impose travel limitations on Irish citizens who have been convicted of a sex crime. One can debate whether the requirement would be that they were convicted of a sex crime against a child or of sex crimes generally. However, the principle is a good one and I would like to hear from the Minister for Foreign Affairs and Trade what position the Government will take on this legislation.

I apologise if this issue has already been raised in the House. Maybe the Leader has already responded to it, but I certainly think it is an issue we should discuss with the Minister, Deputy Coveney, in the House. It is vital that we support and debate it. I do not believe there would be a constitutional obstacle here but, even if there were, it could be rectified by putting the appropriate question to the people if necessary. That seems to be increasingly common these days anyway. Earlier this year, Australia became the first country worldwide to introduce legislation of this kind. We know that Britain has official counter-terror orders that can restrict overseas travel for certain people. We are not dealing with something that is absolutely without precedent but we are dealing with the best case for restricting people's travel. The purpose is to prevent them from going abroad and using, among other things, their disproportionate wealth - although that is only a factor in this evil - to abuse children. Ireland should take a lead on this and it would be great if the Seanad took a lead on it.

**Senator Jerry Buttimer:** I thank the 18 Senators who contributed to the Order of Business. I will begin with the remarks of Senator Ardagh. I am hopeful that the Minister for Employment Affairs and Social Protection will be coming before the House soon. As the Senator knows, the Minister is very committed to eradicating poverty from our society. From the perspective of the Minister and the Government, the most important way to eradicate poverty is to create jobs and to give people an income, be they single parents, lone parents or families. This is why it is important to recognise that under the current Government and its predecessor, the number of people in work has increased. It is also about breaking down barriers that are preventing people from getting a fair chance. This is what the Government is about; creating a just and fair republic of opportunity for all our citizens. Senator Ardagh is aware that the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, has previously stated that tackling child poverty is a key goal of her tenure in the Department. We all accept that a disproportionate number of people are affected by poverty. The Senator made reference to child poverty today and it is an area where we need to see a continuation of the work of the Government. A whole-of-government approach is required. As Senator Ardagh knows, 2015 was the first year since 2008 that Ireland saw a reduction in the number of children who are in consistent poverty. When compared with 2014, in 2015 there was a 13,000 or approximately 9% decrease in the number of children in consistent poverty. We all accept the figure is still too high. When the figures for 2016-17 are published, they will show that there has been a significant movement of people out of poverty. It is important that we invest in all children, whatever part of society they come from. This is why the previous Government created a Minister for Children and Youth Affairs at Cabinet level. It is why we are committed to breaking the cycle of poverty as per the European Commission report. I very much look forward to working with all Members of the House in tackling the issue of poverty, and especially childhood poverty.

Many Senators, yesterday and today, raised issues in respect of Storm Ophelia. I join Senator Ardagh in commending the crews of the ESB who, in very rough, difficult terrain and in very difficult circumstances, have reconnected many places that lost power during the storm.

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I believe that as of 8 a.m. this morning, approximately 70% of those who lost power had their electricity supply restored. Some people remain without power and it will take time. I appeal to people's patience with regard to the restoration of power to homes and premises.

Senators Ardagh and Kieran O'Donnell made reference to insurance companies. It is important that the insurance companies work with people to ensure they are not ripped off. They are, and they should not be allowed to rip off people who are at their most vulnerable following the storm. I join with the Senators' sentiments in that regard.

I would be very happy to have the Minister for Agriculture, Food and the Marine, Deputy Creed, come to the House to discuss the issues of fisheries. As Senators have rightly said, many of the fishermen who fish off our coasts have been affected most severely by Storm Ophelia. I would be happy to have that debate after the storm review by the Government. I also mentioned a review yesterday with regard to Senator Craughwell and the Minister of State with responsibility for Defence, Deputy Kehoe. I would be happy to have that debate.

Senator McDowell paid tribute to the Leas-Chathaoirleach in his role as Chairman of the Seanad Public Consultation Committee, and to Senator Freeman, on the publication of the report of the Seanad Public Consultation Committee on children's mental health services. I was pleased to be part of the committee and to be at the launch today. In his contribution Senator McDowell spoke of the importance of cross-party consensus and about not being just political. We should not be political in the Seanad Public Consultation Committee. We should work together to benefit the young children, in this case. In his speech at the launch this morning the Leas-Chathaoirleach's remarks were apt, especially when he spoke about the humbling experience of listening to the testimony of the parents involved. It was a very harrowing but important part of the work done by the committee. I compliment the Leas-Chathaoirleach on his steering of the committee and for his Chairmanship. It is about achieving consensus and Senator McDowell was right to reference a previous Minister, Tim O'Malley. If we consider A Vision for Change, in one sense it still stands as the bible or the blueprint for how we can go forward. This requires, as the report states and to which the Minister of State, Deputy Jim Daly, is committed, investment in community facilities and community outreach in order that we can have people living in the community among us as part of their families. It is also about changing the mindset and breaking down the barriers around mental health. The report has many fine recommendations but it requires a whole-of-Government approach and a whole-of-agency approach with joined-up thinking, which perhaps we have not seen. This is why the Seanad Public Consultation Committee, Oireachtas committees or Senator Marie-Louise McDonnell's very fine piece of work on end-of-life care challenge the norm and challenge the perceptions of officialdom. We must continue to push the mindsets to bring change that can benefit all our citizens. I commend Senator Freeman and the Leas-Chathaoirleach on the work that was done on the report launched today. I very much look forward to that all-party approach continuing in the area of mental health. It is through consensus that we can achieve better results and outcomes.

Senator Conway-Walsh spoke about how good it was to see the Taoiseach attending engagements in Derry. Senators Conway-Walsh and Feighan made reference to the Border poll. As a co-guarantor, the Government is committed to the Good Friday Agreement. We must all take cognisance of Senator Feighan's remarks. Those of us who want to see a united Ireland must recognise that it cannot happen in one dimension, it has to take time. Perhaps this will require a change of mindsets by everybody. I was disappointed to see in the newspapers this morning and in the news last night that it would appear the DUP and Sinn Féin are not close to agreement on going back into government in the North of our country, where I believe we should have a

government especially when we are entering into a very critical phase of the Brexit negotiations. The citizens of our country, North and South, require a government to be a party to these negotiations and to advocate on their behalf. These are the people who elected Sinn Féin to go into Stormont to work on their behalf. Senator Feighan's words this morning were important as they related to the outcome. None of us want to have a rushed outcome or the wrong result - if I can use that phrase. Others have a different viewpoint from me; I am only giving a personal viewpoint. It needs to be done by consensus and by working with people. The best way to demonstrate the ability to do that is for the parties to go back into government in the North. Senator Conway-Walsh may take that back to her party leadership, if they are serious about going into government in the North.

Senator Aodhán Ó Ríordáin made reference to special needs assistants. I spoke about this issue yesterday as it was raised in the Order of Business. In the budget allocation the Government has announced 1,090 new special needs assistant posts. This brings to nearly 3,000 the number of positions that the Minister for Education and Skills, Deputy Bruton, has created. It is a source of worry and discontent that the vote was taken last weekend. As a teacher myself, I am aware that the model of distribution of special needs assistants is based upon the needs of students and the whole school cohort. I accept that perhaps there could be a more timely resolution to the outcome with regard to the allocations of SNAs for the school year ahead. It is important that a model of delivery for SNA allocations to schools could be done earlier rather than later. I accept the frustration that many special needs assistants face but the Minister, Deputy Bruton is ensuring that we have a model that delivers for the pupil who needs the special needs assistant.

I join Senator Ó Ríordáin in welcoming the fundraising event to be held next Sunday for marriage equality in the North. An important game of football will be held. I will not be able to go unfortunately as I will be at the opening of Páirc Uí Chaoimh. I wish all those involved in the fundraiser well. The Senator spoke of Australia. It is wonderful that we have an Irishman, Mr. Tiernan Brady, leading the Australian marriage equality campaign and working with the Australian people on that.

**Senator Lorraine Clifford-Lee:** A Fianna Fáil candidate.

**Senator Jerry Buttimer:** That is the cross he has to carry in life.

**Senator Frank Feighan:** And he is from our constituency.

**Senator Jerry Buttimer:** It is, however, important that he does bring that vote home. It is a pity the Fianna Fáil Party did not join with him in the marriage equality referendum when it happened in Ireland-----

**Senator Lorraine Clifford-Lee:** That is the lie that Senator Buttimer likes to make.

**An Leas-Chathaoirleach:** Order please Senators.

**Senator Jerry Buttimer:** -----because there was only a few-----

**Senator Lorraine Clifford-Lee:** We all did plenty-----

**Senator Jerry Buttimer:** Only a few of them went out campaigning.

**Senator Lorraine Clifford-Lee:** Our leader was actually to the forefront of the marriage

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equality campaign. I do not believe that the then Taoiseach, Deputy Enda Kenny, was anywhere to be seen on that campaign.

**An Leas-Chathaoirleach:** Order please. Allow the Leader to respond please.

**Senator Jerry Buttimer:** I congratulate Senator Clifford-Lee on her performance last Saturday night. It was good to see her up on the stage, but she can come off that stage now. The reality was that the Fianna Fáil Party-----

**An Leas-Chathaoirleach:** We are in this House now Leader.

**Senator Jerry Buttimer:** -----did not do a lot in the marriage equality referendum. I can tell her that.

**Senator Lorraine Clifford-Lee:** We will come off the stage and get the seats Jerry, do not worry about that.

**Senator Jerry Buttimer:** Senator O'Mahony raised some very important issues in sport. On the matter of ticketing and the Olympic Council of Ireland, OCI, I join with the Senator in welcoming the severing of that link. I praise the new president of the OCI for the stellar work that is being done on behalf of the OCI.

On the Senator's other point, we once again witnessed the age-old chestnut of price-gouging by airline companies in respect of flights immediately after the announcement of the date of the Denmark match. That is deplorable and unacceptable. I call on all the airlines to ensure extra flights are put on. They are discommoding Irish people who want to travel and who will support them in other ventures and in other ways. It is unfair that they are making more profit on the backs of people who want to support our national team. Senator O'Mahony's point is well made.

Senator Swanick referred to issues relating to Irish prisons and the anniversary of the release of the Guildford Four. We all remember the days when people were wrongly incarcerated and we welcome their acquittal. On the point the Senator made in terms of investment in the Irish Prison Service, I remind him that the previous Government, when there was no money in the country, opened a new prison in Cork. In the context of the recent budget, the Minister for Justice and Equality, Deputy Flanagan, was able to secure additional funds of €157 million for capital investment in the Prison Service. Of this, €120 million will be used to modernise Limerick Prison. Capital funding allowing for the improvement of facilities in Portlaoise Prison, Shelton Abbey, Loughan House, the Dóchas Centre, Cloverhill Prison and Wheatfield Prison will also be provided. In tandem with that, this funding will ensure that the master plan for Mountjoy Prison will be brought to fruition.

We all agree with the Senator on the need for education in prisons in order that people who are incarcerated have the opportunity to educate themselves or to be educated. As a former director of adult education, I worked with the Prison Service to bring certain courses to Cork Prison. Education is of benefit to the prisoner. We all welcome that. We equally welcome the fact that there has been capital investment to end the practice of slopping out, which we all agree is inhumane and should not be allowed to continue.

On Senator Boyhan's point, I would be happy to have the Minister for Transport, Tourism and Sport, Deputy Ross, come to the House. The Senator spoke on a Commencement matter

this morning in respect of the situation regarding driving tests. This is a very serious issue which is having a profound impact on many young people in particular. The Minister of State, Deputy Brendan Griffin, gave the Senator a comprehensive reply earlier. I will not go back through it but this is a matter which requires urgent attention and I will be happy to have the Minister come the House in that regard.

Senator Noone raised the issue of diabetes. She has been very strong in her advocacy regarding obesity and the sugar tax. What she did last week was of huge importance in the promotion of the need for healthy lifestyles. I will try to have the Minister of State at the Department of Health, Deputy Catherine Byrne, come to the House in the coming weeks.

Senator Warfield raised the issue of the deaf community. It was a very profound day yesterday when the Recognition of Irish Sign Language for the Deaf Community Bill 2016 was passed by the Seanad. As Leader of the House and on behalf of the Fine Gael group, I was very pleased that the Government of which we are members played its role in ensuring that the Bill passed through the House. I commend all Members of the House for their work in support of the Bill. It was a very important day. The remarks the Senator made are really a matter for the broadcasting section, but I would be happy to raise it at the Committee on Procedure and Privileges on the Senator's behalf. We might have a conversation about that before next week's meeting. It is an important issue. Members of the deaf community should be able to access all services across the Houses. That is important.

Senators Marie-Louise O'Donnell, McDowell, Craughwell and Norris all mentioned the independence of Independent Members. All I can say to those on the Independent benches who are feeling very aggrieved is that I have membership cards for the Fine Gael Party. Senator McDowell can come home, he is more than welcome and we would love to have him back. Senator Craughwell was also a member of the party at one time. He can also come back and is more than welcome. Senators Mullen and Boyhan are welcome.

**Senator Aodhán Ó Ríordáin:** Can we have a saucer of milk for the Leader?

**Senator Michael McDowell:** Senator Marie-Louise O'Donnell is in the party.

**Senator Jerry Buttimer:** I am not sure if Senator Lawless is still a card-carrying member but he is welcome back.

**Senator Aodhán Ó Ríordáin:** Were they trustworthy?

**Senator Michael McDowell:** Senator Marie-Louise O'Donnell is in the party.

**Senator Jerry Buttimer:** Senator Marie-Louise O'Donnell knows that she is welcome. There is a special place for her here.

**Senator Michael McDowell:** She is a card-carrying member.

**Senator Aodhán Ó Ríordáin:** Did the Leader trust them?

**Senator Rónán Mullen:** Would Fine Gael allow free votes?

**Senator Jerry Buttimer:** Senator Ó Ríordáin is really a Fine Gaeler at heart.

**Senator Aodhán Ó Ríordáin:** That is one thing I am not. I am only a Blueshirt when it comes to the Dubs.

**Senator Jerry Buttimer:** Senator Ó Ríordáin could be a Fine Gaeler of the “just society” persuasion.

It is important to recognise the Loreto girl who did her school proud this morning in rallying the cause, whether she had Jesuit training or not. The issue of post offices is one to which we need to return because it is very pressing in nature. I would be happy to have the Minister for Rural and Community Development, Deputy Ring, come before the House to discuss that matter. Senator Marie-Louise O’Donnell raised the issue previously. I will defer to the Leas-Chathaoirleach in respect of the ruling about the independence of Independent Members.

Senator Kieran O’Donnell referred to insurance. Senator Humphreys raised the issue of tracker mortgages. He is absolutely correct. I would be very interested to hear of the outcome of the meeting of the Joint Committee on Finance, Public Expenditure, Reform and Taoiseach this week. The banks have ripped people off in this regard and the Senator is absolutely correct in that it is about profitability. The Taoiseach has made the point repeatedly, as has the Minister for Finance, Deputy Donohoe, that the banks must allow people to be given redress and compensation. It is important that we have that debate again. I will endeavour to have the Minister come to the House but the matter is before the Joint Committee on Finance, Public Expenditure, Reform and Taoiseach, so I might let it finish its work before I invite the Minister to the House.

Senator Murnane-O’Connor spoke about the national planning framework, Ireland 2040 - Our Plan. It is a very important plan and the Senator is correct that all members of society should engage with it before the closing date for submissions.

Senator Byrne referenced two issues relating to third-level institutions in Limerick. I join her in welcoming the 11 projects announced this week by the Minister for Education and Skills, Deputy Bruton, and the Minister of State at his Department, Deputy Mitchell O’Connor. The investment of more than €200 million in capital projects in our institutes of technology is to be welcomed.

**Senator Maria Byrne:** I also mentioned the swimming pool.

**Senator Jerry Buttimer:** In terms of the swimming pool issue, the Senator might get a reply more quickly by means of a Commencement matter. It might be better for her to table such a matter but I will also take it up with the Minister on the Senator’s behalf.

On Senator Feighan’s point, I commend the British-Irish Parliamentary Assembly on its work. I know the Leas-Chathaoirleach is a member. It is a very important committee. On the remarks of the Senator and of Senator Conway-Walsh, we had a debate last week on Northern Ireland with the Minister, Deputy Coveney, but it is an issue which we may need to debate further and I will be happy to try to facilitate that.

Senator Mullen raised the issue of restricting travel for those known to be sex offenders. That is an issue on which we should listen to the voice of Fr. Shay Cullen, who has been a champion of the rights of victims. We must take note of anything he says. There is merit in his suggestion, which the Senator put forward this morning, and I would be happy to have the Minister for Foreign Affairs and Trade, Deputy Coveney, come to the House in that regard. I am not sure what is the Government’s response to the Senator’s point. I have not seen anything on the issue in terms of communication from the Government, but it is a debate which we need to have, while having regard to the constitutionality of any proposed measures. Anything which can be done to prevent offences being perpetrated on vulnerable young people should be

considered. There can be no place in society for evil. We should certainly take note of what Fr. Cullen has suggested.

Order of Business agreed to.

### **Visit of Azerbaijani Delegation**

**An Leas-Chathaoirleach:** I welcome the ambassador from the Republic of Azerbaijan and his delegation to the House in the company of Senator Leyden. They are very welcome.

*Sitting suspended at 12.40 p.m. and resumed at 12.45 p.m.*

### **Child Care: Statements**

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** It is great to be here and I am grateful for the invitation to discuss matters relating to the early years sector with Members. I value opportunities such as this to inform, and engage with, colleagues on this important area. This is my first time in the new House.

Since being appointed as Minister, one of my key priorities has been to address the historic under-resourcing in the area of child care. International evidence is clear that investment in children during their early years results in long-term gains to the economy as well as society generally. Previous budgets have significantly increased resources, which has enabled my Department to advance a number of key reforms aimed at improving both affordability and the quality of service. I am pleased to inform the House that, despite the difficult financial climate, budget 2018 represents another significant step in ensuring access to high quality, affordable early years care and education. The additional resources which have been made available in the budget, along with an in-depth review of the existing €466 million base, will again allow me to make progress in key areas.

There have been considerable developments in respect of the early childhood care and education scheme, ECCE, also known as the free preschool year. This enhancement delivers fully on a commitment in the programme for Government that is good for children, families and early years providers. From September 2018, the ECCE scheme will be made available to all children over the age of two years and eight months for two full programme years. All children of the relevant age will be entitled to 76 weeks of the scheme - two 38-week programme years. This builds on last year's development which extended the scheme from 38 weeks to an average of 61 weeks for children depending on their date of birth and age starting school. The upper age limit on finishing ECCE remains five years and six months.

The extension of ECCE will be accompanied by a move to a single entry point for the scheme each programme year in September, beginning in 2018. For 2017, the January and April entry points will remain. This initiative ensures an equitable two-year entitlement for all children. Alongside the extension of ECCE, in September 2018 there will also be increases to capitation rates of 7% for early years providers who deliver the scheme. The increases will apply both to the standard capitation rate, which goes up from €64.50 to €69 per child, and the higher capitation rate for level 7 qualified staff, which goes up from €75 to €80.25 per child. It is hoped that increased capitation, as a first step, will assist early years employers to improve

conditions for their staff.

Budget 2018 also secured investment to continue the child care affordability measures that were introduced in September. These affordability measures are already, in the first six weeks of the schemes, benefiting 45,000 children, with 24,000 of these registered so far for the universal under-three scheme and 21,000 registered for the targeted schemes. The additional funding will ensure the door remains open for further children and families to register and benefit from these subsidies throughout 2018.

Alongside these measures, €18 million in programme support payments in 2018 will be provided to early years services to assist with non-contact costs. Programme support payments, previously known as non-contact time payments, are now fully secured and will be available again in 2018 and thereafter. Some €14.5 million was originally secured in budget 2017, and this was topped up by €3.5 million this summer for services which signed up to the September measures. The latter was provided, however, on a one-off basis. The full allocation of €18 million is now in the early years funding base going forward.

Next year will also see further investment of €2.3 million to fund a package of measures for other early years initiatives. These initiatives include the following: further enhancement of the early years inspection services by both Tusla and the Department of Education and Skills to assure the quality of early years services; investment in capital improvements for child care services to increase provision and increase quality, which amounts to a considerable increase on capital funding from previous years; and special measures to address sustainability concerns of some community providers, particularly where they previously would have had a reliance on the community employment scheme. In parallel with these developments, my Department continues to prepare for the introduction of an affordable child care scheme. As part of this important work, an independent review of the cost of delivering quality child care was recently commissioned and will assist in providing evidence for future investment required.

Budget 2018 is another milestone for early years care and education. High-quality, accessible and affordable early years care and education benefits children, our society and our economy. The additional funding I have secured represents a big step, and I am committed to continuing to seek the investment that children, parents and providers need and deserve. We must continue to invest in our children and the early years workforce, and I am delighted that, for two budgets in a row, I have been able to take significant steps in this regard.

**Senator Lorraine Clifford-Lee:** I welcome the Minister to the Upper House. I know a lot about this because I have two young children in full-time child care. It is an issue that concerns all parents, and parents and providers currently are straining under the weight of child care provision in Ireland. I have spoken to many providers and workers in Dublin and throughout the country who cannot afford to make ends meet on the wages they are being paid in the sector. It is a real issue. Given that, overwhelmingly, it is women who are employed in the sector, I am very concerned about their economic independence, although their happiness is also very important. They are looking after our children and it is important they feel fulfilled in their careers and that they are happy. This is a big concern of mine.

Traditionally, women in Ireland have had very low labour force participation, and that is down to the cost of child care. I have spoken to many women at school gates and on doorsteps who are heartbroken at having to give up their careers because they have had children and cannot afford the cost of child care. While they are happy to be at home with their children and

they enjoy it, they are heartbroken for the careers they have lost. As citizens, we should be concerned about the skills, experience and dedication of these women that have been lost to the workforce, especially in regard to the creativity of the workforce. It is a very important area for the country to develop. We need to get child care right.

As we know, Fianna Fáil introduced the free preschool year. That was groundbreaking at the time, and I am very happy to see it extended to two full years, although it should have been done two years ago when it was announced to much fanfare by the then Minister, Senator James Reilly, that there would be two years of free preschool. That did not transpire, and as the Minister, Deputy Zappone, said in her speech, it worked out at an average of 61 weeks. I am very happy to see this done. It is something I brought up with the Minister after the last budget and it is great it has been taken on board. Fianna Fáil was the first to bring in preschool regulations, as well as the Síolta and Aistear curriculums. Again, this shows our commitment from a number of years ago to this sector, although when we left office in 2011, there were many gaps and issues in the child care sector, which I acknowledge.

I welcome the single affordable child care scheme as announced in last year's budget, although I was appalled, to be honest, with the manner of its introduction. I think the people in the Department and in crèches throughout the country should have engaged in a conversation. Given the way many providers were left at a loss as to what was occurring, there needs to be better communication with these providers. Moreover, there was no additional funding in budget 2018 for the single affordable child care scheme, and that should be looked at for next year's budget.

As I said, I welcome the additional ECCE year. Although the Minister increased capitation fees, they need to be increased further, and I urge her to look at this for next year's budget. Fianna Fáil also promises to introduce a professional development fund, should we be elected to government in the future, to provide for and educate the workers in the child care sector, to professionalise the sector and to show the value we place on child care workers and our children in providing quality early years education.

**Senator Neale Richmond:** At the outset, I make the point that I am substituting today for our regular children spokesperson, Senator Catherine Noone, who is detained chairing the very important work of the Oireachtas committee. I am delighted to be able to contribute on this and I would have hoped to have come later in the statements, as I did on the last occasion we were in the other Chamber. I welcome much of the work the Minister has outlined and much of the success she personally and her Department have had in the last two budgets. It is tangible, commendable and a really good and welcome start in the right direction. I will declare my interest, not only as an expectant father, but also as someone whose wife works-----

**Deputy Katherine Zappone:** Congratulations.

**Senator Neale Richmond:** Thank you. Six weeks to go - deadly. I declare an interest, not only as an expectant father, but also as someone whose wife works as a Montessori teacher. In any case, the conversation with my friends when out to dinner, or these days more likely sitting in a park, has moved swiftly on from stag dos and attempts to travel the world to Bugaboos, child care provision and the fact Aldi nappies are cheaper than other ones, something I never really expected I would have occasion to talk about, but I am taking to it with great enthusiasm, as the Minister can tell.

That does not mean that considerable concerns are not expressed daily by, as I said, my peer group but also on the ground, when I am knocking on doors, as well by my wife, her co-workers and many people in the sector. It is an insight into both sides of the debate and discussion. While a lot has been done and there is a lot on which to commend the Department and the Minister, there are a few areas that could still be improved.

*1 o'clock*

It may be aspirational and will depend on the country's finances and the economy in general improving, but there are a few areas I would like to flag. I would appreciate if the Minister could give us some insight on them, and perhaps they could go on a to-do list in the next couple of years.

First and foremost, the cost is still extremely high for many parents, particularly for those in the Dublin region and for families where both parents are expected or, more likely, want to work. This is often lost in the debate. People say they have to work to pay the fees but, ultimately, they want to work and to invest the time in their careers after building them up so much. That goes for both the mother and the father, both mothers or whatever the situation may be. While the cost is still high, it is acutely felt in the Dublin region and one of the factors impacting on the cost is the level of availability.

This is where I see it from the other angle. Being able to set up a Montessori school or child care facility is becoming increasingly difficult for the provider. The regulations Senator Clifford-Lee referred to are welcome and necessary, but they make the situation tough. If a person wants to provide a part-time Montessori school or child care facility, the church halls and GAA clubs are full and there is a distinct lack of enthusiasm from national and secondary schools to co-locate with preschool facilities. This needs a more determined examination as it is putting an increasing burden on providers. Both the administrative burden and actually being able to set up is extremely difficult. The reason I say it is acutely felt in Dublin is the price of property in Dublin.

We all see that prices are rocketing and that the availability of commercial and residential units is extremely low. That is improving and I commend all efforts to improve the situation, but the knock-on effect on the child care sector is one that is being lost in the discussion. We can have all the provisions and supports for parents, but if a potential provider is not in a position to convert a room in a house to a facility or a classroom that meets the specifications of the county child care committee, we are constantly battling things that do not apply to certain parts of the country. To rent a commercial unit in my neck of the woods - Dundrum and Stepaside - that would be suitable for a child care facility, one is looking at rents of €2,500 to €3,000 a month. These are exorbitantly high. If only providing sessionary work of a half day or a full day, it is extremely tough.

This brings me to the next issue. It is great that kids are now able to enjoy two years on the ECCE scheme, which is really welcome and does not get the credit it deserves, but where they have moved on to national school, there is a great fall-off when it comes to after-school care. After-school care is exorbitantly expensive and the transport requirements are a huge burden. I commend wholeheartedly every grandparent, aunt, uncle, sibling or whoever it is that steps into that breach. However, we have to question whether it is sustainable. Can we keep that going? I would like to see a dedicated focus on the after-school area. Much has been said about community crèches. On Facebook both parents might appear to be doing quite well and to be successful, but they are required to invest eight to 12 hours of their day in child care provision. When we take out the ECCE, the early years programme or the school, there remains an awful

big gap that needs to be filled.

This will not be solved overnight. As I said at the start, what has been achieved in the past two years and before them is commendable as is what was achieved by Fianna Fáil in previous years. However, we are no way near establishing what the ideal level of child care provision should be in this country. As the country modernises and becomes more progressive, which is welcome, we need to address the challenge of child care in a hands-on manner. People are always quick to point to Scandinavian models, and I recognise their excellence. I do not doubt that. Perhaps they are a bit more advanced in terms of their approach and we can learn from them. We may not be in a position to compare ourselves economically and as a society to Finland or Denmark, but we can see what we can replicate and put in place in the best interests of, first and foremost, the child and also parents, the wider family and society as a whole.

I wish the Minister every best of luck.

**Acting Chairman (Senator John O'Mahony):** Is Senator Warfield sharing his time?

**Senator Fintan Warfield:** Yes.

**Acting Chairman (Senator John O'Mahony):** Is that agreed? Agreed.

**Senator Fintan Warfield:** Senator Paul Gavan will take two minutes. I welcome the SIPTU representatives and the representatives of the child care sector in the Gallery today. Currently, child care is one of the greatest financial pressures facing families in the State, especially young families, as Senator Richmond has outlined. We have some of the highest child care costs in the world, and the cost is commonly referred to as a second mortgage. While Fine Gael and Fianna Fáil speak of tax cuts, which disproportionately benefit the well-off in our society, Sinn Féin has a different vision. We want an early years sector of which we can be proud. We believe child care is a public service and, to that end, we want reliable, high-quality and affordable child care that is available to all.

We understand that investment in child care is far more beneficial than the extra €1 or €2 a week in a person's pocket proposed by Fianna Fáil and Fine Gael. High-quality and affordable child care is not only socially and academically beneficial to the child, it also benefits wider society and the economy, allows parents, especially women, to return to the labour force and steer clear of potential poverty traps, and provides employment to the many valuable workers, 90% of whom are women, in the child care sector.

Two-parent families in Ireland with two children under the age of five pay on average between 25% to 34% of take-home pay on child care. This is twice the European average. For one-parent families, it is even more. Following a 20-country study, the OECD concluded that the best way to achieve affordability and quality in the child care sector at the same time is via subsidised child care.

In truth, despite budget 2018, for many families child care costs are still acting as a second mortgage. The Government's overall proposed €20 million investment in the early years sector falls short of what we believe is needed. Many child care providers face serious questions on how they can provide a high-quality service, as expected by parents and Tusla. Early Childhood Ireland has outlined the main challenges. These are delivering quality services to children, maintaining the reserve required under company and charity laws, remunerating staff appropriately, paying bills, and having money set aside to carry out necessary maintenance

works and to reinvest in the service.

Will the Minister expand on the details of a number of measures announced in budget 2018? The Government stated that it will increase the subsidies under the community child care subvention, CCS, targeted schemes introduced in September 2017 in advance of the commencement of the single affordable child care scheme. The statement does not contain any numbers apart from saying it will come from a €20 million fund which must also cover several other measures. Will the Minister detail how much of the €20 million will be targeted towards these subsidies and how much it will mean for families dealing with costs?

The Government also announced that the ECCE scheme will be extended from the current average of 61 weeks to give an entitlement of a full two years, that is, 76 weeks, of care and education. Will the Minister detail how, in practical terms, this will be rolled out as there are serious questions over whether the capacity exists in the sector to make this extension?

There was no direct reference to any increased recognition of non-contact time. Does the Minister seek to address this issue given the high volume of administration work needed when it comes to delivering child care schemes?

The term “other measures” was referenced in budget 2018 as part of the €20 million increase. Will the Minister detail what is meant by this?

**Senator Paul Gavan:** The Minister is very welcome to the House. I acknowledge at the outset the belief widely shared across all parties that she is a genuine Minister who is serious about trying to reform and improve child care in Ireland. It is important to acknowledge that.

**Senator Fintan Warfield:** Hear, hear.

**Senator Paul Gavan:** I must declare an interest. I welcome my colleagues from SIPTU and the child care sector. I used to work with SIPTU on the child care campaign. Two things about the sector struck me, the first being the amazing people I met - dedicated professionals who go above and beyond the call of duty to provide a wonderful service every day - and, second, the very poor conditions in which they worked. The Minister knows that tens of thousands of child care workers will sign on next summer. Their jobs will finish and they will have to sign on for three months. The average rate of pay in the sector is €10.27 an hour and the turnover rate is a startling 28%. In other words, one in three child care workers is voting with their feet and leaving the sector. I am sure the Minister will agree that it is not possible to build a professional child care sector with that level of attrition and those poor wages. I know she has said some positive things about the role unions can play, but we need her to go further. Given that child care workers are leaving to emigrate or to work in supermarkets where they will get a better rate of pay, will the Minister outline the steps she will take to improve the rates of pay for workers? With the greatest respect, while the 7% increase in capital funding is welcome, it will not do it because it is starting from an under-funded situation. We need the Government to commit to a sectoral employment order for this sector. There is a lot of goodwill for that to happen and unions such as SIPTU are organising to make it happen, but it will not happen without adequate Government funding.

If the Minister could win the funding to make that happen, she would transform child care into the sector it deserves to be and that all of us want it to be. She will certainly have the support of Sinn Féin if she wants to do that. In our budget submission, we allocated a fund of €40 million. That was costed by the Department of Finance to ensure that child care workers would

each receive a minimum €1 per hour increase in pay, which would bring them close to a living wage. We know it can be done and, like all budgets, it is about choices.

I apologise that I must leave after my contribution to attend the Oireachtas Joint Committee on the Eighth Amendment of the Constitution but I would welcome it if the Minister could outline the steps she is willing to take to engage with the unions and in respect of that funding question to ensure the sectoral employment order happens for the child care sector.

**Acting Chairman (Senator John O'Mahony):** Senators O'Reilly and Hopkins wanted to contribute but, by order of the House, only spokespersons may speak. I have no flexibility in that matter. I call Senator Higgins.

**Senator Alice-Mary Higgins:** I welcome the Minister to the Chamber. She has shown a genuine commitment and dedication to transforming child care, and a vision of how it should and might be done. I commend her on staying consistently with this issue and for pushing it forward in recent years. I acknowledge the importance of the first year introduced by Fianna Fáil which laid the groundwork for how we might proceed.

I recognise the increase in this budget. We are, however, coming from a phenomenally low base. The Organisation for Economic Co-operation and Development, OECD, reports produced recently show that the Irish expenditure on early years education is 0.1% of gross domestic product. Others produce figures that put it at 0.3%. These figures are far below the OECD average of 0.8% and the recommended level of 1%. I urge the Minister to increase and maintain her ambition and the message that this area needs huge investment must go to all members of the Cabinet. I believe we should do as the Scots have done. They have sought to catch up with and emulate the Scandinavian model from a low base by treating it as an issue of vital national infrastructure. That is what a child care system that is adequate and serves its purpose is, vital national infrastructure. If we are going to meet targets or reach those averages we will have to see a doubling of ambition next year and beyond. I know the Minister will push for that but what timeline does she see over the next five years for us to reach those OECD averages? Some estimates put this at €125 million each year over the next five years. That is a reasonable and appropriate investment. There are some tax cut measures and tax reliefs but a greater gift to families would have been to introduce an adequate service in the area of child care rather than give them short-term cash in hand through tax cuts.

The burning issue is that if we want quality in early years education and child care, we need quality terms and conditions for staff as part of that agenda. I recognise, as others have done, that representatives of SIPTU are in the Gallery. The Big Start programme it has worked on with Barnardos, the Children's Rights Alliance, the Irish Congress of Trade Unions, the Union of Students and many others has been a co-ordinated call from society for standards in this area. The IMPACT trade union has also been working in this area as has the Association of Childhood Professionals. There is a very strong demand from people who know what is involved, what quality is needed and who recognise the danger of the 28% drop-out rate. We do not want the situation that we see in nursing to arise. Young nurses are poached and move to other countries. We are losing people not only because their pay is inadequate, but also because they do not see a pathway to progression in the sector. That is why the introduction of proper pay scales that give people confidence that they can grow and evolve in this area are vital. I echo the calls for a sectoral employment order. That is the way to introduce quality. This is how we set standards. It is fine to introduce incentives and I would like to recognise the higher capitation level, for example, staff who may have certain qualifications. That is positive but it is not enough.

We need to have a baseline and that is what a sectoral employment order can provide. Can the Minister tell us where she thinks that debate is, and where and how it will move forward, so that we can ensure we build a system to last?

I am a member of the Oireachtas Joint Committee on Social Protection and I am very aware that, while we hear about “two full years”, they are not really full years. They are 38 weeks and there is a significant gap for many people working in this area. While payment has increased for non-contact time and programme support, there is no guarantee and no measures to show that is necessarily going into more secure or year long contracts for staff. When staff regularly have a break of two or three months, they are left in the precarious position of going back onto social welfare payments. They do not build up the four years which in another sector would give them some security within an organisation. It is a regular break and they start from scratch which creates insecurity.

Has the Minister been engaging with the Minister for Employment Affairs and Social Protection, who I am sure is concerned about this issue, about the gap between the 15-hour contracts and the fact that family income supplement arrives only at 19 hours? For those working in the sector, there is a gap between the 15-hour contract they have and the 19 hours they need to be working if they are to be able to access family income supplement. That is a real concern for those working in the sector and for those relying on child care to allow them go out to work. Those four hours have an impact greater than four hours. It gives those using the service an option. They know that if they work the 19 hours in a supermarket, they will be able to get the family income supplement. If they stay working in child care, even if they are passionate about it, they are vulnerable because in many cases they do not get hours outside the standard provision of the early childhood care and education, ECCE, scheme.

The roll out of the single affordable child care scheme has been delayed. I would like to see it move forward faster. Concerns have been expressed about the parental contribution and how that will definitely be reined in for those who had been on child care employment and training support schemes and community employment child care schemes, particularly lone parents, who used these schemes as part of their access to training or education. The Minister recognises this concern having worked previously on the issue of lone parents. How will she ensure people do not fall through the cracks when some schemes end and the new scheme is rolled out?

Child care will be a fundamental part of the wider recognition of care. Does the Minister view this as part of a better recognition of care across all parts of society? We spoke, for example, about the removal of women in the home as a measure. Will care be given recognition? Will the Minister support the Minister for Employment Affairs and Social Protection if she seeks to address the gaps in the pension system? The recognition of care is a wider issue.

To add to Senator Richmond’s comments, will the national planning framework be used to ensure we plan for a much more ambitious child care system and integrate this in how we plan and build communities?

**Senator Aodhán Ó Ríordáin:** The Minister is very welcome. As previous speakers noted, all Senators acknowledge her commitment to the issue of child care and her achievements in this area in the Government’s first two budgets. Previous Governments also made improvements in this area, for example, through the introduction of paid paternity leave, a measure in which I was involved. While we are in a better place than was previously the case, we are coming from a disgracefully low base in the area of child care. It is often said by Barnardos that we

spend approximately €10,000 per annum on every primary school child, €12,000 per annum on every secondary school child, €16,000 per annum on every third level student and practically nothing on children of preschool age.

People approach this debate from different vantage points but the political debate has always focused on the costs of child care to parents. It is as if this is simply a cost issue and the introduction of a tax credit would make matters easier. Other considerations, including the experience of the children and workers in the preschool setting, are sometimes lost. As we know, particularly in areas of disadvantage, the early years are crucial to a child's development. The terms "child care" and "preschool education" overlap and people can become confused or unclear about what they are talking about when it comes to child care and preschool education.

The impact of early childhood care and education on brain development is significant and the capacity of children to learn during these years is immense. Furthermore, damage done to children in these years is often irreversible. When I speak in this Chamber or in other forums I often cite statistics showing that a poor three year old child will have about 400 words in his or her vocabulary, whereas a three year old from an advantaged or rich background will have about 1,200 words in his or her vocabulary. It is difficult to address this gap when the child attends primary school.

We have not come from this debate from the perspective of the child but instead focused on parental cost. This is understandable and it is an issue with which the Department is dealing. As previous speakers stated, the potential negative experience of a child is being compounded by the lack of morale in the system caused by conditions in child care workplaces, including poor pay, and job insecurity. It is difficult to maintain motivation in any workplace if one is at the bottom of the pecking order in terms of payscales, certainty of employment and all the other issues raised by other speakers.

It is great that representatives of SIPTU, the trade union behind the campaign on child care workers, are present. On the issue of the sectoral employment order, I understand the Minister and her officials are open to the proposed measure. I acknowledge, however, that this is not her call to make alone because Government-wide support will be required for such an order to be made. While I have great faith in the Minister's instincts, political values and ethics, many of us have questions as to whether those who surround her at the Cabinet table share her views on employment rights, workers' rights and equality in the workplace.

As previous speakers noted, a gender equality issue arises because the vast majority of workers in the child care sector are female. This is vulnerable but crucial work. If one wants to damage a person in the long term, one should inflict the damage when he or she is aged under four years because it will be lasting. I am not in any way suggesting this is what is happening in the child care sector. However, if people are not properly paid and treated with respect, we should not be surprised if low morale seeps through the entire system.

The House discussed special needs assistants in primary schools who work with the most vulnerable students in the system. These workers feel undermined and uncertain about their career prospects because the Department treats them as an add-on to the system, rather than a central part of it.

We need to focus on three elements, namely, what is best for parents and how we tackle the costs of child care for parents; what is best for the child and his or her development; and what

is best for the child care worker. These three elements do not necessarily have to compete. If staff are highly motivated, well paid and trained, professional and respected, the children in their care will benefit, as will their families.

I stand with previous speakers, SIPTU and child care workers on this issue. The sectoral employment order is the primary reason for my contribution to this debate, a view echoed by other speakers. If the Minister were to provide a commitment to introduce an employment order, this debate will have been worthwhile.

In terms of what the Minister and her officials are trying to do, as she will be aware, the Seanad can often surprise us because once we get our teeth into an issue on which we all agree, Senators can be forceful in supporting a Minister. This could benefit the Minister as she continues to make improvements in this area.

**Senator Victor Boyhan:** I warmly welcome the Minister to the House and congratulate her on her achievements. Senator Ó Ríordáin put very succinctly a statement I had intended to make. We all see her achievements and objectives peppered through her Ministry. It is important that we acknowledge this. The Minister has a clear understanding of child care and I congratulate her on championing the issue. It is always difficult to secure funding at the Cabinet table and I accept that progress is being made incrementally. It is clear she has pushed this issue. I thank her for providing an update on child care and demonstrating where additional funding will be provided for early years care and education.

The previous speaker noted the importance of learned responses and experiences in childhood. In addition to providing services, we must also address what occurs in child care services and children's experience of these services. Adults and carers can learn from the way in which children play and interact with each other. One can pick up signs from such observation, including weaknesses and vulnerabilities in children. It is one thing to have children in child care but it is important to use the opportunity to learn and gain experiences about children.

This brings me to the issue of additional services, particularly in areas of disadvantage. As Senators are aware, each of the 31 local authorities has a child care committee, all of which face demands for support services. There are more problems for children in disadvantaged areas, where, from the moment they enter primary school, teachers observe behavioural problems. I spoke to a principal yesterday who told me she can predict the course of action for the children coming in.

I acknowledge the enormous work the Minister has done. There is an opportunity for early intervention with children involving the trained staff working with them. I acknowledge the work of SIPTU, which is clearly championing the issue. My office has received numerous communications from the union. It is interesting how the trade union movement is ever-evolving and is so active on social issues. It was where the trade union movement started and it is now coming back very strongly to that base of support for communities, workers and families.

I again thank the Minister. I hope we can get even more money. I acknowledge her vision and values in respect of child and youth policy for which I thank her.

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I am delighted to hear all the Senators' contributions. As always, it helps me considerably in my work. I know they prepare and think deeply about these issues.

At the beginning of the autumn or the end of the summer, if I were a child care worker, I would join a union. Those in SIPTU know that I support their campaign. Many of the issues raised today relate to pay and conditions in the child care sector. Obviously the sector in general needs more investment. I got more money this year. My Department received a 5.7% increase in its funding. It is in the top two or three Departments in that regard. This shows that not only I but also the Minister for Finance and my Cabinet colleagues recognise the importance of continued investment. Even in more restricted times, I was able to secure a significant amount.

As many Senators are aware, the focus of the previous budget was on affordability of child care and reducing costs for families. The focus of this budget is on quality by getting more money into the services, which I hope will be provided to the workers in order to improve pay and conditions. I chose to increase ECCE capitation because that is the cornerstone of what service providers do. A small service with 11 children and a level 6 practitioner will receive an increase of €1,881 over 38 weeks. An average-sized service with 20 children and a graduate room leader will see its income rise by approximately €5,000. A moderate-sized ECCE service with 70 children will see its income increase by approximately €14,000. A large ECCE service with 120 children, where half of its rooms are availing of the standard capitation and the remainder are at the higher capitation rate, will enjoy an income increase of €22,230.

Those are just a few different case studies showing that, based on what I have done, money is going into services. That increase supports the services themselves in terms of their costs and also the workers in terms of their pay and conditions. It is up to the providers to make those decisions. As Senators are aware, extending the entitlement to two full years increases income to a provider. The €18 million secured for programme support payments next year goes to the providers.

To the extent that money was available, I targeted funding the providers with the absolute hope and expectation that some of it would be shared with the people working in the sector. I have made the suggestion of sectoral employment orders but while I support it, I cannot do it. We need to have an employers' representative body to negotiate with unions. We need more workers to join unions and we need an employers' representative body to negotiate and go to the Labour Court in order that it might come to the Government with a recommendation on appropriate pay and conditions. I cannot do any more than encourage that to happen. It is not up to my Cabinet colleagues or even up to me; it is up to the profession to move that forward. My Department would certainly make a submission in respect of that process. As Senators will know, we have begun the independent review of costs and this will contribute to the process of identifying appropriate pay and conditions.

I am getting as much money as I can, probably more than some of my colleagues. Much of the impetus for this rests with those in the sector and I plead with them to take up the invitation to act. I need Senators to support me in that regard. In August, I started to do a lot of work on the budget. I would like to see greater numbers not only joining the unions but also doing whatever they do - I know what they do because I was a member of a union in a past life - in terms of agitating to ensure increased investment.

A Senator asked how much it will cost and how long it will take to get to where we need to go. I do not know. However, we hope that substantially more money will be available in the budgets for 2019 and 2020. That is why it would be fantastic to have sectoral employment orders as we move forward. We will certainly have the independent review of costs. I will be at the table again trying to persuade people by using many of the arguments Senators have raised

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here. I encourage them to continue to raise them. I brought those arguments to the Minister for Finance, Deputy Donohoe, and he was persuaded by many of them. I said that irrespective of what we get, we need to ensure that we offer the sector the opportunity to sustain itself, particularly over the next year while we wait for, hopefully, increased investment.

**Acting Chairman (Senator John O'Mahony):** Is the Minister-----

**Deputy Katherine Zappone:** I could say a great deal more but I am sure I have used my time.

**Acting Chairman (Senator John O'Mahony):** It is coming to a conclusion.

**Deputy Katherine Zappone:** In response to Senator Richmond, it was only in September that measures to increase affordability for parents rolled out. The Senator referred to aftercare. Many of the targeted supports are geared towards supporting aftercare.

I was asked about the 15-hour as opposed to 18-hour contracts. It is a really excellent question. I will pursue that and at least have the negotiations. I acknowledge the support Senators have offered. I ask them to continue to agitate in the way they are doing and that they support the vision and the genuineness I have displayed by means of my actions and what I have achieved in the context of the past two budgets.

*Sitting suspended at 1.40 p.m. and resumed at 1.50 p.m.*

### **Coroners (Amendment) Bill 2016: Second Stage**

**Acting Chairman (Senator John O'Mahony):** Before I call on Senator Mac Lochlainn to open the debate, I should say I am conscious that this Bill has its genesis in tragic events, the cause of which has been the subject of discussion elsewhere. While I do not want to constrain Members unduly in their contributions, it is very important that Senators should not comment on, criticise or make charges against a person outside the House, as he or she is defenceless against accusations made under privilege. I am confident that we can have a full debate on the proposals contained in the Bill without reflecting on questions of culpability that may arise from the particular tragic case that prompted Senator Mac Lochlainn to introduce the Bill.

**Senator Pádraig Mac Lochlainn:** I move: "That the Bill be now read a Second Time."

This Bill is to be known as "Jake's amendment". On 20 March 2013, shortly after being prescribed the antidepressant, Prozac, 14 year old Jake McGill Lynch ended his own life using a firearm. Jake, who was diagnosed with Asperger's syndrome, was given the antidepressant drug despite research stating that it has no benefit for children with Asperger's syndrome and despite the emerging evidence of harm. The coroner in Jake's case rejected a suicide verdict for Jake. This was due to an email that Jake wrote 24 hours before he took his own life, through no fault of his own. He was writing to a friend and he conveyed his concerns about the medication he was taking, and that he was feeling worse because of it. He said he felt drugged out of his mind and was trying to suppress the bad feelings. Based on those words that were brought to the coroner's attention, the coroner said that this child was not in his right mind and that he would not elaborate on the medication. He asked Jake's parents what verdict they would like, open or narrative. They chose an open verdict. None of the options suited, but it did not really matter to them as long as it was not a verdict of suicide. Their belief is that Jake was not in his right mind due to medication. Jake had no history or diagnosis of depression, suicide ideation

or self-harm. That is confirmed by the prescribing psychiatrist.

I welcome Jake's parents, Stephanie and John, to the Visitors Gallery, along with their long-time friends and campaigners, Leonie and Tony. They have worked tirelessly to bring attention to this issue and to campaign for a change to the law. They have said previously that they are trying to make the difference they believe Jake would have made in the world. I think it is fair to say they should be absolutely applauded on making such a real difference on his behalf with this legislation.

Their request is simple. They want the Coroners Act to be amended in order that a coroner can return a verdict of iatrogenic - medically induced - suicide where such is the case. Of course, the coroner will take into consideration the evidence before him or her. This option should be available. It is an issue that must be highlighted. A verdict of suicide, returned in accordance with the provisions of the 1962 Act, must be differentiated from a verdict of iatrogenic suicide. By definition, iatrogenic suicide is the ending of one's own life where the effect of medical treatment undertaken by the deceased, including any prescribed medication, is the primary cause of such an action.

We know that grief is a complicated and harrowing emotion. I can only imagine how much more compounded and how many extra layers of grief are added when the correct cause of death is not attributed to the lost loved one. While this legislation can never relieve Jake's parents and the many others of their pain, it can give them recognition in a formal sense of what happened to their son.

In the midst of their grief, Jake's parents have come to understand that their personal tragedy is one that has been shared by thousands of families whose loved ones have died as a result of antidepressant-induced suicide. Over ten years ago, warnings first began that children in particular needed to be closely monitored when put on certain drugs. For example, a review in the *International Journal of Risk & Safety in Medicine* in 2004 stated:

Evidence from many sources confirms that selective serotonin reuptake inhibitors (SSRIs) commonly cause or exacerbate a wide range of abnormal mental and behavioural conditions. ... Each of these reactions can worsen the individual's mental condition and can result in suicidality.

There have been more recent studies in the same area with similar results.

It is not the intention of this Bill to scaremonger about, prescribe or influence medical treatment. It is wholly the responsibility of medical professionals, scientists and the Department of Health to advise, monitor and manage health care. The intention of this amending legislation is simply to give this real issue the place it rightly deserves within our legislative process, from the perspective of justice and the reporting of correct cause of death.

The World Health Organization states that countries "need to know how many people are born and die each year – and the main causes of their deaths – in order to have well-functioning health systems". Iatrogenic suicide takes lives each year. We need to know how many. We need to monitor and address it. We cannot and should not hide it. We rightly monitor mental illness rates and suicide statistics and have a suicide prevention office to address this. However, iatrogenic suicide is different, and deserves its own attention and monitoring if we are to have a functioning health system that works on preventing such tragedies as happened to Jake and many others.

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There does not appear to be specific reference to iatrogenic suicide in the legislation of other English-speaking jurisdictions. Therefore, Ireland has a chance to be a leader on this issue by passing this amending legislation and recognising the difference between suicide and iatrogenic suicide. As the scientific evidence for the link between some medications and suicidal tendencies grows, countries will need to legislate for this. Ireland has a chance to be quick off the mark in being an example in this regard.

We understand that the publication of this Bill is symbolic. It is obvious that the Coroners Act 1962 is no longer fit for purpose and should be repealed and replaced with an amended version of the Coroners Bill 2007 as a matter of priority. The amended version of the 2007 Bill should contain a comprehensive list of verdicts open for a coroner or a jury, as the case may be, to return. When it is finally amended, this list should provide for a verdict of iatrogenic suicide to be made.

I hope the Government and everyone in the Chamber will support the Bill.

Whispers from senior civil servants about unintended consequences reach my ears at times. This legislation could not be more straightforward - it gives a coroner another option. The Minister will appreciate that a coroner will examine all the evidence before him or her and attempt to make as accurate as possible an adjudication on or assessment of what caused the person's life to be lost. For the reasons I have stated, it is vital for the sake of accuracy that the Government supports this amendment to the Coroners Act and allow it to continue through the Houses and be debated on Committee Stage and afterwards. For the loved ones in the Gallery today and for many more watching on, the main point is that we should have a society that reflects accurately the cause of death, does not turn a blind eye to the issues at hand and protects other families from suffering what Jake's family suffered. I appeal to the Minister to support this amending Bill and allow it to proceed through the Houses and the debate on it to develop. This is an important matter and I hope to have all of the House's support for allowing the Bill and the debate to progress and for justice to be done by these families.

**Senator Máire Devine:** I second the Bill. It will open up the options afforded to the coroner to include iatrogenic suicide, or suicide as a direct result of the effects of medication. I appeal to the Minister to allow this to be the coroner's responsibility. Let coroners do their job. They are professionals and will make prudent decisions about unintended effects. Please allow the Bill to progress through the Houses.

This legislation follows tough campaigning and Trojan work by parents Stephanie and John and other avid campaigners, who are in the Gallery. Jake, their baby of 14 years, died tragically by iatrogenic suicide in 2013. During my experience as a psychiatric nurse of more than 30 years, I encountered many people - not necessarily young ones - who felt a deterioration in their mental health after being put on antidepressants. One size does not suit all. They questioned why dark thoughts were causing them greater difficulties than when had they not been on these medications. When we titrated the medications down in a safe way, those thoughts cleared and we could deal with the other effects of depression.

Many people placed on these medications experience suicidality, initial or increased self-harming and an exacerbation of depression. These effects are written in the world renowned British National Formulary, BNF, as adverse effects of Prozac, especially on people aged between seven and 17 years.

We have lost thousands of young people throughout the world. Stephanie and John have been warriors struggling in the four and a half years since their tragedy to protect the children of the future. This country has a dubious medication policy. Perhaps that is an argument for another day, but everyone needs to accept that iatrogenic suicide is real and needs to be addressed. The coroner needs to have that option available.

We need to question risk assessment. Was any risk assessment carried out on Jake or the several thousand other young people who have been lost? What about the contra-indications of Prozac? The adverse side effects are too stark to ignore. Having previously showed no suicidal ideation or self-harm, the damage caused to these young people's mental health as they grow up is tragic, as it was in the case of Jake.

The length of prescriptions, their dosage, reviews, re-assessments and monitoring for clinical deterioration and other unusual changes need to be at the forefront. These factors will be taken into account in the coroner's ruling if he or she believes that a death was iatrogenic suicide. I have been in the coroner's court several times following tragedies. I saw coroners repeatedly refuse to rule misadventure. It is the open verdict that Stephanie and John accepted with a view to pushing the option of ruling iatrogenic suicide.

Stephanie and John are pleading with the Minister. They ask him not to stop now. Having done this for four and a half years, they say that he needs to put this measure into action. They write:

We are not just looking for someone to blame. Antidepressant-induced suicide is in actual fact a worldwide problem and there is a mountain of evidence and academic support backing this up....

Most changes that are brought in with new legislation are due to tragic circumstances, [we] are not trying to change the world. We are simply trying to get legislation updated to allow Jake to have the correct verdict that fits his death.

I ask the Minister to please listen.

**Senator Michelle Mulherin:** I welcome Jake's family to the Gallery. I understand well the objective of Senator Mac Lochlainn and his colleagues in introducing this Bill. The background sets a tragic picture of what happened to this young man. I also understand a family's passion to make a difference and effect change after such an experience.

Having worked in the coroner's court as a solicitor, it has a limited function and cannot consider issues of criminal or civil liability or attribute such to an individual. I understand from the Minister that the Attorney General has given legal advice on this matter, which we must take on board. Essentially, the advice is that there is a risk of what Senator Mac Lochlainn is proposing being interpreted as apportioning some liability to the medical practitioner who prescribed the medication in the first place. This is not to say that liability is removed, only that it cannot be considered, and it does not mean that liability cannot be considered in another forum, for example, the courts. This is the Attorney General's opinion on the verdict of iatrogenic suicide and I understand that it is in this vein that the Minister is proceeding. On that basis, I am in the Minister's hands where this matter is concerned, but I understand the Senators' objective. There is a legal obstacle, but it cannot be readily dismissed. There rests the matter as far as I am concerned.

**Senator David Norris:** I welcome the Minister to the House. I also welcome Jake's family, who have campaigned tirelessly. It is not the first time that this issue has arisen. I remember raising a similar matter a number of years ago after a teenager shot himself while he was under the influence of one of these drugs.

We should pause a little as regards the question of culpability and liability. Could this be a wake-up call for doctors? Jake was prescribed Prozac despite the fact that he had Asperger syndrome, which is contra-indicated for the prescription of Prozac. I am not making any accusation against this doctor but, as a matter of principle, if there is medical negligence, then there is medical negligence and there should be recourse through the courts. I have no difficulty in facing that. If someone misprescribes a drug and, as a result, a young person takes his or her life, the person who misprescribed must face the consequences. That is the reality.

Jake was 14 years old and in the run-up to his junior certificate examinations when he was prescribed Prozac. Apparently, as a result of this, he became depressed. While he had never before shown any suicidal ideation, he obtained a gun and killed himself. A verdict of suicide might have been returned but for the fact that Jake's parents discovered a note in which he described himself as being drugged out of his mind. No teenager should be put in that situation. This happens not only in Ireland but across the globe. Jake's parents have been in touch with a family in New Zealand whose 17 year old son died by hanging after 17 days on Prozac.

This is an excellent Bill, which I will be supporting. I commend Sinn Féin on its production. The Bill is short, simple and clear, comprising only one page. Even though I taught English, I was not 100% sure what iatrogenic means. Iatrogenic suicide is defined in the Bill as "the ending of one's own life where the effect of medical treatment undertaken by the deceased, including any prescribed medication, is the primary cause of such an action." Why, in such circumstances, should this verdict not be returned? A verdict of suicide is inappropriate. Where it has been determined that the suicide was the direct result of inappropriate medication, that should be recorded. The recording of a death by iatrogenic suicide should, I believe, be permissible. There may be some details that need to be tidied up but I am sure the Minister and his advisers are capable of coming up with a formula of words that would obviate any difficulties.

I hope that this important Bill, which deals with only a small minority of people but which, for them, is absolutely vital, will be passed by the House.

**Senator Rose Conway-Walsh:** I, too, welcome Stephanie and John to the Seanad and offer them my condolences on the passing of their son. I also have a 14 year old son. What they have been through is unimaginable.

There are some questions which arise. In normal circumstances, business taken in Private Members' time has cross-party support and so our assumption was that this Bill would receive such support. I commend my colleague, Senator Mac Lochlainn, on never letting go of this matter. In all of my time as a Member of the Seanad, he has been dogmatic about having this Bill progressed through the Oireachtas. Should it choose not to support the Bill and allow it to progress to Committee Stage - where it could be teased out or, if necessary, reviewed with medical experts and others who have experience in this area - my question to the Government will be: what is it afraid of? We should not be afraid of that process. By the same token, where medical negligence occurs, those responsible must be held accountable. We should not do anything here that would prevent those people being held accountable, both for the sake of those who have lost their lives and others who may do so into the future. If there are valid reasons

that need to be explored, this can be done on Committee Stage. I could not under any circumstances condone the cover up of something or the cutting off of something without it having been properly explored.

As Senator Norris indicated, this is a short, simple and straightforward Bill. If the Government or the Attorney General believe it will open up certain issues or that it will give rise to too great a cost, then let us have that debate on Committee Stage in order that we might tease out the relevant matters. Let us do the right thing. It is obvious that the right thing has not been done in many cases in the past but it must be done in the future. It is our responsibility to ensure that it is done.

I plead with the Government and Fianna Fáil - I note there is no member of Fianna Fáil present - to allow this Bill to progress in order that we might have further debate on the matter and analyse the Attorney General's opinion in a way that Jake, his parents and others in this awful position deserve.

**Senator Colm Burke:** I welcome the Minister. I thank the Senators who brought forward the Bill. There is a huge effort involved in drafting legislation for presentation to this House. I also welcome Jake's family. All of us here have been affected by suicide in some way or other down through the years. It is always a very difficult issue in terms of the questions that remain unanswered. In the vast majority of cases, we do not get answers. As I said, this is always a difficult issue for people to deal with, particularly for the families directly involved.

Section 30 of the Coroners Act states that the question of civil or criminal liability shall not be considered or investigated at an inquest and, accordingly, every inquest shall be confined to ascertaining the identity of the person in respect of whose death the inquest is being held and how, when and where the death occurred. In any inquest, it is not the role of the coroner to determine the cause of the event. In the case of a car traffic accident in which someone has died, for example, it is not up to the coroner to decide who caused the accident or who contributed to it. This is extremely important to note.

The Bill creates a problem in the civil and criminal areas in that if medication were prescribed and the coroner held that such prescribing was incorrect, a legal difficulty would be created and that would be a matter for the civil courts. For example, if this Bill were enacted, a coroner's inquest will require experts from both sides to give evidence.

**Senator David Norris:** What is wrong with that?

**Senator Colm Burke:** I am referring to medical experts being required to provide evidence as to whether a drug should have been prescribed. There is already a procedure in place for dealing with that. Such matters do not relate to the role of the coroner. For that reason, I have a difficulty with this Bill. It could lead to a situation whereby coroners' inquests could drag on *ad infinitum* as a result of the requirement to deal with these issues. This is not the way to go. An open verdict, as often returned in these cases, allows the next step to be taken. The making of final determinations on certain issues, as provided for in the Bill, does not fit with the purpose of inquests.

The Minister has already indicated that the legislation dealing with coroners and inquests is under review and that a comprehensive Bill on this issue will be published in the not too distant future. I am of the view that this issue can be best addressed in the context of our consideration of that legislation. The Bill, as currently drafted, is not the best way forward. As I said, I be-

lieve it will give rise to issues that could be extremely difficult to handle. On that basis, I do not believe it is possible to support it. There are questions that need to be answered on prescribing and we need to debate the need for medical people to be careful about prescribing, because of the consequences. I do not believe changing the legislation covering inquests is the way to deal with it at this stage.

**Senator Frances Black:** I welcome the chance to speak on this Bill. I thank Senators Mac Lochlainn, Conway-Walsh and Devine for bringing such an important issue to the House. I send my thoughts and condolences to John Lynch and Stephanie McGill Lynch, who have worked tirelessly behind the scenes on the Bill based on their own experience of their son Jake's tragic death in 2013. My heart goes out to them and I commend them on their bravery in highlighting the case and speaking out so openly about it.

The Bill is relatively short and would make the verdict of iatrogenic suicide available to coroners when assessing a case. As Senator Mac Lochlainn said, this differs from suicide as we would usually define it in the case of somebody taking their own life in medical treatment or with prescribed medication. Jake's case tragically outlines how this happens. Before the debate, John Lynch and Stephanie McGill Lynch passionately made the case that, at its core, this is about putting a more accurate verdict on a death certificate, one that more clearly reflects the person and the circumstances involved. This matters enormously to them. They have said that, while it may seem unimportant to people who are unaffected, it is extremely important to parents and other families in a situation like theirs.

I know from my own experience of working with families in therapeutic care that we should do everything to support people in these situations. We need to make sure a death certificate does not bring further trauma or make it harder for families already dealing with tragic circumstances. On this basis, I support the Bill going forward to Committee Stage for further assessment and scrutiny, which I hope can answer some of the questions raised in the debate today. The principle is an important one and we should always look for ways to better support families dealing with tragic circumstances. A death certificate can mean so much and it needs to be accurate.

I would like further clarification on the legal implications of the Bill. For example, what is the situation for a doctor who has prescribed a drug when a coroner later makes a verdict of iatrogenic suicide? How does liability work in such a scenario? As the Bill is developed, I will also be looking for clarity on what supports are provided. It is clear that if we had a properly funded mental health service, we would see far fewer tragic cases such as Jake's. This would mean bringing down waiting lists for people seeking treatment and proper screening and assessment before anyone is prescribed medication that may not work for them and may be harmful. Antidepressant medication can be really important in the right circumstances but it can also be the wrong course of action. We need to take this more seriously, particularly when children are involved. We cannot just prescribe tablets and tell people to come back a month later. We have to keep a connection going and provide regular support for people during the process. This, sadly, is not the case at the moment and supports are too often not available. This is particularly true for children and thousands of young people are struggling with mental health problems but cannot access the services they need. Since 2014, demand for mental health services has gone up by almost 30%. However, as of July 2017, almost 2,500 young people are still on waiting lists, many waiting for over a year. If we had properly funded mental health services to care for these young people, there would be fewer situations where children were prescribed drugs that could be harmful.

We also need clearer information for families on the effects of certain drugs and this is also something a proper mental health service could help with. People should not be left googling medication for clarity. We need therapists and counsellors who can help people directly and give thorough advice on the best treatment available, whether it is in the form of medication or other supports. I am keen to listen to the debate today and there are questions that need to be addressed as the Bill progresses. I thank John and Stephanie again for their incredible bravery in highlighting this issue. As legislators, we need to ensure families are not dealing with situations like this and uncertainty over something as important as a death certificate.

**Senator Trevor Ó Clochartaigh:** Níl fúmsa mórán a rá mar tá cuid mhaith dá bhfuil le rá faoin mBille seo ráite ag mo chomhghleacaithe anseo. I add my voice in support of this Bill. I welcome the parents of Jake, Stephanie and John, to the Visitors Gallery. It is a very emotive issue, one that Senator Mac Lochlainn has been pushing forward for a quite a long time, with the support of campaigners. I urge the Government to at least support the progress of the Bill to Committee Stage. I ask it not to quash it because it is an important subject that is very much worthy of debate in the Seanad. We should not be afraid of such a debate, or a discussion of iatrogenic suicide. There are many other issues around the work of coroners but this Bill is trying to focus specifically on this issue. I commend the work of Senator Mac Lochlainn and urge Government Senators to give this Bill the opportunity to go forward for further debate. It would reflect well on the Seanad if we allowed that to happen. Sin an méid atá le rá agam faoin mBille inniu mar tá an cuid eile ráite, i ndáiríre, ag mo chomhghleacaithe.

**Senator James Reilly:** I agree with the last speaker that we should be prepared to discuss these issues and I fully accept the good intentions behind the Bill. However, I feel it is my duty as a prescribing doctor to correct some of the statements made by Senator Norris, whom I heard state that Prozac was absolutely contra-indicated in people with Asperger's syndrome. This is not the case. It needs to be prescribed with great care, as is the case with any antidepressant in young people. There is a much higher incidence of younger people, in particular those aged under 18, developing anxiety and they are becoming increasingly depressed when on these medications so prescribing is often done under very strict supervision, often by a psychiatrist.

It is not my intention today, out of respect to the family and the Chamber, to talk about specific instances and my sympathies are with the family who have lost a young man in these circumstances. However, the Coroners Society of Ireland is in discussions with the Department of Justice and Equality on a Bill related to the Coroners Act and the Government has made the passage of a Bill a priority for this Dáil session. The Minister might tell us what stage it has reached.

I believe this Bill is premature and it does not seem appropriate to insert it into a Bill relating to the preservation of documents. This does not mean I believe we should not be discussing this important issue and the issue of suicide. It does not mean we should not discuss the impact it has on families or what we can do to support young people and help them share their worries and concerns. As somebody who practises medicine, I stress that I am not trying to shield doctors who engage in bad practice. We have to have a proper, reasoned discussion and deal with it in a full way as we will do in the new Bill which is coming, and this will ensure that unintended consequences do not follow. It will be dealt with in an appropriate way and in a way that will afford everybody in this Chamber an opportunity to debate it at length. On that basis, I will oppose the Bill but I do so on the clear understanding that this issue will come before us again in the shape of the coroners Bill which the Minister is preparing.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I thank Senator Mac Lochlainn and other Seanadóirí for initiating this important debate in the Seanad. I too welcome Stephanie McGill Lynch and John Lynch and other members of Jake's family to our Visitors Gallery and our debate. On my own behalf and on behalf of the Government, I offer my sincere condolences and sympathy to the family on the tragic loss of Jake. They are very much in our thoughts this afternoon as we debate this issue.

The Bill contains three sections. Its main provision, from my reading of it, is contained in section 2, which would insert a new section into the Coroners Act 1962 which would, first, provide for the possibility of a verdict of iatrogenic suicide as defined by the Bill; second, offer a definition of iatrogenic suicide; and, third, provide a safeguard clause to ensure that a verdict of iatrogenic suicide does not contravene section 30 of the 1962 Act in the apportioning of civil or criminal liability, which is important. The Bill, as Senator Mac Lochlainn would readily testify, does not seek to address any related or substantive issues with regard to suicide or suicide prevention. I have listened closely to Senators' comments on this issue and acknowledge their experience in this regard, particularly in the context of her professional activities, Senator Frances Black, my colleague, Senator James Reilly, and Senators Burke and Mulherin, both of whom have engaged on numerous occasions in the process that is our coroner's court. Senator Mac Lochlainn himself notes in the explanatory memorandum that his proposal "symbolically amends the Act of 1962". The sole objective of the Bill, then, is the introduction of a new verdict, namely, one of iatrogenic suicide, or medically induced suicide, to be available to a coroner at an inquest.

The term "iatrogenesis" can be interpreted to mean an event or outcome brought forth by a healer. It could refer to both good and bad outcomes of a medical intervention or procedure. The Private Members' Bill seeks to define "iatrogenic suicide" as the ending of one's own life where the effect of medical treatment undertaken by the deceased, including any prescribed medication, is the primary cause of such an action.

Senators will very much appreciate that it would not be appropriate for me to comment in any way on any individual cases in which persons taking antidepressant medication have taken their own lives, suffice it for me to offer sincerely my sympathy or condolences. However, my role as Minister for Justice and Equality, a public representative and a legislator acknowledges the undoubted tragic cases that are coming before us as a society. In circumstances such as those in the case that has given rise to our debate this afternoon, our hearts go out to the families involved. However, I as Minister for Justice and Equality, and we as legislators in this Chamber, must be careful about assuming there is a causal link. Coroners have arranged for expert medical advice to conduct a review of the research regarding the medication involved and suicidal ideation or suicide. In at least one case, such a report found that no clear association linking death by suicide and use of the medication can be made.

I listened very carefully to the points Senator Norris raised about the matter of medical negligence, according medical negligence in individual cases and apportioning liability in cases. I am not sure whether we should make decisions about this issue in the manner in which it is intended we do so under the Bill. Medical matters should be for medical people, medical negligence through the various fora we have set up to deal with it. As Minister for Justice and Equality, I acknowledge that many of the issues we have been discussing are primarily for my colleague, the Minister for Health. This is not in any way to abdicate responsibility on my part, and I intend to discuss many of these issues, or all of them, with my colleague, the Minister for Health, Deputy Simon Harris. I refer specifically to the very important issues raised by Sena-

tor Black, and I acknowledge her expertise and the good work she continues to do in this area, but in this instance I am acting under the remit of my brief as Minister for Justice and Equality. Of course, it is open to any individual to pursue a civil action through the courts if he or she is unhappy with medical advice and the consequences of that medical advice in terms of the administration of any substance, be it prescribed or otherwise. That will not change under this legislation, nor should it.

In recent years, there has been considerable discussion in Ireland on suicidal and homicidal thoughts or impulses as potential adverse effects relating to the use of the medications known as selective serotonin reuptake inhibitors, SSRIs. These are antidepressant medications available by means of prescription only. They are authorised for use in Ireland and across the European Union for the treatment of depressive disorder and some anxiety-related conditions. Again, I agree with Senator Black's comments in this regard, and I am not in a position to contradict, nor would I, any aspect of the submission or the observations of Senator Reilly. What I do know, however, is that depression may well be associated with an increased risk of suicidal thoughts, self-harm and suicide. This risk may persist in the early stages of treatment when a patient starts to take an antidepressant until significant remission of his or her depression occurs. Health care professionals are advised of this risk through the so-called summary of product characteristics, which specifically highlights the need for monitoring of the patient following initiation of therapy. There are public leaflets accompanying these products advising patients and their care-givers to be alert for any deterioration of condition, suicidal behaviour, thoughts or impulses or any unusual changes in behaviour, and to seek medical advice immediately if these symptoms become evident.

The Irish Health Products Regulatory Authority, in conjunction with other EU medicine agencies, continuously monitors the safety of medicines. Case reports and other safety data are reviewed and evaluated in terms of their potential impact on the known safety profile of a medicine and any need for any regulatory change to support their continued use. The decision to use a particular medicinal product for an individual patient rests solely with the health care professional involved in his or her care, taking account of the professional's assessment of that patient's current clinical condition, the medical or medication history, any relevant, underlying risk factors, the condition to be treated and many other related issues. These are health issues, and again I acknowledge the comments of Senator Norris and others, which I regard as being well intentioned, as I accept that the intention of Senator Mac Lochlainn is well founded in proposing this Bill. I acknowledge his work in this area. He previously introduced it in the other House. However, I am not in a position to accept the proposed Bill and I wish to explain why. Acceptance of the proposed definition of a verdict of iatrogenic suicide would risk its use by a coroner at inquest being interpreted as apportioning some liability on the medical practitioner who may have prescribed any form of treatment or medication to the deceased person prior to taking his or her own life. The coroner's inquest is, by definition, an inquisitorial process. It is not permitted to consider questions of civil or criminal liability. Section 30 of the Coroners Act 1962 specifically prohibits consideration of civil and criminal liability. For the purposes of this debate, it is worth quoting from that section. It states: "Questions of civil or criminal liability shall not be considered or investigated at an inquest and accordingly every inquest shall be confined to ascertaining the identity of the person in relation to whose death the inquest is being held and how, when, and where the death occurred." While Senator Mac Lochlainn proposes a safeguard clause, I am of the firm view that it would be unwise to proceed with the Bill given the significant prohibition against any consideration or apportioning of liability at an inquest.

Moreover, I would advert to a second consideration arising from the Senator's Bill, one perhaps not intended by him, namely, the risk of engaging the criminal law on assisted suicide. A verdict returned at inquest of iatrogenic suicide, as defined in the Bill, could engage the provisions of the Criminal Law (Suicide) Act 1993 and, in particular, section 2 thereof, which provides: "A person who aids, abets, counsels process the suicide of another, or an attempt by another to commit suicide, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years."

**Senator David Norris:** That is another section that needs to be reformed.

**An Cathaoirleach:** Allow the Minister to continue without interruption.

**Deputy Charles Flanagan:** Any use of this new verdict contemplated in the Bill would be capable of ascribing criminal liability to a person or persons who would be readily identifiable. While suicide is not a crime, as the Seanadóirí will know, assisted suicide continues to be a crime. Assisted suicide could well include iatrogenic suicide, as defined in the Bill.

**Senator David Norris:** It could not.

**An Cathaoirleach:** The Senator cannot interrupt the Minister.

**Senator David Norris:** Somebody prescribing Prozac would not be deliberately aiding or abetting. They would be trying to keep the person alive.

**An Cathaoirleach:** Allow the Minister to conclude.

**Deputy Charles Flanagan:** That would be open to interpretation and I am not saying the Senator's interpretation would hold in the manner in which he might intend.

**Senator Máire Devine:** It is a red herring.

**Deputy Charles Flanagan:** My Department has received the advice of the Office of the Attorney General on the Bill and reference to the Attorney General has been well made by my colleague, Senator Mulherin. It is the firm view that to introduce a verdict of iatrogenic suicide at inquest would be legally unsound.

The Coroners Society of Ireland is a body that has not been mentioned during the course of this debate. It is important that we would acknowledge the role played by that society. Its members are engaged on a daily basis in the conduct of inquests. The society and its members have indicated they are very much opposed to this proposal, not least given that it might require coroners to reach verdicts that would infer liability on a medical practitioner.

I believe that a sufficient range of verdicts is available to coroners to draw on in the context of the cases envisaged by the Bill, including those of suicide, open or medical misadventure. I wish to inform the Seanad that I intend to widen the scope of the coroner's investigation at inquest along the lines of that proposed in the Coroners Bill 2007, which was referred to by Senator Mac Lochlainn. This will help to better fulfil our obligations under the European Convention on Human Rights. The coroners (amendment) Bill 2017 is being urgently drafted by the Office of the Parliamentary Counsel. I hope to be in a position to seek Government approval in the near future to publish this Bill.

I very much agree with those Senators who said that where a medical misdiagnosis or pre-

scription occurs, action might then be taken against the medical practitioner. Provision for that is contained in a process under our civil law. However, such an action must be followed in the appropriate forum and I am not sure that forum is a coroner's court, on the basis that it is not a court of law. The coroner cannot consider or determine the liability of any person in any circumstances. This situation is one of long standing with regard to the coroners not only in this jurisdiction but across all common law jurisdictions. It is not the intention to change the nature of the inquest procedure or to change the role and function of the coroner or the coroner's court in as radical a fashion as is envisaged under the Bill. I should mention that our courts have in the past ruled against liability being ascribed at an inquest, and that is a problem here. It is one that I would ask Senators to appreciate in the context of debating this legislation further.

I acknowledge the work Senator Mac Lochlainn has done not only in drafting this legislation but in highlighting the importance of the issue, giving rise to this debate where people like Senator Black and others have made important contributions in terms of the response of the Government to mental health issues. I am sure there will be further opportunities, as there have been in the recent past, for this issue to be discussed in this forum. In commending Senator Mac Lochlainn, however, I must reiterate that the context in which he places the Bill is not appropriate in my view. He raises no wider issues in the Bill that might inform our ongoing debate on suicide. Rather, he proposes what he describes as a symbolic change to the Coroners Act 1962. However, it is my view, in short, that the effect of the change would be anything other than symbolic. It would give rise to consequences or changes in the law of a very fundamental nature. It would risk significant disruption to our coronial system by seeking to introduce determination of liability into the inquest process. The Government, as it works towards immediate and longer-term reform of the coronial system, will not at this point in time support such a change.

**Senator Pádraig Mac Lochlainn:** I thank the Minister and colleagues for their contributions to this debate. I appeal to the Minister and his Government colleagues not to oppose this Bill and to allow it to go to Committee Stage today in order that we can further develop the issues of concern the Minister raised, try to find a way to address the concerns of families like the McGill Lynches and also address some of the concerns the Minister raised. It has been said that this Bill is premature and that the Coroners Act is being looked at and reviewed as we speak. That Act dates back to 1962, it is archaic and radical reform of it is long overdue.

I introduced this Bill in the Dáil two years ago but no reform of the Coroners Act has been put before these Houses by the Government in those two years. Therefore, it cannot be premature for me to introduce this Bill again here today having waited patiently for two years. The reason this Bill is being debated in this House is that I understood it had all-party support and that it would not be challenged. The family are in the Gallery on the basis that the Bill would progress today and the debate on it would continue through the Houses. That was what I understood happened between the Whips.

I ask the Minister and his colleagues to allow this Bill to move forward. He has put his concerns on the record. All that would happen today is that this would progress to Committee Stage. Those concerns would be put on the table and addressed through the Houses as the Bill progresses through the different Stages. I ask the Minister to allow this debate to continue and the Bill to progress through the Houses.

The Minister might not be aware that I co-chaired a meeting of what was formerly known as the Joint Committee on Public Service Oversight and Petitions and the Joint Committee on Justice and Equality during the lifetime of the previous Oireachtas. The meeting was about the

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responsibility of our Government under Articles 1 and 2 of the European Convention on Human Rights. I will quote exactly what I said on that day:

Articles 1 and 2 of the European Convention on Human Rights, when read together, require a proper and adequate official investigation into deaths resulting from the actions of State agents, both from the use of lethal force and also in situations arising from the negligence of agents that leads to a death.

The purpose of the meeting in question was to explore those issues and those present heard from a range of witnesses. One was a coroner who talked about the limits of what was available. As the Minister knows, a coroner can, in the course of an examination, refer a matter to a public inquest. In the case that led me to draft this legislation, the matters were examined and debated. One of the other Senators referred to medical experts having to come and debate the issues. They were debated in this case. That already happens in coroners' courts, where issues are thrashed out and relevant experts are brought in.

It is not beyond the capacity and goodwill of Members of the Seanad to allow this Bill continue its passage through the Houses. That could happen in tandem with the Minister's wider review of the Coroners Act 2013. I am asking that we do not divide the House on this issue and that we do not ignore the fact that we have a real societal challenge with which to deal. I again refer the Minister to his responsibility, my responsibility and our responsibility in these Houses, under Articles 1 and 2 of the European Convention on Human Rights, to ensure that families have the right to the whole truth. The Minister talked about civil cases. God help any poor family that has to go through a civil case. Can the Minister imagine the level of their financial exposure? They would become impoverished as a result of taking on the full weight of the medical establishment. It is a huge burden. The responsibility falls on us, as legislators, to change the law in order to make it as accountable as possible and to ensure that people receive the right answers.

I appeal to the Minister not to divide the House. He has put his views and concerns on this issue on record. Even in light of all the reservations the Minister expressed, it would be a noble thing to allow this Bill to proceed to Committee Stage. Let us develop the conversation about how we can collectively meet our responsibilities under Articles 1 and 2 of the European Convention on Human Rights.

Question put:

The Seanad divided: Tá, 12; Níl, 21.	
Tá	Níl
Black, Frances.	Burke, Colm.
Conway-Walsh, Rose.	Burke, Paddy.
Devine, Máire.	Buttimer, Jerry.
Gavan, Paul.	Byrne, Maria.
Higgins, Alice-Mary.	Clifford-Lee, Lorraine.
Mac Lochlainn, Pádraig.	Coffey, Paudie.
Norris, David.	Coghlan, Paul.
Ó Céidigh, Pádraig.	Daly, Paul.
Ó Clochartaigh, Trevor.	Feighan, Frank.

Ó Ríordáin, Aodhán.	Gallagher, Robbie.
O'Sullivan, Grace.	Lawless, Billy.
Warfield, Fintan.	McFadden, Gabrielle.
	Mulherin, Michelle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Donnell, Marie-Louise.
	O'Mahony, John.
	O'Reilly, Joe.
	Reilly, James.
	Richmond, Neale.
	Wilson, Diarmuid.

Tellers: Tá, Senators Máire Devine and Pádraig Mac Lochlainn; Níl, Senators Gabrielle McFadden and Michelle Mulherin.

Question declared lost.

*Sitting suspended at 3.10 p.m. and resumed at 3.40 p.m.*

### **Business of Seanad**

**Acting Chairman (Senator Diarmuid Wilson):** I call on Senator Mulherin to propose an amendment.

**Senator Michelle Mulherin:** I propose that, notwithstanding the order of the House today, No. 4, Civil Law (Missing Persons) Bill - Committee Stage, begin at 5.35 p.m.

**Acting Chairman (Senator Diarmuid Wilson):** Is that agreed? Agreed.

### **Flood Prevention Measures: Statements**

**Acting Chairman (Senator Diarmuid Wilson):** I welcome the Minister of State, Deputy Kevin Boxer Moran, to the House.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran):** I thank the House for the invitation to give an update on flooding and flood protection. I have issued a statement which is being circulated to the Members of the House to give them an idea of where we are in terms of my Department. At the outset, however, I offer my condolences to the families of Fintan Goss, Michael Pyke and Clare O'Neill, who were lost in the events over the past few days. One life is too many and three are far too many. It was a

sad day for Ireland. I offer my sympathy and support to the families.

The past few days have been challenging but we also saw the good work of the flood committee, the co-ordination group and my Department. Notwithstanding the high tides, the surge in water and the flooding events that were threatened upon us, the schemes we have already put in place held up to the mark and did a tremendous job. That is not to say that we did not have some minor flooding in coastal areas, as well as areas of Galway, which were particularly affected. Three houses, in particular, were affected and the rest related to coastal areas. There was also a caravan park. We are always working to minimise this. However, most of the schemes we have in place worked.

Late on Tuesday night, we watched events unfolding in Limerick and Cork where water came very close to the top of the walls. That was a frightening experience for those living in and doing business in those areas. I am here today to discuss flooding. I am sure each Member will have questions to ask me that are relevant to their areas and while I will do my best to answer all questions, if there are questions I am unable to answer today I will get back to Senators on them.

**Senator Robbie Gallagher:** I welcome the Minister of State, Deputy Moran, to the House. I join him in praising all our first responders for the manner in which they conducted themselves in regard to Hurricane Ophelia. It was a massive undertaking. I compliment Met Éireann on the manner in which it was able to assess and progress the path of the storm and on the manner in which it kept the nation informed of the progress of Hurricane Ophelia. I compliment all of the local radio stations throughout the country on the manner in which they kept their local audiences aware of the more minute details and side effects of the hurricane, in particular, Northern Sound in Cavan-Monaghan, which kept citizens informed of where trees had fallen, power lines were down and roads were blocked. It brings out the best in society when our backs are to the wall. When such an event occurs, it brings out the best in us and all of our first responders, whom I compliment on the manner in which they gelled together to get the country up and running again as quickly as possible. I also compliment the Minister of State on his input in that regard.

Hurricane Ophelia highlighted once again the massive challenge we face in regard to climate change. It followed on from the recent flooding in the Inishowen Peninsula, which left many people homeless. When we hear people talking about climate change we often find it difficult to relate to it but when events such as this occur it focuses the mind. It is important we take climate change seriously. The old adage, “a stitch in time saves nine”, springs to mind. It is important that we plan as far as possible for events such as Hurricane Ophelia and that we highlight the risks arising from heavy rainfall of the type we are experiencing on a more regular basis. The first CFRAM study was carried out in 2010. It identified areas prone to or most at risk of flooding. It is important that process is progressed and that resources are allocated to the particular areas identified.

There are many people whose properties have been flooded and who as a result are unable to obtain insurance coverage into the future, which is a very serious issue that needs to be addressed by the Government. It is important that people whose properties have been flooded previously and people who live in areas identified in CFRAM as at risk of flooding are not left out on a limb and are provided with insurance cover. I referred earlier to the situation that arose in Inishowen. I know that the Minister of State visited the area shortly after that event. People were impressed by that. However, whereas initially there appeared to be a hands-on approach,

some people are in limbo in that they still do not know whether the insurance companies will provide them with cover. The level of detail required from the insurance companies is an onerous task for citizens, some of whom, as one can imagine, are under huge stress having had to vacate their homes as their livelihoods were washed away. This matter needs to be addressed. It is great to have a hands-on approach at the outset but it is important it is followed through to the bitter end in order that people are not left in limbo as to where they stand. There must be joined-up thinking by all of the agencies involved so that people can see a pathway to resolving their difficulties as quickly as possible and thereby get their lives back on track.

In Monaghan, where I live, a problem has arisen in the centre of the town close to the traffic lights at the shopping centre. During heavy rainfall, the area floods and as a result the shopping centre and the town are cut off from the rest of the county, which has a serious negative economic effect, in that often it can take up to a week before the water levels decrease to the point where normal economic life can get back on track. I understand that Monaghan County Council has submitted a request for funding to address the problem that is occurring at the traffic lights in Monaghan town. I would be grateful were the Minister of State to follow up on the matter on my behalf and revert to me with an update on the status of that request.

I referred earlier to the CFRAM study. It is an important study but it is equally important that funding is allocated as a matter of urgency to the areas identified in the study as at risk of flooding. Many of the people from Mayo and other areas in the west who experienced serious flooding recently are frustrated at the lack of progress in providing the flood prevention measures promised for those areas, work on many of which has not yet commenced. Perhaps the Minister of State would comment on that issue also. It is important to identify areas prone to flooding but it is equally important that this is followed up with funding for whatever works are necessary to ensure that where possible, flooding can be alleviated. This is an important issue, particularly for the people who find themselves homeless and whose lives have been turned upside down. It is important that we address these issues and show those people that there is a clear pathway ahead to help them to get themselves back on track.

**Senator Victor Boyhan:** I welcome the Minister of State. I visited the Inishowen Peninsula the day after the Minister of State and his colleagues visited the area, which I know from a number of friends and colleagues in the area was greatly appreciated. I was shown around the area by a colleague, Councillor Nicholas Crossan. The devastation of the community was very clear. I was in touch with my colleagues during the past week and they relayed to me the enormous distress caused to the people involved, which will take a long time to get over. They are fearful that every time a storm occurs the area will flood again. I am sure the Minister of State will have experience in that regard in respect of Mullingar.

We must do something. Insurance is an issue. I met people in shops and traders who now fear they will not be able to get insurance. Water literally came through and out of people's houses. I do not need to rehearse all that as the Minister of State is fully aware of it, but there is devastation. We must address some of the bigger environmental issues, such as global warming and all its impacts, but there is no consolation for people who are out of their homes at present. I know there is funding and the community assistance and so on at the time is grand, but that wanes as people get on with their lives. Others are left behind, and it is those people we need to be very conscious of. They want to get on with their lives, get back into their communities and back living in their homes. It is important that the Minister of State is in the House. I thank him for being here and I acknowledge the work he has done. I know he is limited in what he can do; there is so much pressure and no end to the amount of money he needs. I appreciate

him coming to the House to discuss this very important issue.

**Senator Michelle Mulherin:** The Minister of State is welcome to the House. We have been debating the issue of flood defences and protection more and more in recent times in both Houses and across local government and our councils because of the increasingly erratic weather we are witnessing. The weather on Monday is evidence, in the face of cynics who do not want to subscribe to the existence of global warming, that there are temperature changes and that climate change is having a devastating impact particularly on people in the south of Ireland. I would also like to be associated with the condolences expressed to the families of the people who lost their lives during Storm Ophelia.

*4 o'clock*

In other parts of the world, we saw the massive hurricanes in the Caribbean and even though they are used to hurricanes, all the weather we are hearing of now and which is reported is unprecedented. The storms are wilder and the floods are higher. It is frightening, and the corner of the world in which we live is not earmarked to be the most affected, which means there are people who are far more affected than us. That is very sobering. If anything is a clarion call for people to unite to try to combat the causes of climate change, it must be this because it is visiting our doorstep. We see people coming together in terms of community and volunteers as well as the emergency services, which people have rightly praised over the past day or two in this Chamber. However, we must come together to fight climate change. We can do it. We have already seen that by banning aerosols the ozone layer has been restored over the past, I think, 35 years. We can make a change and a difference, but we must act collectively. If mankind is doing damage, mankind can take steps to repair that damage. There is also an economic case for this. There are lives and businesses to be considered, but climate change will have a severe impact economically if we do not stop the rising tides and floods.

I have no doubt but that, based on most recently the emergency services' response and the approach of the whole of Government and all its agencies, the issues of protecting people in storms, extreme weather and flooding are priorities for the Government. This is reflected in the programmes available. We have the capital flood risk management measures, whereby in September 2015 a pot of €430 million was made available to be spent between 2016 and 2021 on particular flood defences which would seek to protect towns and communities in the event of extreme high water. That is what we try to aim for, and we have seen some successes in parts of the country where the OPW has undertaken this work. I give credit to the OPW, the consultants and the communities that have played their part in making sure these flood defences are built. We also had the CFRAM programme, whereby 300 areas around the country have been assessed as to where they are deemed to be at risk of flooding. This is with a view to deciding what the appropriate options are to mitigate flooding and to try to reduce the risk of flooding. Some of those areas are at different stages. I have alluded to the €430 million being spent. That announcement predated the whole effect of CFRAM, and a number of projects were earmarked and identified at the same time as that funding was announced. That is taxpayers' money. The OPW is charged with making sure those flood defences are delivered as soon as possible and practicable and it engages consultants in that regard. I believe the Minister of State's job and role is to make sure that is done on time and as soon as possible, and I am sure he will not disagree.

A case with which the Minister of State will be very familiar is Crossmolina, which has experienced flooding over the years but particularly badly in November and December 2015. In November, there was a small flood, and then there was a deluge in December. It was absolutely horrific to see the devastation it caused in the middle of the town - not in an area where a

new housing estate was built on a flood plain, but in one of the oldest parts of town. It was the same in Ballina, where I live. Old parts of town that were flooded had never really witnessed the like of it before. Work in Crossmolina had been in train in terms of consultants being appointed prior to 2014 to come up with a flood defence solution. Very late in the day, in 2014, the consultants decided that the option they were pursuing, which was to build flood walls within the town, could not proceed because in doing so extra pressure would have been put on the one bridge that goes across the River Deel. The whole bridge would have had to be replaced, which would have incurred significant additional cost. To me, it was pretty late in the day to make such decisions, but cognisance nonetheless had to be taken of the engineering and scientific findings, so it was back to the drawing board. However, from 2014 to date, we still have not had the second option. The option that has been examined is a channel upstream from the river which would take the excess floodwater and channel it away from the town so it does not come near the town in the first place. However, to date, I do not believe any option has been put formally to the Minister of State.

At this juncture, what is imperative, and what I am asking the Minister of State to do, aside from the generality of what I have to say, is to proceed to a public consultation on the preferred option as soon as possible and to get on with the next step towards progressing the building flood defences, whatever they will consist of. The money is there and the public is at a loss to understand the situation. Every time there is a yellow warning for rain - a yellow warning can result in this, and it does not have to be a red alert warning such as at the weekend - people are in fear. I acknowledge the pilot project announced by the Minister of State's predecessor, the Minister, Deputy Simon Harris, which saw the erection of floodgates. I think 83 premises have been fitted with floodgates. We see the local authority fitting non-return valves in premises in order that they do not have to deal with stuff coming back up through the sewage system and so on, and we see some minor flood defences in the form of walls built under the minor works scheme. However, the money is there to build a major flood defence. I acknowledge we must allow nature to take its course to an extent, but a lot of the scientific and other research has been done and we still do not have the preferred option on the table, namely, the public consultation. This is imperative.

The issue is not just getting emergency services in, getting the community to volunteer with the clean-up and getting the Government to give people money to compensate them in some way or to help them fix their houses and businesses. There is now a town in Crossmolina that is stagnant. One cannot sell a property in the area or get insurance for the property. If one had a business, why would one invest in it given that one is completely in limbo? It is somewhat depressing. The people there are mighty and have been very practical as a community in coming together.

I refer finally to CFRAM. In Ballina, which I mentioned, we have progressed in the process to the point of having a CFRAM plan with the preferred option of building a flood defence wall. However, an older part of the town was flooded again. Can we have some action and some investment for this? People live in constant fear that another big surge will come and destroy their homes which, at this point, no longer have insurance. I can well understand their concerns. This falls on the Minister of State's shoulders and I hope he can give us some answers. I am, of course, mindful of all of the good work that has happened over the last couple of days and the plans that are there. We need not just plans but action. In the cases I have described, that action is clearly overdue.

**Senator Pádraig Mac Lochlainn:** I thank the Minister of State, Deputy Moran, for his

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swift response to the flooding in Inishowen in east Donegal. In fairness to him, he was up there straight away and spent a couple of days in the area. I met him on the ground at a number of locations. He also attended a meeting with councillors and the local authority management team. As such, I acknowledge his personal commitment to the issue. However, I need his assistance today with regard to other Ministers on some of the issues I wish to raise because there are still some gaps which I will now go through.

Colleagues here will have heard me raise every week in the Seanad the issue of Swan Park in Buncrana and Glenevin Waterfall in Clonmany. Swan Park is a key community amenity beside the River Crana in our town, in the history of which it is steeped. I ask people to think of a park in their own cities or towns which is beloved, where people go, where one meets one's friends and which represents a central part of community life. This park has been destroyed by the floods, is closed to the public right now and will remain so for an indefinite period. We need some type of special fund for this. Unfortunately, Donegal County Council will not be able to restore Swan Park on its own. Estimates of the cost stand at over €1 million. I ask the Minister of State and his officials who are listening in to the debate to talk to other Ministers about this. I have put down a question for the Minister for Rural and Community Development, Deputy Michael Ring, but the difficulty with parliamentary questions is that they go to departmental officials whereas we need the Ministers who visited the area and know about these issues to look at it. Glenevin Waterfall is an amazing amenity. There is a walk up to the waterfall which was built up by the local community. Since the floods, people have done tremendous work to restore it and, as they have gone a long way, it will not take a fortune of money to make this happen. However, they need that financial assistance.

The next issue is one the Minister of State will appreciate. He will have heard about it from farmers and people up there at the time. I refer to the involvement of the OPW, Inland Fisheries Ireland and the National Parks and Wildlife Service in the maintenance of rivers and streams. It will be a partnership and a team effort. I ask that these bodies work in partnership with farmers and local authorities to ensure that the maintenance of rivers and streams is approached properly and that we have the regular cutting back of trees where they have the potential to create blockages. There must also be realignment of rivers where necessary and that must obviously be done in the proper way. Dredging must take place at appropriate locations. Given the level of rain that came down, there was always going to be flooding. However, the scale of the problem did not, perhaps, need to be so great. There are lessons we can all take from that.

The next issue is flood defences in Burnfoot village, which the Minister of State is passionate about. They should have been in place by now. I ask that the Minister of State fast-track the construction of the flood defence in co-operation with Donegal County Council, not only there but in other parts of the county. While I appreciate there is work that has to be done elsewhere, Burnfoot stands out like a sore thumb. The people there were badly impacted by the flood and they need flood defences. I know the Minister of State agrees and that we just need to work together to fast-track it.

The next issue is that of sporting organisations. The Minister of State saw the damage to Cockhill Celtic's ground in Buncrana town where a couple of the club's pitches have been destroyed. Hundreds of thousands of euro worth of damage has been done. The club falls into that gap because it is not a farming organisation and the cost is well beyond the €15,000 ceiling in the Red Cross-administered fund. A number of sporting organisations were affected, including Illies Celtic, Dunree Boxing Club, Clonmany Shamrocks, Clonmany Community Centre, Sea Rovers and other football clubs in Malin. Cockhill Celtic, however, has been devastated

and will require special intervention. I ask the Minister of State or his officials to communicate that.

The next issue is agriculture. A scheme is in place for farmers with a maximum payout of €15,000. A number of potato growers, however, have been completely devastated. I went out to the farm of one potato grower and spent hours with an agricultural adviser and friend of his. I also spent time with the farmer, Seamus Lynch, a good, hard-working and honourable man. The damage to his business is of the order of €300,000. It is heartbreaking. He was growing world-class rooster potatoes on top-quality soil but it has all been destroyed. All the neighbours and advisers came out to pump the water and did their best to get it away but his farm is destroyed and his heart is broken. Nevertheless, there is nothing there for him because he falls through the gap. It is too big a burden to carry at €300,000. There are other potato and crop growers who fall, unfortunately, through that gap as well. We must address that. The Minister for Agriculture, Food and the Marine, Deputy Michael Creed, will have to meet with farm organisations in Donegal to hear more about these gaps and shortfalls.

The Minister of State saw the issue with water and sewerage infrastructure himself. I was with him when he went into the house in Burnfoot. Fair play to him, he did not stand back but went inside and saw for himself what happened. Raw sewage went through people's houses and I acknowledge that the Minister walked through it and saw it. We need Irish Water to fast-track the necessary works on sewerage plants which are vulnerable to flooding. Not only has flood water gone through people's homes; there has been raw sewage. It is devastating for people. The Minister of State saw the heartbreak when he was there. While I appreciate that the Minister of State is being good enough to listen to this today, we need a whole-of-government response and taking of responsibility. Nobody is dealing with the specific issues I am raising, yet we are now two months on.

Another issue is private roads. An enhanced local improvement scheme package is required. All of these private roads and lanes were destroyed by the floods but there is nothing for them. In fairness, the public roads and bridges will be restored, which is to be commended, but the private lanes are destroyed and there is very little there for them beyond a couple of loads of stone here and there.

I ask the Government to stop using the phrase "once in 100 years". We need to stop saying it. I heard President Donald Trump in America use the phrase "once every 500 years" regarding the challenges there. In Donegal alone in recent years, Finn Valley has been flooded, as have Kilmacrennan, Kerrykeel and Ramelton. Our major acute hospital in Letterkenny was flooded with serious consequences. We have now had floods on the Inishowen Peninsula in east Donegal. These are regular occurrences and it will be an ongoing reality. That is why climate change deniers must be confronted head on. This is the reality of what we face.

The following is no responsibility of the Minister of State as it relates to the period before his time in office. By late 2015, the Government was to have submitted its flood management plans to the European Commission. A number of measures have been taken and the preliminary assessments to identify river basins and associated coastal areas at risk of flooding have been submitted on time. Flood risk maps have been submitted on time also. However, the flood risk management plans, which were due in late 2015, have been confirmed by the European Commission, on foot of questions submitted by my colleague, Mr. Matt Carthy, MEP, to be the subject of infringement action against the State due to the delay. I acknowledge that the Minister of State inherited this challenge, as I said, and I attribute no blame to him in this regard. However,

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his Department must get this matter over the line against the background of everything that has happened across the State in recent times. The EU floods directive was introduced in late 2007 in the wake of the major flooding which took place that year across the Continent. There was a recognition that lessons had to be learned by way of the introduction of certain responsibilities for member states as set out under the directive. Those responsibilities are intended to protect communities. The Minister of State has walked the walk on this issue in his own community and other communities. He understands the implications of climate change and of not having proper plans in place to address its effects. As someone who is relatively new to his office, he has demonstrated a solid position on these matters. I was impressed by his travelling to my area, where he spent two days talking to members of the community there. He is the man to effect change on this matter, but it will require his Government colleagues standing with him to make it happen.

**Senator Grace O’Sullivan:** I thank the Minister of State for attending this debate. I saw him on the TV3 programme last night presented by Matt Cooper and Ivan Yates, during the course of which Evelyn Cusack of Met Éireann and RTÉ drew attention to the mean increase of 1° Celsius in sea temperatures globally. We are seeing the pictures and reports in the newspapers of glaciers melting in the Arctic and Antarctic and sea levels rising. All of this means we will inevitably see more flooding in future years. It is not the case that one will encounter a huge wave coming in as one takes a morning walk in Tramore Bay, for example. Rather, what we are seeing is a slow, creeping rise in global sea levels. An increase of 1° Celsius in global temperatures means there will be more flooding in this country and more weather events like Storm Ophelia.

I join the Minister of State and colleagues in expressing my sincere and deep condolences to the families who lost loved ones on Monday. My heart goes out to them as they deal with this horrific, unexpected and tragic event. In the aftermath of Storm Ophelia, we must take heed of the fact that with more such weather events bound to impact Ireland in the coming years, we will experience greater disruption to transport systems and electricity supply, as we saw in recent days. We will see the impact, too, in hospitals and other services throughout the country, and we must be prepared for that. In Tramore, for instance, several users of the Brothers of Charity disability services lost power in their homes and had to be rehoused in hotels. Many communities across the island were impacted in this way.

As someone who is new to the Seanad and to party politics, it seems to me there is a lack of recognition on our part of what is coming down the line and the preparation that is required in that regard. Girl guides years ago would take the pledge *Bí Ullamh, or Be Prepared*, but it seems we in politics are not heeding that advice. An event of this kind of strength in these latitudes is extremely rare, with the wind forces we saw on Monday necessitating a red alert warning from 9 a.m. to 9 p.m. That has never happened before, notwithstanding claims to the contrary by Deputy Danny Healy-Rae and others. We have never had a red alert of that magnitude since recordings began in this State. It calls to mind the red flag that goes up on the beach in the summertime. Storm Ophelia was the red flag going up over the Oireachtas to warn Ministers and all of us in these Houses to wake up and, instead of just talking, take real action.

In the course of conducting a survey of litter on the beach in Tramore last week on behalf of Coastwatch Europe, my fellow surveyors and I identified swarms of Portuguese men o’ war, a type of jellyfish, around the south coast just a few days ahead of the storm. When we reported this to Ms Karin Dubsky, Coastwatch Europe co-ordinator at Trinity College, she told us we should not be seeing that particular species off our coast. This is the type of bioindicator that

tells us things are changing, and it serves as another red flag warning us that serious action is now required to deal with climate change and global warming. People do not want to know about it, unfortunately, and the media do not want to report it, but we had better face up to the reality of what is happening. Schools are doing great work in this area, with the green flag award scheme run by An Taisce and the eco recognition programme run by UNESCO. Young people get it, unlike us middle-aged folk. It is our responsibility to learn the facts and ensure effective mitigation and adaptation measures are in place to protect the future for our children. Words are no longer enough.

I take this opportunity to acknowledge the great efforts by many people in Tramore to ensure people and property were protected last Monday. My local radio station, WLR, issued repeated warnings and information bulletins and included interviews with Waterford City and County council manager, Michael Walsh. In addition, local business people, including Thomas McCarthy and others, set about stacking one-tonne bags of sand and stone outside coastal business premises to alleviate damage caused by the storm. As another speaker said, the fear of God, or whoever or whatever one believes in, was in the hearts of people down around the south coast on Monday. I have spent lots of time at sea on small boats, but I stood in my home on Monday morning, with my daughter who has special needs, and was nervous just looking out the window. It was absolutely frightening.

Senator Mac Lochlainn has described the Minister of State as a man of action whose activities he has witnessed in Buncrana and elsewhere. I agree the Minister of State is a man of action who likes to get involved at ground level. I join my colleagues in placing our hope in him. We are with him in the push to ensure this country is ready for what lies ahead. That will require a move to renewables. It is not enough to be talking about systems or calling for another report or review. The Minister of State must make change happen. Otherwise, we will see more of the type of damage caused by Storm Ophelia. The coming weekend will see the arrival of Storm Brian and there will be a lot more of this type of weather event coming down the line.

The Minister of State may be aware of a group in Cork, the Love the Lee campaign, which is involved in public activism on the issue of flood barriers and defences in that county. Professor Robert Devoy of the geography department at University College Cork, who worked with that group, has expressed major misgivings about the plans to reinforce the banks of the River Lee with oversized and out-of-place defences. What is the Minister of State's response to those concerns and does he have any view on proposals for tidal barriers further out in the harbour? Any barriers will have an impact on infrastructure, on biodiversity and on the populations and communities living around the barriers. However, there has been a lot of flooding along the River Lee in recent years and action must be taken now to address it.

We are in the midst of a process of climate change. Evelyn Cusack of Met Éireann and RTE has noted that temperatures have risen by 1° Celsius and, as a consequence, we will be seeing more and more flooding in the future. We in this House wish to stand beside the Minister of State in an effort to ready this country, via flood defences and otherwise, as we face the very real consequences of climate change.

**Senator Gabrielle McFadden:** Curim fáilte roimh an Aire Stáit. I do not need to highlight the importance of a planned and systematic approach to the problem of flooding. The Minister of State, Deputy Moran, joined us in helping out in my wonderful home town of Athlone when the floods struck and saw for himself the trauma and heartache arising from the damage caused. I welcomed the allocation in 2015 by the then Minister of State with responsibility for

the Office of Public Works, Deputy Harris, of €430 million for a six-year programme of capital investment, which effectively amounted to a doubling of annual expenditure on flood defence measures. I called at the time for some of that funding to be spent in the Athlone area. The Office of Public Works and local authorities have done good work in recent years and the programme is beginning to bear fruit as we see work progressing on flood defences and flood risk alleviation. I hope to see similar progress in the Athlone area on cleaning out the cut at Meelick and reassessing the level of Lough Ree, which was raised in the 1970s for navigation purposes. Given changing weather patterns, we cannot guarantee to protect every community from future flooding, but we should be in a position to respond to any flooding that does occur in a more efficient and appropriate manner.

Following the general election, I made two specific requests of the then Taoiseach, Deputy Enda Kenny. First, I asked that we have a Minister of State with special responsibility for dealing with flooding. My second request was that this Minister of State should set up a single agency to provide a co-ordinated response to flooding and take responsibility for the River Shannon. When the Government was formed, I was delighted to see the Taoiseach accept my suggestion of appointing a dedicated Minister of State. Eighteen months later, however, I see no progress on the establishment of a specialist co-ordinating agency to manage our flood response or the appointment of one person or agency with responsibility for the Shannon river. These are key priorities which should have been delivered by now. This time last year, the interim report to Government of the interdepartmental flood policy co-ordination group recommended the establishment of an independent oversight unit within the OPW to ensure an effective flood response. Following the Minister of State's experience of the flooding in Donegal, I heard him concede that such a unit was necessary. Why has it not yet been established? We can see from the events of last week the benefits of having a co-ordinated and cross-agency emergency response. In the case of flooding, a similar approach should be taken. In particular, we must help people whose houses become uninhabitable and farmers whose stock is lost or stranded. One winter has passed and a second is on its way since the interdepartmental group presented its recommendation. What will be different about the response of State agencies if Athlone is flooded again? What concrete actions has the Minister of State taken to set up a unit to ensure we respond more quickly and appropriately to flooding events? Is there any one person or agency holding responsibility for the River Shannon?

Among other things, the then Minister of State, Deputy Harris, can look back on his time at the OPW and point to the negotiation of a doubling of funding for flood relief as part of his legacy. What will the current Minister of State's legacy be when he leaves the Department? Will he be remembered as the person who oversaw the plans put in place by others? Will he do something practical to help those who are victims of flooding, an effort to which I know he is deeply committed? We cannot guarantee that there will never again be flooding in this country, but we must be able to guarantee that our response to any flooding that does occur is the best response possible. The ball is in the Minister of State's court.

**Senator Kevin Humphreys:** No matter what the Minister of State does, there will be flooding in the future in various towns and villages. That is so because climate change is a reality. We must challenge those who deny that reality every time they open their mouths. Such denials give solace to those who wish to continue putting further investment into developments that very much damage our society. We cannot claim to be taking action on climate change while accommodating special interests, such as allowing Moneypoint to continue to operate for another five years or for peat-burning stations to remain operational as a result of the economic

impact of their closure. We cannot continue to invest the amount of money we are putting into roads and motorways when we know that emissions relating to fossil fuels are damaging the environment. I stood with my neighbours, many of them elderly, in February 2002 as we watched belongings and mementoes flowing into the River Dodder and out to sea. There is nothing more heartbreaking than to lose, for example, photographs of husbands and children who have passed away. We cannot prevent this happening again anywhere in the country but we can show leadership on climate change. It is no accident that we had hurricane winds this week in Ireland given that the sea temperature has risen by 2° Celsius. We might not have another hurricane next year or the year after, but we can be certain we will experience the same at some point and that it will happen more often. That is down to climate change, notwithstanding the denials of Deputies Danny and Michael Healy-Rae.

The Minister of State has a great heart. I saw him interviewed on television when he was fighting the brave battle in Athlone. We all can fight those battles in our own communities, but we must also have a larger vision. Unfortunately, there was loss of life in this country on Monday, something which occurs on a much larger scale in Third World countries. When flooding happens in Pakistan and India, for example, one incident may result in as many as 800 deaths. If we are not prepared to show leadership in meeting the challenges we face in this regard, we should not be in politics. We must stop bowing down to the vested interest groups. Instead, we must challenge them with scientific facts. We must win the argument, gain friends and build in strength. It is not a popular place to be because it requires one to challenge the agricultural community, the motor manufacturing sector and the fossil fuel industries. If we continue as we are, however, we will miss the targets for which we signed up and consequently face a bill of €400 million per annum after 2020.

The Minister of State has shown leadership on climate change in many ways but, unfortunately, the Government and the Minister, Deputy Denis Naughten, have not shown the same. The reality is that we will see more and more problems with flooding and other effects of climate change. The challenge for potato growers in Donegal will remain as will the problems for cereal farmers throughout the country, who have experienced disastrous yields in recent years. The Government must show leadership on these matters but, even if it does, we will not see a benefit in the next ten years. Those who will gain from the leadership we show now in challenging those vested interests and making those arguments are our children, grandchildren and great grandchildren. What type of country do we want to leave them? Are we going to tell our grandchildren that temperatures have increased by two to three degrees because we did nothing and continued to burn turf? Are we going to tell them that we had to bow to the coal industry and continue burning coal at Moneypoint or will we take a giant step forward and move towards sustainable investment in our energy? We need to move quickly. We have already missed an opportunity in the budget and side-stepped the issue, having not provided for investment in electric vehicles, including buses.

**Senator Michelle Mulherin:** That is not true.

**Senator Kevin Humphreys:** We have not in any way challenged the effects of the diesel engine on urban areas across the country. We have started off badly and poorly. We now need to step up to the mark for the sake of our children and grandchildren. I do not want to have to tell them that I remained silent and protected the vested interests, that I said nothing because it was unpopular and, if I did so, I would not gain any votes from it. This has to stop now because not only will our neighbours be flooded, but our grandchildren will have to move from coastal areas. We must show the leadership which, sadly, we have not shown up to now.

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I call on the Minister of State, Deputy Moran, to step up to the mark within Government, in the same way he stepped up to the mark in Athlone in regard to the flooding from the Shannon of Athlone. We must show leadership and it must start today.

**Senator Paddy Burke:** I welcome the Minister of State to the House and I wish him well in his portfolio. I am sure he will do a wonderful job. He has already proved himself as a back bencher and councillor. I would like to be associated with the expressions of sympathy to the families who lost loved ones over the last couple of days. It is a shocking tragedy for the three families concerned.

The Minister of State is a practical man and I believe his Department can do more to help prevent flooding. In many cases, flooding is caused by the flow of water into the lakes which then flow into the rivers running through small towns, flooding them in the process. I would like to make a suggestion. The Minister of State should consider the installation of weirs on some of the lakes so that we can control them and, in conjunction with the Minister for Communications, Climate Action and Environment, Deputy Naughten, consider how electricity could be generated from the outflow from the lakes. Weirs would allow us to control the levels of lakes so that they do not run into the rivers and lead to flooding of the type that occurred in places like Crossmolina and Ballina. What I am suggesting will not solve all the problems because, as stated by other Senators, flooding will always be with us. However, it is worthy of consideration. It is possible to control some of the lakes with weirs and at the same time generate energy.

Senator Grace O'Sullivan mentioned green flags. They are very important in terms of educating our children about what is going on, although they do not really understand it. This generation has witnessed the changes that have taken place. During my lifetime I have noticed the increase in rainfall and the changes in temperatures, as I am sure has almost everybody here. We have witnessed the changes and we need to lay the foundations for change and to convey to young people what needs to be done. As stated by other Senators, action must be taken and large countries like America, China, Japan and so on must lead the way in that regard. Ireland is a small country and all we can do is try to get our own house in order and encourage the larger countries to lead the way. Action must be taken if we are to halt the frequency of storms and flooding and, in the case of Spain, Portugal, Australia and America, raging fires. Climate change is affecting regions and continents in different ways. There is no doubt but that the increased frequency of storms, flooding and fires is being caused by the global increase in temperatures.

In regard to flooding, what I have suggested will not help the potato grower or the tillage farmer in Donegal but it would help to control how the rivers flow and at the same time generate electricity.

**Senator Gerard P. Craughwell:** I welcome the Minister of State to the House. This is the first time I have had the opportunity to welcome him here. Prior to the Minister of State coming to this House, he was knee-deep in water trying to assist communities. His response in Donegal was second to none. He was in the area within hours of what occurred and he reassured the community. I have tremendous respect for the position he has taken and the work he has done. He is to be complimented on it. His job is a difficult one. I do not know of any other Minister that has been asked to act as King Canute to keep the tide out. That is certainly what the Minister of State, Deputy Moran, is being asked to do.

Senator Paddy Burke is correct that this generation has witnessed changes. I recall the Saturday morning of Hurricane Debbie in the 1960s. It was a beautiful morning but by 9 p.m. the promenade in Salthill, which is close to where I live, was flooded. In those days, to get to school I had to walk down Threadneedle Road, along the promenade and up Dalysfort Road. Flooding was something we rarely saw up as far as my house but frequently saw along the promenade. While we must take climate change seriously, we cannot stop flooding overnight. Senator Burke is correct that large carbon-guzzling countries like the United States, China and so on have a huge responsibility to the rest of the world to clean up their acts. We will clean up ours. I know the Minister of State and the Government are committed to doing that.

There is no doubt that we face further floods and all types of damage as we move forward. We are told that Hurricane Ophelia is a taste of what is to come. One of my concerns, which I voiced yesterday to the House and I wish to bring to the attention of the Minister of State today, is our lack of preparedness for a major crisis such as the flooding in Donegal and Hurricane Ophelia. The Minister of State was quick off the mark in Donegal. I recall ringing a county councillor in Donegal that morning and suggesting to him that a Bailey bridge be sought for Donegal to replace one of the bridges that had been swept away. That Bailey bridge had to be brought from Cork to Donegal and put in place by troops from the Curragh. We were told - we heard this previously in relation to flooding in the United States - that a corps of engineers was in place. Our corps of engineers was cut by one third during the 2012 reorganisation of the Defence Forces. There are 102 members of the corps of engineers. The truth is that there are 30 available today.

In regard to chainsaw operators, we were told yesterday these were available from the Defence Forces. There are two qualified chainsaw operators north of the line Dublin to Galway. There are ten heavy plant assets available to the Defence Forces, only two of which are operational because we do not have trained personnel. I sometimes think the Minister of State is operating with his hands tied behind his back. In terms of civil powers, the Defence Forces are his last line of assistance. We must step back and consider what we have done to the Defence Forces over the past five years. A total of 3,000 members have walked out, highly qualified, trained people who we have replaced with recruits. What is now happening of course is that half of the recruits are walking out before they have finished their training. The Minister of State needs the kind of help that he can always rely on. We saw this during Storm Ophelia. When the HSE needed to move staff in the storm, it was the Defence Forces who came to the rescue. Rather than criticise the Minister of State, I ask him instead to go back and talk to the Cabinet and explain to them that we need to be prepared for what is coming. Bailey bridges should be available in Athlone and in Donegal; we should not have to wait for one to be dragged across the country. It is time we sat down and reappraised the reorganisation of the Defence Forces, which was an unmitigated disaster. It leaves Ministers like Deputy Moran, who are out there on the front line trying to meet the needs of communities, with their hands tied behind their backs.

I visited the National Ploughing Championships, as I am sure the Minister of State did himself, and I saw there some of the recent innovations that have been developed to deal with flooding. The Office of Public Works, OPW, should look at some of the solutions put forward and should start appraising what it believes could be recommended to households and to communities. I saw some very interesting approaches there but of course I am not qualified to judge whether they might be of any value. They certainly looked really good. The OPW needs to step up to the mark in this regard and appraise the various possibilities available in the country and draw up a list of recommended flooding solutions. We have to do something for the future here

but we must also deal with the world in which we are living and must provide the citizens with the security they need. This may also mean relocating families and razing houses to the ground that are simply too close to water and in areas that are too low-lying.

I thank the Minister of State for his work and the people of the country will do the same. I spoke to people in County Donegal who were blown away by the speed at which the Minister of State arrived up there to meet them, so I compliment him on that.

**Senator Maria Byrne:** I thank the Minister of State for coming in here today to listen to our concerns about flooding. The last time I spoke to him concerned the area of Montpelier, County Limerick. A house there had been flooded twice over - the flood actually went in one door and out the other - and the Minister of State released funding to deal with it. The local authority there is currently carrying out the work and this time around, fortunately, the house in question was not flooded. I thank him for that. I wish to compliment the whole-of-Government approach to dealing with Storm Ophelia. While some claim we were not prepared, a lot of preparation was put in. I also thank the front-line workers who went above and beyond the call of duty, putting themselves out there to deal with problems as they arose and then with the subsequent clean-up. Some people are currently without electricity but this is being restored as quickly as possible.

On the issue of flooding, I will concentrate here on my home area of Limerick. We had horrific flooding in 2014 and the Minister of State's predecessor at that time released funding in order that works could be carried out. I am concerned, however, that local authorities do not always draw down the full amount of funding allocated to them, something I saw happen in Corbally. Corbally did not flood this time around but it might have done so had the wind blown differently. The area has suffered severe flooding many times. While some works had been done, not all of the projects applied for were carried out. This is what concerns me because in the event of future flooding, the area could suffer once again. Land is also being eroded in the area of Lisnagry, where the Mulcair drainage scheme was carried out several years ago. I know that the Minister of State's section has been made aware of this by local farmers, and that a pledge has been made to keep it under observation. Bits of the land and of the embankment are being washed away there and the situation needs to be addressed. What is important here is that we prepare for the future. We cannot rest on our laurels waiting for something to happen. We have to look at vulnerable areas, at areas that have had problems in the past and where there might be weak points along the River Shannon and the rest of the country's rivers. It is very important that we look at these weak spots and see if they can be strengthened. It might be time to call out to the local authorities to carry out surveys along the banks of the rivers to ascertain what flooding protections might be put in place. While the tide reached the highest point and while the county was on high-risk alert for quite a while, the river eventually abated and Limerick was not badly flooded this time. We need to look at the weak points, however, and see how they might be enhanced and strengthened for the future.

**Senator James Reilly:** I welcome the Minister of State and wish him well in his portfolio. I could spend time here talking about coal in China, about individual conspicuous energy consumption in the United States or about deforestation in Brazil and so forth. What affects us here in this country, however, are major recurring events, sometimes not so major, in fact, but occurring rather on a local level. In my own area of Fingal, for example, one can see coastal erosion that was not there before, shifting up one end of the beach. One then hears stories of similar cases from the 1940s and 1950s.

When it comes to flooding, I think we can all agree that prevention is better than cure. I want to focus on the area of Portrane here. We have had Ministers visit before and money was given to ensure that action be taken to build flood defences. One house in the area is in danger of falling into the sea, while there is a section of the beach where, should a breach occur, a whole housing estate on the low-lying land behind it would be cut off. One end of the Burrow would be cut off, in fact. I want to take advantage of today's debate to appeal to the Minister of State to remind the OPW that this issue in Portrane has not gone away. As Senator Byrne pointed out, had high tide coincided with high wind on Monday we might be in a very different position today. Like others, I commend the Government on its actions in preparing for this storm and in communicating to the vast bulk of the population the seriousness of the matter and the need to take precautions. I would, however, also like to invite the Minister of State to come down to Portrane again at some point to see the situation in the Burrow for himself. I would like him to take the opportunity to put in place the kind of precautionary measures that would save many homes and prevent future difficulties for all concerned.

**Senator Kieran O'Donnell:** I welcome the Minister of State back to the House and commend him and his colleagues on how Operation Ophelia was managed. It was a very difficult situation but it was handled in the only way it could be handled. Information was disseminated and prudent decisions taken, certainly with regard to the closing of schools, which always poses a very difficult situation for parents like myself. When people get a chance to further reflect on this at the weekend it will become clear that this was the only course of action to ensure children's safety.

The CEO of Limerick City and County Council, Conn Murray, was interviewed on local radio on Tuesday morning. His observation was that if the temporary measures that were put in place in terms of sandbagging and so forth were not put in place, Limerick  
*5 o'clock* city would have been flooded. Part of the reason is that Limerick City and County Council has probably become as expert in dealing with floods as any local authority. Over the past five or six years, we have had two major flooding situations with the Shannon in terms of tides and more particularly in the Castleconnell and Montpelier areas. On both occasions, Castleconnell and Montpelier were saved because of the work of the local authority. The water breached the banks of St. Mary's Park in the city, but over the weekend, areas like Clancy Strand and Athlunkard Street in the city were saved because the council workers went out and put up major sandbags and major temporary structures along the banks of the Shannon. That is only temporary. The Minister of State is aware.

I raised the CFRAM study as a Commencement matter in the Seanad last week. I note that the Minister of State made reference to it as well as during his appearance on TV3 last night. It is expected to be published by the end of the year. It is of huge importance to us in Limerick because if there was a flood in the morning, everyone in Limerick could say which areas would be flooded. The areas would be Castleconnell, Montpelier, Mount Shannon Road, Annacotty, Corbally, Athlunkard and St. Mary's Park. In the main, those areas will be exposed and require flood measures. In respect of Castleconnell, when the initial CFRAM draft plan went out, it indicated that there were no properties at risk. It had been nearly flooded on two occasions. Luckily, there was a further public consultation. I hope that will be rectified in the final plan. Given my request last week, it is very opportune that the Minister of State has kindly agreed to visit Limerick and see Limerick city and the environs - areas like Castleconnell, Montpelier, Annacotty and Mount Shannon Road - to see exactly what the position is on the ground. Certainly people in the local authority are looking forward to the Minister visiting. He knows from

first-hand experience in Athlone what the position is and its impact on people's lives.

I commend the Government, the public services and the media. The media did a fantastic public service locally and nationally and worked hand in hand with the services and Government. Regrettably, there were three fatalities. Like everyone else, I offer my sympathies to the three families. It shows the power of nature and that we cannot take anything for granted. I look forward to welcoming the Minister of State to Limerick. It is to be hoped we will finalise a date relatively shortly prior to the finalisation of the CFRAM study. The Minister of State will get to see at first hand how critical it is for us to have permanent defences in place in Limerick city and the environs and how critical it is for the areas I have mentioned. I look forward to seeing the CFRAM study when it is published.

**An Leas-Chathaoirleach:** This is my first opportunity to welcome the Minister of State to the House and I do so wholeheartedly. I am sorry I was not here for his earlier contribution but I look forward to hearing his closing remarks.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran):** I thank the Senators for their kind words. I want to bring them back to the days prior to the negotiations with Government. When the deal was done and we took the bold move to go into government, I met the then Taoiseach. I could have gone for almost any job I wanted and I would have got it. I looked for one job. I looked for the Office of Public Works, OPW, with responsibility for flooding. Why? It was because I am passionate and believe in the OPW. I believe it can deliver on schemes throughout the country. During the days and nights afterwards, people asked me why I took the OPW because they told me they are the hardest people to work with. I can assure everyone in the House that the OPW is the best outfit I have ever worked with and I have worked with a great number of people throughout my political career and as a self-employed person. I can tell Senators that I have faith in the OPW and I ask them to have faith in it as well.

Regarding the comments made about Inishowen in Donegal, in any place I visit, I am not one of these Ministers who arrives in on a white horse and rides out never to be heard from again. I will be visiting Donegal on Monday afternoon to Tuesday to see the good work that was done by the officials, elected representatives and the people of Donegal, who suffered the most. I will also reassure the people that my Department is working very closely with Donegal County Council to make sure we have defences, channel cleaning and whatever is necessary to help one another. Local authorities and councillors need to work more closely at budget time to provide money to clean channels. When we have floods, everyone appeals to Government. It is a case of Government must deliver this and that, but elected members in areas where flooding occurs have a huge duty to ring-fence money at budget time. When they come to my Department, I will do the job. We have changed areas in the minor works scheme to allow moneys to be spent wisely and correctly to help people. I am very close to making an announcement where I will pick four counties for a pilot scheme for channel cleaning. It is not a major amount of money but I want to get local authorities working in a situation where they can get over environmental issues and other major issues they may encounter through fisheries and parks and wildlife in order that we can work together and start a pilot scheme that can develop and become bigger. I am working with the Minister for Housing, Planning and Local Government on that.

Regarding farmers and other people who were mentioned, this area does not fall under my remit but I am a member of Government and if the Senator puts those questions to me, I will gladly bring them to the relevant Ministers. Regarding climate change, for the first time in the

past ten years, Government has put money across every Department. It is a step in the right direction. Yes, we would like to do more but it is unfair to criticise us and say that we are not leading. We are leading and are working very well. I would like to see far more investment in it. We are taking small steps but they are steps in a positive direction.

People know where I stand on insurance. They know that the OPW builds walls and works with insurance companies, but it is under the remit of the Minister for Public Expenditure and Reform. People come to me about insurance. I have met insurance companies. About three or four weeks ago, we put suggestions to them and are awaiting a response. I will gladly keep working with the insurance companies.

Mayo was mentioned by Senator Mulherin. I assure her that since I took office, and I would point out that I am only four months in the job, I have taken Mayo by the scruff of the neck, as it were. I want to deliver. The Minister for Rural and Community Development is on the path to my door every day of the week, so I can assure the Senator that everything that can be done to fast-track things is being done. I am close to making a decision when I get a report back on Mayo.

Regarding Athlone, Senator McFadden asked what my legacy might be. I do not want a legacy. I want to help and protect people and make sure that whatever can be done will be done. I assure the Senator that everything possible is being done for Athlone and the greater Shannon region. Many a Minister has come through this House and made promises, but I am the first person to put the diggers on the Shannon since Queen Victoria. It was never done before and I assure the Senator that when I went looking for a licence, I applied for eight licences and received seven. Work was done in five areas. The other two areas were too high but that work will start in the new year. That maintenance programme will continue. Athlone has plenty of channel cleaning. That work is continuing. She will know from her time as a councillor that the AI river flooded at Willow Park and work there is also being done. All these good things are happening. Prior to my election to the Dáil in 2016, we talked about four schemes for Athlone. There are now eight schemes for Athlone. We will hopefully be starting one of those schemes in the next week or so and major works will be taking place on the Shannon.

The Senator also mentioned Meelick Weir. I hope to make more announcements in that regard in the near future. I consider Mayo, Athlone, Limerick and Cork as the areas that need to be protected as a matter of urgency. That is not taking away from the other small towns and villages on which I am working closely with the local authorities. I am meeting all the local authority executives to reassure them that my Department is open. We have money to spend and we will work closely with them. We will do that together, as a unit.

Some people referred to CFRAM and stated that we are breaking the EU rules. That is not the case. We are working very closely with the EU and updating it on every move we make. By the end of this year we will have CFRAM in place. CFRAM is not, as some Members of this House and the Lower House believe, the bible in the context of fixing everything. It is a slow lead-in process to make things happen over the next five to seven years. The Government is fully committed to CFRAM and I believe we will deliver on it. Even when CFRAM is announced, at times in the future certain Senators will have me back in here saying, "My house never flooded; why am I now in a flood plain?" Senators will have to get used to this. The Department will defend these houses, but it will not be possible to protect every house. That is why we are looking at the home-protection scheme. I hope to be able to roll out something in the new year in that regard to give support to the people most affected in rural areas.

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We all talk about CFRAM protecting urban areas. In that context, people might ask about the position in rural areas. I can inform them that this is the first part; the second part is still to come. I will work closely with all Departments to ensure that we deliver in this regard.

I could go on all day and all night talking about different issues. I have enormous support from the Government and from the Taoiseach. He has contacted me on a daily basis in recent weeks to ensure that everything required for the different things that happened in recent days was in place. There is support from him, from my Department and from right across the House. That is no different from what happened in Donegal. The Taoiseach was very much to the forefront. When I sought to get the Army involved to assist the local authority in Donegal - Senator McFadden and I saw this again in Athlone - and to help with private houses there, he gave me the green light. That is how we were able to assist people in Donegal.

I disagree with what Senator Craughwell said about the Army. As a person who has been working with the first responders, not just in the past few days but also over recent years, once they are required to come in, they have always been first there and have done an excellent and successful job. That is not taking away from the good work of the local authorities. They have to be commended on all the good work they did in recent days, as should the Garda, the Civil Defence, local volunteers and communities at large. No Member of the House wants to wake up every morning and see flooding and storms. A Senator mentioned that another storm is due to arrive at the weekend. That is not official yet.

**Senator Grace O’Sullivan:** It is highly likely.

**Deputy Kevin Boxer Moran:** It is not official yet and I am hoping and praying that it will not come. If it is official and it comes, we are talking about 40 mm of rain. Some nights I might lose sleep worrying about rain because I know how tight the position is in Mayo and Athlone. My good friends here have spoken about Limerick and Cork. My door is open if any Senators want to meet me or invite me to go visit their areas. I will visit Monaghan in the next couple of weeks at the invitation of the Minister, Deputy Heather Humphreys. I am not here to talk politics or score points, I am here for the people of this country and to deliver that to which they are entitled.

*Sitting suspended at 5.15 p.m. and resumed at 5.40 p.m.*

### **Civil Law (Missing Persons) Bill 2016: Committee Stage**

**An Cathaoirleach:** I would like to acknowledge in the Public Gallery a former colleague, John Moloney, who was formerly a Deputy and a Minister of State, and his guests, the Cowen family. They are very welcome to the Seanad and I hope they enjoy their stay.

Sections 1 to 11, inclusive, agreed to.

#### TITLE

Question proposed: “That the Title be the Title to the Bill.”

**Minister for Justice and Equality (Deputy Charles Flanagan):** I acknowledge the importance of this debate. I join the Cathaoirleach in extending our welcome to the former Minister of State, John Moloney, and his guests. I apologise for the disappointment they must feel when they see me on my feet in the Seanad when they can hear me in Mountmellick any day of the week. I acknowledge his contribution both as Minister of State in the Department of Health

and during his many years as a public representative for the people of Laois-Offaly. I welcome him back this afternoon.

I have not had the opportunity heretofore to make any comments in respect of this Bill. I would like to put on record my acknowledgement of the work done by Senators Colm Burke, Marie-Louise O'Donnell and Lynn Ruane in highlighting and championing the need for reform in this area and in seeking to advance the proposals which were put forward by the Law Reform Commission in 2013. On behalf of the Government, I accept fully the principle which underlies the Bill. It should be supported for that reason. It was agreed last February that the Bill would not be opposed on Second Stage. However, as indicated during the course of the Second Stage debate, the basis for that agreement was that the Bill would need to be amended. It was also indicated that it was likely to be close to the end of the year before the necessary amendments could be progressed. Preliminary work has been taking place in this regard with a view towards having the necessary amendments finalised in co-operation with the Office of the Attorney General before the end of this year. It is a source of regret to me that we have not been in a position to move more quickly with this Bill due to competing complex legislative demands. For that reason I am not in a position to bring forward an appropriate set of amendments this afternoon. I am confident, however, that it will be possible to have the appropriate amendments ready for Report Stage.

I acknowledge that this will take a bit of time and any amendments will require the consideration of Government, which will have to take place prior to the debate. Every effort will be made to facilitate a meaningful Report Stage debate before the end of the year in which we can have the appropriate amendments and deal with the issues on a line-by-line basis. At this stage, having regard to the fact that we are well into a very busy Dáil and Seanad term, I am more hopeful than certain that this will be achievable within the timeframe sought by the Seanadóirí.

I am happy to engage with Senators on the matter of the Bill. I would stress that amendments may be needed which have not yet been contemplated and which may only become evident during a deeper analysis of the Bill. In the meantime, my officials will be happy to engage with Senators in developing the necessary and appropriate amendments. I am sure Senator Colm Burke, as an experienced legal practitioner, will be in a position to work with us in order to make progress. I also know from Senator Marie-Louise O'Donnell's track record of co-operation and working closely with Government that the same will apply for her.

There are a number of issues of importance, not least the important definition of a missing person. The definition under the current arrangements is much too broad in that it essentially addresses a situation where a person has temporarily gone missing rather than where the person can be presumed dead. This goes to the heart of the legislation and will need to be changed in order to avoid unintended consequences. Senators will be aware of a possible definition which forms part of a recommendation from the Council of Europe. This defines a missing person as "a natural person whose existence has become uncertain, because he or she has disappeared without trace and there are no signs that he or she is alive". I regret that we are having somewhat of an unusual Committee Stage debate but I will commit to further and more detailed engagement with Senators on Report Stage.

**An Cathaoirleach:** It is probably inappropriate to have any speeches on this matter unless any Senator wants to speak on an amendment. I was going to stand and outline the Title to the Bill. I believe it is inappropriate to take contributions at this stage. We will have a full debate on Report Stage with amendments and so on. I was about to stand when I took the unusual step

of allowing the Minister to make a few comments. I do not want it to develop into an inappropriate debate on Committee Stage. I will allow Senator Ó Clochartaigh to speak very briefly.

**Senator Trevor Ó Clochartaigh:** Gabhaim buíochas leis an gCathaoirleach. Glacfaidh mé lena chomhairle. Tréaslaím leis na Seanadóirí Burke, O'Donnell agus Ruane a thug an Bille seo chun cinn. Ar an gcéad dul síos, ba mhaith liom aitheantas a thabhairt do mo chomhgleacaí, an Teachta Pearse Doherty, a thug Bill den leithéid seo chun cinn sa Dáil. As we know, 70,000 to 80,000 people are reported missing every year in Ireland. I cannot think of missing persons without thinking of the case of Barbara Walsh, which was highlighted on "Prime Time" last night and which occurred in my own area of Carna. I know the family very well and it is an awful tragedy that she went missing. They still have no closure. I can only imagine what the heartbreak must be like for other families across Ireland. We have almost 20 such cases every day. Many people do turn up. Is maith ann an Bille seo mar is buille tubaisteach do chlann duine muinteartha a bheith ar iarraidh. Ba cheart dúinn gach rud gur féidir linn a dhéanamh leis an mbrú agus an strus a bhaineann le cúrsaí riaracháin orthu a laghdú.

It is also important that an element of the Bill is to bring this State into line with the North and with Scotland in allowing an application to be made to a register for presumed deaths. A presumed death will only be registered if it meets the strict criteria laid out in the Bill. Is rud atá nualaíoch sa Bhille ná go dtugann sé faoi cheist na ndaoine atá ar iarraidh taobh amuigh den Stáit. Uaireanta is casta fós na cásanna seo mar go mbíonn ar theaghlaigh déileáil le níos mó ná córas riaracháin amháin. Dá dheacair agus atá sé corp duine marbh a thabhairt abhaile, tá sé i bhfad níos deacra déileáil le duine a théann ar iarraidh i gcéin. Mar urlabhraí ar chúrsaí an dhiaspóra do mo pháirtí féin, tá a fhios agam go maith na fadhbanna teagmhála a thagann chun cinn agus daoine muinteartha in Éirinn ag iarraidh teacht ar eolas faoi dhaoine atá ag cur fúthu thar lear. As a former Minister for Foreign Affairs and Trade, the Minister will appreciate that it is important to take into consideration people who have gone missing abroad, as has been the case with some members of the diaspora. Tugtar soléiriú sna cásanna ina n-airítear go bhfuil duine marbh ach ina dtagann an duine sin ar ais ar a mhartain maidir le cúrsaí maoinithe, pósta agus airgeadais. Tá sé sin an-tábhachtach freisin.

This Bill comes out of a hope that, when the worst has to be presumed, family members of the missing person do not have to suffer further difficulties unnecessarily. Therefore, we support the Bill. This is an important day. I hope that the Bill can be progressed more quickly. It is disappointing that the Minister could not have shown the same flexibility on the Coroners (Amendment) Bill, which we discussed today, and allowed it to progress in order that we might table amendments on Report Stage.

**An Cathaoirleach:** Sin scéal eile.

**Senator Trevor Ó Clochartaigh:** It shows that, when the Minister and the Department want to show some flexibility, they can. That is important in this case but it is disappointing that flexibility could not have been shown earlier in the day.

**An Cathaoirleach:** I call Senator Colm Burke briefly. We do not want Second Stage speeches. They are not appropriate.

**Senator Colm Burke:** I thank the Minister for attending. This law has been up and running in Scotland since 1977 and there is the Presumption of Death Act 2013 in the rest of the UK. This is an important issue that needs to be addressed. Since I published this Bill, there

was a tragic incident off the west coast. In another case a number of years ago in Tipperary, someone went missing and it was more than three years before the body was discovered. Very little could be done about the person's affairs while there was still uncertainty.

Obviously, I accept that there must be amendments. This Bill arose from the report of the Law Reform Commission, which conducted a careful examination, not only of the legislation in Scotland, England and Northern Ireland, where legislation was put in place in 2009, but of the legislation in other jurisdictions like Canada, New Zealand and Australia.

It is important that we progress this matter. There is an uncertainty during what is a difficult time for families. All that we are trying to do is put in place a mechanism for them to try to deal with the affairs of the missing person, in particular where all of the circumstances indicate that he or she has died, be that at sea, in an air traffic incident or in any other situation where there is no possibility of the person still being alive. It is important that we make available mechanisms for people to deal with the affairs of the person who everyone accepts is deceased. We should progress this legislation at an early date.

We can learn from what has been done in Scotland, where there is an average of five applications per year. In some years, there are very few altogether. As such, we are only discussing a small number of people, but it is important that safety mechanisms be there. If we put legislation in place and, for some reason or other, it needs to be reviewed in future, then that must be done.

**An Cathaoirleach:** I will allow Senator Marie-Louise O'Donnell in briefly.

**Senator Marie-Louise O'Donnell:** I thank the Minister. I included the idea of this Bill, initiated by Senator Colm Burke and seconded by me, in my report on dying, death, and bereavement primarily because of the concept of spending 30 years bereaved without knowing where someone is.

In the past ten years, 360 people have not been located. While I understand that there is a problem with what we consider to be temporarily missing and being declared dead, we must progress this Bill. The Minister is more hopeful than certain but we should be more certain than hopeful that the amendments will be forthcoming and the Bill will progress through the House. We are ready to do that. Senator Colm Burke is ready to receive all and any amendment. Given his legal background, he will be able to deal with them. We need them. People should not have to wait ten years at an impasse. I could feel this issue through the report in terms of bereavement, not knowing and the business of one's estate not being put in order. I am more certain than hopeful, and co-operative with the Government, on this occasion.

**An Cathaoirleach:** That is good to hear.

**Deputy Charles Flanagan:** Might I respond briefly? This is an unusual debate in so far as-----

**An Cathaoirleach:** We have kind of gone *ultra vires* in terms of what was agreed.

**Deputy Charles Flanagan:** Yes. I acknowledge the Senators' comments and applaud them for their work in this regard. The situation this Bill seeks to address is not one the majority of people will ever have to encounter. I agree with Senator Ó Clochartaigh, however, in that for those who do encounter it, I can only imagine the consequent pain and grief that arise

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and, unfortunately, will continue. As a society, we can do little to mitigate the natural sense of loss that occurs when a loved one unexpectedly goes missing. As the Legislature, we have the capacity to intervene to alleviate some of the more practical problems that confront individuals in managing day-to-day affairs.

In this regard, I compliment our colleague, Senator Marie-Louise O'Donnell, on her fine report on dying, death and bereavement. If she does no more in her parliamentary life, she will have left an important mark with that report. She is monitoring closely its implementation across a range of Departments. I welcome that. It is a fine service that she continues to apply herself towards.

Speaking on behalf of the Government, I am conscious of the fact that the current legislative provisions relating to missing persons require modernisation. I am also conscious that, in reforming this area of law, far-reaching changes must be made to the legal framework relating to the ways in which the affairs of a missing person are handled. We must strive towards a delicate balance between the need to address the practical problems facing those left behind and the significant implications of declaring a missing person dead in line with Senator Colm Burke's contribution.

We will work with Senators in framing the amendments. They are necessary, on which point I detect Senator Colm Burke agrees. I thank the House for addressing this important issue. It is my intention to have matters completed by the end of the year, although we are subject to the vagaries of the Business Committee and pressing legislative requirements. I hope to return to this legislation at an early date and before year's end.

Question put and agreed to.

Bill reported without amendment.

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

**Senator Colm Burke:** Next Tuesday.

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

**Deputy Charles Flanagan:** It is only an indicative date.

**An Cathaoirleach:** Yes.

Report Stage ordered for Tuesday, 24 October 2017.

**An Cathaoirleach:** When is it proposed to sit again?

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

The Seanad adjourned at 6 p.m. until 10.30 a.m. on Thursday, 19 October 2017.