



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 30 Bealtaine 2018

Wednesday, 30 May 2018

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

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

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

The need for the Minister for Education and Skills to implement measures to address current structural barriers to educational progression beyond national framework of qualifications, NFQ, level 9 for older lone parents.

I have also received notice from Senator Paul Daly of the following matter:

The need for the Minister for Agriculture, Food and the Marine to amend the age eligibility criteria for the part-time green cert course for young farmers.

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

The need for the Minister for Health to provide an update on the gynaecology waiting lists in Cork University Maternity Hospital.

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

The need for the Minister for Housing, Planning and Local Government to consider an overhaul of the register of electors.

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

The need for the Minister for Business, Enterprise and Innovation to introduce a pilot quota of employment permits for the nursing home sector.

I have also received notice from Senator Fintan Warfield of the following matter:

The need for the Minister for Housing, Planning and Local Government to consider developing an online voter registration system.

I have also received notice from Senator Frank Feighan of the following matter:

The need for the Minister for Health to provide an update on the medical rehabilitation

project planned for Roscommon University Hospital.

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

The need for the Minister for Education and Skills to outline the steps being taken to alleviate significant rental increases in purpose-built student accommodation.

The matters raised by the Senators are suitable for discussion. I have selected those raised by Senators Ruane, Paul Daly and Lombard and they will be taken now. Senator Richmond has withdrawn his matter, which I had selected. The other Senators may give notice on another day of the matters they wish to raise.

Commencement Matters

Access to Higher Education

Senator Lynn Ruane: I thank the Minister of State for her time. I acknowledge that there is a crossover between the Commencement matter and the Department of Employment Affairs and Social Protection. In 2015, lone-parent legislation impacted in a particularly harsh manner on a cohort of older lone parents, mainly women, who were placed outside the lone-parent provisions by the State and considered as simply unemployed. Under this legislation, when the child of a lone parent turns 14, that parent moves from jobseeker's transitional payment to jobseeker's benefit. After the child has reached the age of 14, the lone parent will become invisible in the system. The Joint Committee on Employment Affairs and Social Protection recommended raising the age from 14 to 18 to keep this cohort visible.

Today, I want to look at older women whose children are above the age of 18 and who are no longer deemed by the State to be lone parents. They go without intervention in education and go from being lone parents at risk of poverty to older people living in poverty. The educational acquirements of this cohort were limited and many of these parents were denied the right to progress to a masters of their choice. Their right to progress to PhD was totally removed and their educational requirements were placed under the remit of the Department of Employment Affairs and Social Protection, contravening Ireland's commitment to the provision of access to all strands of higher education outlined in the Bologna process. For those who had attained a level 9 qualification through Springboard, no further training options are automatically available. It should be noted regarding educational progression that those graduating from Springboard masters, which are few and limited, do not enjoy the same level of postgraduate support as others. This further removes the possibility of educational progression and calls equality legislation into question.

It is desirable that the Department of Education and Skills works in tandem with the Department of Employment Affairs and Social Protection to address these issues. They speak to an unfair positioning of this cohort and their families, who are at an above-average risk of poverty. In some cases, women with a masters level of education have no option but to take on low-paid and low-skilled work due to large gaps in their CVs as a result of their remaining at home alone to care for their children. Competition for employment is difficult enough without being 45 years old with very little employment history due to being the sole provider and carer for children. The opportunity to progress further educationally with targeted supports may help a cohort of older women to gain decent employment and reach the highest level of educational

attainment if that is their desire.

I ask for recognition that this cohort of women has been placed at risk of sustained poverty. This should include recognition of the particular difficulties that older women face in gaining employment. Since 2008 the employment market has been structured around low-paid and precarious work which in many cases favours younger employees. Many of these women have a small window of opportunity to make provision for their old age and need support from the State to have the opportunity to progress. The restoration of rights to training and further education for those who have attained a level 9 qualification is an urgent requirement. This should include access for this group of older lone parents to all educational levels, including doctorate, Ph.D., with required supports where necessary to enable equality of opportunity.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I thank Senator Ruane for raising this important matter. The programme for Government included a commitment to prepare a report on the barriers to lone parents accessing higher education. This was carried out by the National University of Ireland Maynooth which was engaged by the Department of Education and Skills to conduct the review. The review was overseen by a steering committee chaired by the Department of Education and Skills, which included representation from the Departments of Employment Affairs and Social Protection and Children and Youth Affairs and the Higher Education Authority, HEA. There was also consultation with the Department of Housing, Planning, Community and Local Government.

The key findings of the report around the barriers faced by lone parents included that there is a lack of data on lone parents in higher education. Research has consistently identified lone parents as a group at higher risk of social exclusion, financial exclusion and economic vulnerability. There are a range of financial supports offered by the State to cover the direct and indirect costs of attending higher education. These include supports from the Department of Education and Skills and Higher Education Authority, specifically the student grant scheme, student assistance fund and supports available in higher education institutions; supports from the Department of Employment Affairs and Social Protection, specifically the back to education allowance, cost of education allowance, one parent family payment, jobseeker's transitional payment, family income support, jobseeker's allowance, jobseeker's benefit and rent supplement; childcare support schemes from the Department of Children and Youth Affairs; and the housing assistance payment from the Department of Housing, Planning, Community and Local Government.

There are particular financial challenges for lone parents wishing to access higher education. This can arise from the additional costs associated with supporting a family unit, the fact that there is limited support available for part-time study, which is often better suited to lone parents, some differences in the level of support provided to different categories of lone parent, and limited awareness among lone parents of the 'bundles' of supports that are offered by the State.

There is a cross-departmental group in place to respond to the recommendations of the report while the Department has put in place specific measures to focus on lone parents accessing higher education. In August last year I announced €16.5 million for new initiatives to widen access to higher education, with a strong focus on helping lone parents to access higher level education. The Department identified education as a key area to break down the barriers of disadvantage and open up pathways for those who might easily miss out. That announcement included funding bursaries worth €5,000 for 600 students coming from non-traditional

backgrounds into college, with support for at least 120 socioeconomically disadvantaged lone parents. This is a €6 million regional call under the programme for access to higher education, PATH 2 of the national access plan funding. The second funding call was to support programmes to help 2,000 students from non-traditional backgrounds, including 200 lone parents, to enter college and successfully complete their course. This will be a €7.5 million regional call under PATH 3 of the national access plan funding. A further €3 million in increased funding was announced over three years for the hardship supports to help students, with lone parents being prioritised

Across Departments there is a further range of supports available to lone parents and other key supports provided by the Department of Education and Skills, including additional funding secured in budget 2017 to facilitate the reinstatement of full maintenance grants from September 2017 for the most disadvantaged postgraduate students. In addition, postgraduate students who meet the qualifying conditions for the special rate of grant under the student grant scheme are eligible for a maintenance grant of up to €5,915 and the income threshold for this grant is €23,500. Qualifying postgraduate students may also be eligible to have their tuition fees paid up to a maximum fee limit of €6,270. Alternatively, a postgraduate student may qualify to have a €2,000 contribution made towards the cost of fees. The income threshold for this payment is €31,500 for the 2017-18 academic year, increasing relative to the number of family dependants. In addition, students in third-level institutions experiencing exceptional financial need can apply for support under the student assistance fund, SAF. This fund assists students who might otherwise be unable to continue their third level studies due to their financial circumstances. Tax relief is also available on postgraduate tuition fees. The SAF has been extended to support part-time students in 2017 and an additional €1 million has been allocated to prioritising support for part-time students who are lone parents.

Students on courses that lead to a higher education award at levels 6 to 10 of the national framework qualification, NFQ, are eligible to apply for SAF. I am mindful that in some cases there can be a presumption that lone parents are more likely to be concentrated at the lower end of the age spectrum. This is by no means always the case. There are lone parents in their 40s and 50s who also want to access higher education and need support. The challenge is broad and wide-ranging. To respond to the recommendations and newer issues as they arise a cross-departmental implementation committee was established by the Department of Education and Skills. The supports that have been put in place and that are being monitored by the committee will ensure that there is positive progress with regard to lone parents participating in higher education.

Senator Lynn Ruane: I thank the Minister of State for her detailed response which comprehensively covers all the supports available. Maybe when the cross-departmental committee meets it might consider the visibility of some of those lone parents because once their children have turned either 14 or 18 they no longer fit into the bracket of lone parents. The data might not exist because their title in the system has changed. It might be a positive idea to gather data on older lone parents who have lost all supports because they have lost that title. There might be more targeted supports for them. It might not be that they would get the financial supports available to lone parents but that they would still hold onto the title of “lone parent” in order that they could access the supports available for lone parents, as their family situation does not really change just because their children turn 18, apart from such children being able to access their own social welfare payments. Perhaps some of the educational provisions could still carry on for women whose youngest child has turned 18.

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Deputy Mary Mitchell O'Connor: I thank the Senator. I know that group is meeting either today or tomorrow. I will ask it to look at that proposal.

Teagasc Courses

Senator Paul Daly: I welcome the Minister of State to the House and thank her for coming to deal with this issue this morning. I raise the issue of the need for the Minister to amend the age eligibility criteria for the green certificate core training course for young farmers. As we are aware, the green certificate is the qualification for young farmers. It is a necessary qualification for many reasons. Not only does it improve the knowledge and future farming abilities of the young men and women but it also is a necessary qualification in respect of stamp duty, inheritance tax and the receipt of some schemes and grants within the agriculture sector.

There are two ways for any young person to achieve the green certificate. The first is a full-time training course in an agricultural college. The other option is to study on a part-time basis through courses which are usually run by Teagasc. The anomaly and the issue I am raising this morning is that, to do the part-time course, one has to be older than 23 years of age. I have heard of a number of cases recently in which this was not at all feasible or possible for the young people in question. One particular example is a case in which the existing farmer, the father, is in ill health and the young person who wishes and is very willing to achieve the green certificate - and who needs to for the reasons I mentioned before including schemes and so on - cannot take the time to do the full-time course. By virtue of the fact that the person in question is only 20, he cannot do the part-time course. It is something we need to look at across the broader spectrum rather than just in this one individual case.

In the agriculture sector we have continual debate about the age profile of our farmers. We are continually discussing ways and means to attract younger people and a younger generation to take up the mantle and to become full-time qualified farmers. The fact that they cannot do the part-time course is a hindrance, especially because we have such a labour shortage at present and because there is such a promotion of expansion within the agriculture sector, which has greatly increased the workload on many of these farms. The young person in question is an integral part of the working of that farm and is a necessary member of the labour force. His loss for the duration of a full-time course would mean that outside labour would have to be brought in which is, first of all, not available. Even if it were available, in many cases, because of the low income margins of the farming community, especially the small family farms, it would not be possible to pay labour while the young person is away on full-time training. Allowing these young people to do the part-time course would be advantageous. They would become used to doing training on a part-time basis which, it is to be hoped, they would continue after they finished the green certificate. It would become endemic among such farmers to train while working and they would then be more freely available and more prepared to carry on with knowledge transfer schemes and further education down the line.

I hope this is something that can be looked at. The agricultural college is an integral part of our system and I do not want, in any way, to create a situation in which all people might jump on the bandwagon and pursue the part-time courses. That would be detrimental to our very good agricultural college training system. However, there are exceptional cases in which the fact that one has to be 23 to do the part-time course creates a big anomaly within the system.

Deputy Mary Mitchell O'Connor: I thank Senator Daly very much for raising this matter.

I wish to apologise on behalf of the Minister, Deputy Creed. He is not able to be here this morning as he is taking oral questions in the other House at the moment. As we all know, the green certificate is delivered by Teagasc and has been developed to meet the training requirements for part-time and full-time farmers. It is accredited by Quality and Qualifications Ireland, QQI, an independent State agency responsible for promoting quality and accountability in education and training services in Ireland. In delivering the green certificate, Teagasc fully adheres to QQI's quality assurance guidelines and principles. Participants can take the green certificate programme on a full-time, part-time and distance education basis at Teagasc agricultural colleges and at local and regional Teagasc education centres. There is no minimum educational entry requirements, but those who have completed the leaving certificate are likely to perform best.

The green certificate opens up a wide range of career options for participants, many of whom will return to farming either in a full-time or part-time capacity. There are also many job opportunities for green certificate holders in the equine, horticulture and forestry sectors. Additionally, the green certificate meets the training requirement for stamp duty exemption, as the Senator mentioned, and for various schemes operated by the Department of Agriculture, Food and the Marine. Teagasc is responsible for establishing the eligibility criteria for the green certificate with QQI. The Department of Agriculture, Food and the Marine has no function in the matter. QQI's validation process for the part-time green certificate programme requires Teagasc to specify target learners and access conditions. As it is an adult education programme, Teagasc requested validation for mature students of 23 years or over. An external QQI validation panel reviewed the programme in respect of entry requirements and licensed Teagasc to offer it as an adult education programme.

It is important to point out that the green certificate part-time programme is an adult education programme and not a school leaver programme. The age threshold of 23 years is the accepted convention for adult education programmes in Ireland across the vocational sector. The part-time green certificate option takes two to two and a half years to complete and comprises two awards: the level 5 certificate in agriculture, which is worth 120 credits; and the level 6 specific purpose certificate in farming, which is worth 50 credits. This option consists of a combination of formal course work and a period of practical learning. Areas covered include farm business and IT, principles of agriculture, farm safety, farm performance and management modules, grass production etc.

As a strong supporter of agricultural education, the Government welcomes the exceptional interest in the green certificate over the past few years, which reflects renewed interest and opportunities in agriculture. Teagasc research shows that formal agricultural education provides positive returns in family farm incomes and farm productivity. Teagasc graduate surveys also reflect the above findings with an average of 80% of respondents engaged in farming indicating that they increased their farming activity in the five years after graduation. The Minister, Deputy Creed, was pleased to secure approval for additional resources to enable Teagasc to provide almost 3,000 extra green certificate places that would otherwise not have been made available. The training of so many young farmers is a very positive development for the agrifood sector, both in terms of supporting structural adjustment and encouraging young educated farmers to remain in and to enter farming.

Senator Paul Daly: I appreciate the response from the Minister of State. As she stated, Teagasc has full responsibility and the part-time course is treated or seen as adult education. I hope the Minister of State can take my problems and issues with it on board.

I am talking about exceptions rather than opening the floodgates on this. It would be shameful if one or several young individuals felt because of their circumstances on the family farm that they would have to farm untrained for five to six years before reaching the age of 23 and taking up the course on a part-time basis. This would be detrimental to individuals who would be five or six years out of the education system when starting the course. It would also have a negative effect on their farming capabilities and the efficiency of the farm if they were to farm untrained. The Minister could, in consultation with Teagasc, come up with a special case arrangement in this situation.

Deputy Mary Mitchell O'Connor: I thank the Senator and I will report to the Minister for Agriculture, Food and the Marine, Deputy Creed. I emphasise that the green cert part-time programme is an adult education programme and not a school leavers' programme. The age threshold of 23 years is the accepted convention for adult education across the vocational sector in Ireland.

Maternity Services Provision

Senator Tim Lombard: The gynaecological waiting times in the maternity hospital in Cork have been an issue for the past few years and I have been involved in trying to reduce the waiting list for these services. The Cork University Maternity Hospital, CUMH, which was established ten years ago, is a conglomeration of three maternity hospitals, namely, the Bon Secours maternity unit, St. Finbarr's Maternity Hospital and the Erinvilla Hospital. It has delivered an awful lot for the people of Cork and has been a very important part of the healthcare system in the region.

On 12 January 2017, I was at a meeting with the Minister for Health, Deputy Harris, in the maternity hospital in Cork where the waiting list for gynaecological services was discussed in detail. Almost every one of the 19 consultants in the maternity hospital was present. Significant issues were debated. I acknowledge and welcome the change in governance and the significant reforms since that meeting. These are very important steps.

One of the key issues to emerge from that meeting was that waiting lists are exceptionally high. They were the longest waiting lists in the country at the time. This was unacceptable. Significant measures have been put in place since then. The hospital has leased a theatre in the Mater Private Hospital in Mahon and has outsourced to the Bon Secours Hospital on Blackrock Road and has opened theatres on a Saturday, all of which is very positive. It is the first time in the history of the State that a medical centre has opened on a Saturday to carry out this kind of procedure.

Waiting times are a big issue for the people of Cork and addressing them is the biggest issue for us. We need a sustainable long-term solution. For that to happen the second gynaecology theatre in CUMH needs to be opened. The news that has come out in the past few days that it will not open in 2018 is a major issue and needs to be addressed. A commitment was given that funding would be in place to appoint five consultants over three years. This funding is in jeopardy. I need clarity on the funding of these consultants and the opening of the second gynaecology theatre. We have the physical infrastructure. We do not have to build it or look for it. We need the consultants and the people and women in Cork need the service. To have the longest waiting list in Ireland in a brand new hospital does not do the hospital or the women of Cork any service. It is a very serious issue and if it comes down to funding we need to consider

that. To have a theatre sitting idle that could solve the problem if it were staffed is a huge issue for us. I hope the Minister of State can bring some clarity to this very important issue for our part of the world. If she is not in a position to do so maybe she can get me the information. Much as I welcome the Minister of State's presence, the Minister for Health or one of the line Ministers should have been here to discuss this really important issue because it is one of the biggest health issues in the region and clarity is urgently required so that we can resolve it.

Deputy Mary Mitchell O'Connor: I thank Senator Lombard for raising this issue today. I am taking this Commencement matter and apologise on behalf of my colleague the Minister for Health, Deputy Simon Harris. The Minister of State at the Department of Health, Deputy Daly, could not be here today.

The Minister wishes to acknowledge that waiting times are often unacceptably long and he is conscious of the impact of this on people's lives. Reducing waiting times for the longest waiting patients is one of this Government's key priorities. As the Senator said, the Minister visited CUMH early last year and has seen the valuable service it provides.

Following that visit, he prioritised CUMH among the National Treatment Purchase Fund, NTPF, initiatives under last year's inpatient day case waiting list action plan. Funding of over €200,000 was drawn down by CUMH ensuring the provision of treatment to 52 patients.

In recent years, CUMH has received funding to invest in the improvement of its gynaecology services. The South/South West Hospital Group, SSWHG, committed an additional €700,000 to the service for 2017 to provide increased theatre capacity and staffing resources to deliver improved waiting times for inpatient day case treatment and outpatient appointments. In 2018, an additional €400,000 development funding has also been allocated to CUMH gynaecology services. Last year also saw the strengthening of the management, organisation and delivery of maternity, gynaecological and neonatal services following the establishment of the national women and infants health programme within the Health Service Executive, HSE. This programme is developing a plan for the provision of gynaecology services. In addition, the SSWHG, in conjunction with CUMH, has developed a phased approach to improve waiting times for its gynaecology services. This includes the establishment of the SSWHG women and children services directorate last year, which, the Minister expects, will ensure better co-ordination and utilisation of maternity gynaecological resources across the group.

The waiting list data from the NTPF for the end of April 2018 indicate that there were 410 people waiting for CUMH gynaecology inpatient services. This marks a decrease of more than 14% on the numbers waiting this time last year. The outpatient waiting list data indicate there were just over 3,600 people waiting for gynaecology services at the end of April. CUMH has seen improvements year on year with a decrease of more than 22% on the numbers waiting this time last year.

More broadly, the inpatient day case action plan 2018, which was published in April, outlines the combined impact of HSE and NTPF activity in 2018 to reduce the number of patients waiting for treatment. Under the plan, the HSE will deliver 1.14 million hospital procedures. The NTPF will deliver 20,000 inpatient day case treatments through both outsourcing and HSE insourcing. The NTPF and the HSE will invite proposals from hospitals for waiting list initiatives. The NTPF will provide funding for the solutions proposed, if appropriate.

It is clear that the infrastructure put in place for gynaecology services by the South/South

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West Hospital Group, together with the investment in Cork University Maternity Hospital, is starting to reap some improvements in the waiting lists. However, there is always room for further improvement. This year's inpatient day case action plan provides the vehicle for them to engage with the NTPF to submit proposals for waiting list initiatives for both inpatient-day case and outpatient procedures.

Senator Tim Lombard: I thank the Minister of State for her response. As she said, there has been a reduction in the waiting lists. I went through how it has been done. Cases were outsourced to the Mater Hospital and the Bon Secours Hospital, and other initiatives were involved. More than 3,600 women are still on the waiting list. It is a frightening figure in many ways. My main concern is that a theatre is sitting there, which will not be open in 2018. The lack of the consultants and other staff required to work in that theatre is a huge issue for the people of Cork. I hope the Minister of State will talk to the Minister for Health to clarify when the theatre can open and if there is a proposal to recruit the required staff and consultants. We have the solution. We have the theatre and the infrastructure but we need the manpower and budget. We have 3,600 people waiting for that to happen.

Deputy Mary Mitchell O'Connor: I thank the Senator again. I will undertake to talk to the Minister for Health about the opening of the theatre and the appointment of consultants and staff to operate it.

Sitting suspended at 11.13 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Radiological Protection (Amendment) Bill 2018 - Committee and Remaining Stages, to be taken at 12.45 p.m.; No. 2, statements on piloting a New Zealand-style community banking system through An Post, to be taken on conclusion of No. 1 and to conclude within 75 minutes, with the contributions of group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes, and the Minister to be given no less than five minutes to reply to the debate; No. 3, statements on the report of the Seanad Public Consultation Committee entitled Report on Children's Mental Health Services, to be taken at 2.30 p.m. or on conclusion of No. 2, whichever is the later, and to conclude no later than 4 p.m., if not previously concluded, with the contribution from the Chairman of the committee not to exceed eight minutes, the contribution of the rapporteur not to exceed eight minutes, the contributions of group spokespersons not to exceed eight minutes, the contributions of all other Senators not to exceed five minutes, and the Minister to be given no less than five minutes to reply to the debate; No. 65, motion 14, Private Members' business, to be taken at 4 p.m. with time allocated in this debate not to exceed two hours; and No. 4, Criminal Justice (Corruption Offences) Bill 2017 - Report and Final Stages, to be taken at 6 p.m.

An Cathaoirleach: I call Senator Mark Daly.

Senator Mark Daly: I thank the Leader for outlining the business of the House. He might arrange for the Minister for Justice and Equality to come to the House to debate the report that 27% of gardaí are suffering from post-traumatic stress disorder and what the Government and Department of Justice and Equality propose to do about that in terms of putting in place services to ensure that all those who have suffered the effects of work-related stress, but especially the Garda Síochána, have access to the necessary counselling.

I refer to what seems to be a bizarre situation where the Government is outlining that there

are 126 cases of births illegally registered, as if this was news that had not come out before. On 17 May 2017, the Seanad debated Second Stage of the Adoption (Information and Tracing) Bill 2016 and the reason that Bill was being brought in was because of this very issue. People should be entitled to information on their birth parents and to all information regarding the circumstances of their adoption. The Minister for Children and Youth Affairs, Deputy Katherine Zappone, said she would bring forward Committee Stage amendments. Here we are one year later and suddenly it is news that 126 citizens of this State, and possibly hundreds if not thousands of others, are affected by this illegal practice. Again we have a situation where we have activity masquerading as action, where the Government agrees to the Second Stage of a Bill and promises the amendments but where there are no amendments. Why are there no amendments? Why has Committee Stage not been taken one year on?

Will the Leader ask the Minister to come to the House? I was going to say for a debate but let us not have a debate. Let us take Committee Stage of the Bill. If the Minister is available tonight and if the amendments are ready, let us change the Order of Business. If not, will we take Committee Stage of the Adoption (Information and Tracing) Bill 2016 next week or the week after? We must bear in mind that the Bill was published in 2016, Second Stage was taken in 2017 and it is now in 2018. We now have this issue of hundreds of babies who were adopted illegally, or basically sold, by religious orders to people the United States and to the UK.

I would also like the Minister to come to the House to debate what is possibly a greater scandal where GlaxoSmithKline plc was involved in testing the babies of unmarried mothers. This happened less than 40 years ago. There seems to have been an arrangement, if not a contract or a business transaction, where it was given access to new born babies in Irish hospitals to use them as guinea pigs. The Minister is well aware of this and has said she was going to take action on it. The Minister has said a lot of things, but she has not done anything. Why have we not got a report on that issue? Why have the people who were subjected to those tests not been given all of the information by GlaxoSmithKline plc? Why have they not been given compensation by GlaxoSmithKline plc and the State? They were used as human guinea pigs in this State with the knowledge of the people who were supposed to be looking after them and yet they do not have access to the information they should have, just like the 126 citizens of this State who were illegally registered and whose birth certificates were altered. This was done not only without their consent but also without that of their birth parents. It was an illegal activity and the best defence the religious orders can come up with is that the people who did it are dead. Is that the best we can do?

Senator Billy Lawless: Yesterday, many Senators spoke about the outcome of Friday's referendum and about those within this House who helped to achieve it. I was struck by the words of my Independent colleague, Senator Boyhan, as he recognised the process itself and how fundamental the vote is to every citizen of the Republic. Once again, just like in the same-sex marriage referendum, "home to vote" was the rallying cry for many tens of thousands of people who stepped off aeroplanes and boats to vote in order to ensure that never again would women of this country have to get on an aeroplane or boat in some of the most tragic and personal circumstances imaginable. As they did during the same-sex marriage referendum campaign, the images on our television screens, the sounds on our radios and the videos on our news feeds of returning emigrants inspired us all not just to think about the question on which we were asked to vote but to actually get off the couch and vote in record numbers. The tens of thousands who came home care sufficiently about their country that they were willing to pay for a plane ticket or a boat ticket just to exercise their franchise. If ever there was a rallying cry for why all

emigrants must be given a vote, then this is it and those to whom I refer are the messengers. In the context of the fearmongers who say that the emigrant community does not understand what makes this nation tick and that its values are not the same as ours, the “home to vote” movement - and it is a movement - has well and truly put that myth to bed.

Many are asking, “Where to next?” How can we maintain the energy and enthusiasm for participation in our democracy? How can the young and old remain inspired? I say very clearly and without any hesitation that the Irish emigrant community will play a role in answering these questions. It has proven its ability to inspire, so let us all formalise its right to vote. Emigration today is not permanent, it is temporary. Today’s emigrants have every intention of returning home with new skills and vast experience. Of course they have a vested interest in having a say in the running of this country. The Taoiseach has already committed to a referendum to permit emigrant voters an opportunity to vote in the presidential election in 2019. It is my sincere hope that those of all parties and none will remember these special and rare days in our little republic and give our global community a permanent say on who should be our head of state.

Senator Rose Conway-Walsh: It is a new day and we have another scandal. I refer to the scandal of illegal adoptions. I do not think it comes as a surprise to anyone because many of us have spoken to women who have lived in such homes and those who had their signatures forged and their babies taken away from them to be sold or traded. This is what happened in this country. Now, we have 126 cases that have been identified as part of the scoping exercises but we know that there will be thousands more. I wonder will the people who are responsible for this - Government, religious institutions and so on - be advised to go to confessions and confess their sins?

Senator Jerry Buttimer: Well said.

Senator Rose Conway-Walsh: It is absolutely disgusting. My thoughts and prayers are with the people who have been involved, those who have been illegally adopted and those who have had their identities stolen from them. Can people imagine anything worse than having one’s identity stolen?

I wish to speak about the situation in respect of home help and the fact that 6,450 people have been assessed and approved but they are still on the HSE’s waiting list for basic home help services. We have all the words of how important it is for people to be cared for in their homes and home help, home care, carers and so on. However, we have 6,450 people assessed and approved but who are still waiting. I spoke to one of them even this morning, a person who has Parkinson’s disease, who is 79 years old and who is being sent home from hospital to his wife, who has multiple conditions as well. We are leaving people in these situations and we decide to provide for a rainy day fund. It is a case of “Wow, aren’t we good?”. Instead of providing for a rainy day fund, my suggestion would be to use the money to get rid of that waiting list of 6,450 people. I asked many questions about home help services at this morning’s meeting of the Joint Committee on Health but I got very few answers. Nothing has changed in the HSE when it comes to transparency, openness and accountability. Nothing will change unless we make it change and force such change to come about. I commend everyone involved in the cervical cancer rallies of women together outside the gates of Leinster House, in Castlebar and in the different communities throughout this country. They will come out and have their voices heard to bring about change.

Senator David Norris: I wish to refer to a television programme I saw last night. A very

remarkable woman, Lucia O'Farrell, instigated the programme. She was concerned about the appalling, tragic death of her very talented and brilliant son, Shane. He was killed by an eastern European drug addict who hit Shane's bicycle, failed to stop and then went and concealed the car. This man had numerous convictions for theft, drugs offences and driving offences and was improperly out on bail. If, on at least six occasions, the Garda had acted appropriately or if the judicial system had been correct, the individual in question would have been in jail at the time when the young man to whom I refer was unfortunately killed. It is quite extraordinary that Ms O'Farrell has had to wait six years for part of a Garda Síochána Ombudsman Commission, GSOC, report. That report does not name anyone or hold anyone responsible, so it basically leaves the O'Farrell family in limbo. They say they have not named anyone because of continuing inquiries. How long are those inquiries going to continue? I would like the Leader to ask this of the Minister. I have raised this issue repeatedly but I have got nowhere. The only thing I have been able to do is to try to give some succour to Ms O'Farrell and her family. By the way, this man continued to act in precisely the same manner and to collect further convictions after he killed Shane O'Farrell. It is absolutely extraordinary and raises questions about the use of bail.

The second matter I wish to raise is the extraordinary arrogance and impertinence of the American representative to the United Nations in raising, as a matter of urgency, the rather pathetic and amateurish flight of rockets that was sent by Hamas into Israel. As far as I know, no one has been injured or killed in any of these attacks. The rockets may have done some marginal damage. It is, of course, unpleasant. However, where is the sense of proportion? I could take this if the Americans had not vetoed an inquiry into the slaughter of Palestinians in recent weeks. I find it an astonishing breakdown of moral values that the Americans could operate in this way and I take this opportunity to condemn them strongly. I see exactly what they are doing. They are trying to build up a case that the Palestinians, who are the victims, are responsible for their own situation. They are not.

Senator Maura Hopkins: I wish to highlight the importance of a campaign led by young people involved in Comhairle na nÓg in Leitrim. The Use Your Brain Not Your Fists campaign is being run in conjunction with the community safety division of An Garda Síochána. The campaign highlights the consequences of assault for victims, but also for perpetrators in terms of prison sentences and the impact it would have on their career and travel prospects. I recently attended the launch of a film relating to this campaign which, as I said, was made by young people involved in Comhairle na nÓg in Leitrim. The film features Rosie Dolan, a mother from Carrick-on-Shannon. Her son died after being involved in an unprovoked attack. It also features Shane Grogan from Tuam and his parents Joe and Joan. Shane was the subject of a separate unprovoked attack on a night out and suffered catastrophic injuries. The film, which, as I have said, was produced by young people, really shows the human consequences of such assaults. I very much commend all of the young people involved in this campaign. They really are young leaders who are trying to ensure that a message is communicated to all young people to use their brains and not their fists. It is a very simple message but it can be a very effective one in terms of thinking before acting. This film, as I said, is being run in conjunction with the community safety division of An Garda Síochána and it will be promoted in all secondary schools in order to show our students the huge implications of not acting in an appropriate way. I very much commend the young people involved and the leadership they have shown on a very difficult issue.

Senator Paul Daly: I want to raise a broad issue and throw out a few ideas. As the weather

is improving, we are moving into the depths of the sheep-shearing season. Unfortunately, the value of and demand for sheep wool, which is a natural, renewable commodity, has dropped off the face of the Earth in recent years. In the past three years alone, wool prices have fallen to one third of what they were. It now costs a farmer money to shear a sheep when there was a time when there was profit left behind from the wool. In an age when all sectors of farming, and sheep farming in particular, need a little boost, as a population and as a race of people we are moving towards synthetic and petrochemically produced fibres when, in the context of climate change and renewable energies, wool is a renewable, natural fibre. Perhaps the Leader will say that this matter relates to the Department of Agriculture, Food and the Marine but it could also relate to the Department of Communications, Climate Action and Environment or the Department of Business, Enterprise and Innovation.

The time for talking is over with regard to renewables, a greener society and climate change. I propose that this House take the initiative and set up a select committee to start looking at these things properly and realistically. As I say, the one example I am using, of the many that are out there, is that of sheep wool. It is a renewable, natural fibre that has to be shorn each year, after which another fleece is produced the following year. It can be used in insulation, clothing and carpets but instead we are destroying our climate and environment by continually moving towards the petrochemically produced synthetic fibres. It is not just an issue of sheep wool. There are many more items and products out there. Somebody will have to take the lead on this. It cannot be kicked from one Department to another like a football. In this instance alone there is the double advantage in that it would provide much needed income to the sheep farming sector and, in turn, help to solve our environmental issues.

Senator Victor Boyhan: I rise to speak about the Adoption (Information and Tracing) Bill in the context of the stories that have been released in the past 24 hours by the Minister for Children and Youth Affairs, Deputy Zappone. There is nothing new about this story. We have all known this for a long time. I speak with some experience. I could have been adopted three times but my parents, individually, against all the odds, resisted the church and the State and refused to relinquish any of their seven children despite the judgments cast upon them and upon their fitness to be parents. In a way, 40 or 50 years later, I can now look back on that. However, I grew up from day one in what was described as a clearing house for adoptions. I grew up in the very building where the Wellcome drug trials took place. I was one of those subjected to them. I lived there. I want to draw the attention of Senators to one thing: Deputy Micheál Martin was Minister for Health when that matter came to light. One of his greatest political hours was his speech to Leinster House at the time. I am going to circulate it to every Member of both Houses today because he was the one who set up the inquiry, although it was overturned and found to be *ultra vires*. Hundreds and hundreds of boxes of information in respect of those matters were secured under court orders, but sadly that never went any further.

To return to the issue, for far too long people were denied knowledge of who they were, where they belonged, their history, their heritage and, for that matter, their religion. I will conclude because I am conscious of time, but I would ask the Leader if he would organise to have the Minister for Children and Youth Affairs come here in time. I specify in time because we need to speak with calmness. I will say one other thing before I make that ask. There are many people in this State, many of whom I know, who were adopted and who were exceptionally happy. Many people were facilitated with homes without going through the proper process but were happy. We cannot judge the past by the standards of today. There were many people in religious life who thought, perhaps misguidedly, that they were doing good and doing well for

people. We know that in all of our families there were uncles, aunts and cousins who reared the children that nobody wanted. They did not do it out of badness or to mislead anybody. They did it to fill a vacuum and to give a child a bit of security, a bit of welfare and a bit of love. I want to paint that into the context because of how big an issue it is.

I will sum up by saying that every child should know where he or she was born, who his or her parents were, whether he or she had siblings, and whether he or she was inducted into a faith or religion or not. There is a bigger picture there. A lot of this could be dealt with through the Adoption (Information and Tracing) Bill. We should get that back on track. I would really welcome it if the Minister were to come and share her knowledge to date and to tell us why it has taken this long to come out with all of this. Why was it this week? Why not last week? A lot happens in a week in politics. We know what happened last week and we know that many things will happen next week. It is important for the Minister to come in. I would appreciate it if the Leader could raise that with her.

Senator Neale Richmond: As certain Members will recall, last February our very important Oireachtas rugby team played a charity match against An Garda Síochána. It was great fun and a great way to meet and socialise. Senator Mark Daly is a surprisingly good right winger when he wants to be. However the more serious side is that match was played in order to raise awareness of and funds for the work of Pieta House. I join with other colleagues who have mentioned it today and yesterday and I ask the Leader to bring the Minister for Justice and Equality, and all of the other relevant Ministers, to the House to talk about mental health within our front-line services.

Seven members of An Garda Síochána have committed suicide in the past year. It is a scary number and it is something that is endemic across our front-line services including our fire-fighters, our paramedics and our Defence Forces. We really need to address this. It is not unique to Ireland. It is happening in countries around the world. We have all seen that, unfortunately, a number of extremely horrific crimes have been committed in recent weeks in Ireland including one close to my own home, that terrible murder in Rathmichael. It is the people who arrive at those scenes first who have to deal with the effects. Perhaps they go into the great unreported situations and talk people down off bridges, such as the M50 flyover on Blackglen Road. They often find themselves abandoned afterwards. I met a number of gardaí and a couple of paramedics earlier this week who struggle daily not just to deal with other people's mental health issues but with their own.

We need a new strategy to talk about the people we rely on the most in this State to make sure the State itself looks after them. I appeal to the Leader to organise that debate as soon as possible.

Senator Kevin Humphreys: I had intended to raise the Adoption (Information and Tracing) Bill but as it has been very eloquently dealt with by the previous speaker, I will not try to bring out that type of sentiment again. However, it would be useful for the House if we could get that back on track, have an informed debate and try to get the legislation through.

I very much support the comments in regard to climate change and some very good points were made on natural fibres and how they are used. We also have to remember how this House voted in regard to microbeads. Microbeads are used not just in the cosmetic industry but also in the clothing industry and, in the context of controlling the licensing of that, unfortunately, the vote in the House was lost. However, I believe a good job of work could be done by the

House in regard to concentrating on how we use natural fibres, whether in the wool industry or in regard to what comes from the agricultural sector within Ireland.

Many people have been praised in regard to the recent referendum, in particular the many young people who engaged in the referendum on both sides. Democracy is a good thing and to see people engaging in debate on the eighth amendment was worthwhile. I am heartened to see the number of people who participated in the referendum. When driving around the city today, I asked myself whether there is something practical we could do. A high number of volunteers on both sides went out, knocked on doors and put up posters, but the Litter Pollution Act means that anyone who put up a poster will be fined from Friday if it is not taken down. Taking into consideration that many of those involved in the referendum were young activists on both sides who did this in their own time as volunteers, I ask that the Leader might ask the Minister to extend the period until Tuesday to give people an opportunity to get the posters down. Political parties are well used to the idea of getting their posters down but this was civic society engaged in democracy and I think we should give a little extra time. I want to compliment people on the number of posters that have already been taken down and, in the main, they have disappeared from our roads and country lanes. To give volunteers a little leniency until Tuesday, after the bank holiday, would give both sides the opportunity to get those posters down without being fined.

Senator Paul Gavan: I want to bring to the attention of the House very real concerns in regard to what is happening in University Hospital Limerick. I am not just talking about the ongoing scandal of the emergency department and the ever-worsening trolley crisis, which is desperate, but there is something altogether more sinister apparently happening within the hospital. I can tell the House that the industrial relations climate within the hospital is at an all-time low. In fact, I understand the Workplace Relations Commission has been called in, originally by SIPTU but now by all of the unions, because they have lost faith entirely with hospital management. There is an absolute scandal about the senior shop steward, a man I know personally, who is not being allowed to return to work. He did not do anything wrong and he has not been accused of anything by the hospital. In fact, he was threatened with assault while in work and became ill, and he is now fit to return to work. He is a senior spokesperson who stands up for people in the hospital but, without any explanation, the hospital management refused to let him back in. There are ongoing reports of bullying and intimidation of staff. There are credible reports of people being appointed to positions without any interview process, people who just happen to be direct relations of senior management in the hospital - there have been a number of instances in this regard.

There is the ongoing scandal of privatisation of services, on which I will cite just two examples. In radiology, there is a highly active private department within the hospital which has access to all the public facilities but only to treat patients with private care. Private patients are treated in less than two weeks while public patients languish for months, years in some cases, without access to the service. Similarly, in MRI there is a staff agreement that allows the MRI to operate seven days a week but management has decided to curtail it to 4.30 p.m. and instead outsource it to private companies from 4.30 p.m. to 9 p.m.

The impact of all of this is that staff are at their wit's end. There is something rotten at the heart of management in University Hospital Limerick. I have written to the Minister and he has promised an investigation. I ask the Leader, as a matter of urgency, to bring the Minister to the House. All of us in Limerick are suffering at the moment in terms of what is not working right in the hospital but the staff are suffering most of all. Someone in authority in the Department

of Health or the HSE needs to hold the management of the hospital to account and it needs to happen now.

Senator Robbie Gallagher: Last week I raised an issue in regard to schools and how prepared or, as I said, unprepared they were in regard to the GDPR legislation that came into effect last Friday. At the time, based on information the Leader had received, he was of the opinion that it was a figment of my imagination.

Senator Jerry Buttimer: I did not say that. The Senator should clarify that. He should be fair. If he wants to make a political charge, he should do so, but be fair.

An Cathaoirleach: Order, please. Allow the Senator to continue.

Senator Robbie Gallagher: I am being fair. I know no other way.

Senator Jerry Buttimer: He can make a political charge but he cannot say that.

An Cathaoirleach: The Leader will have a chance to respond shortly. If Senator Gallagher is incorrect, you can clarify that but you should not try to stop him speaking.

Senator Jerry Buttimer: Be fair. Do not make political charges that are false.

Senator Robbie Gallagher: I do not come in here and do that. I never have and never will.

Senator Jerry Buttimer: He just did.

Senator Robbie Gallagher: Perhaps if the Leader would listen sometimes as opposed to preaching, he might be wiser.

Senator Jerry Buttimer: He just did.

An Cathaoirleach: Respect the Chair, please.

Senator Robbie Gallagher: Perhaps I can be allowed to continue without interruption. What I did say was that, at the time, they were unprepared. Two days ago the general secretary of the INTO on its website issued a statement in regard to that issue. She criticised the Department of Education and Skills for failing to provide comprehensive GDPR training and support to schools. The website states:

“The GDPR legislation sets a high bar for compliance and it is unacceptable that support and training has not been put in place to assist Principals to meet the demands of the legislation. In addition to the absence of clear guidance on policy matters, no additional funding had been made available for the required safe storage of documents.”

Ms Nunan called on the DES [Department of Education and Skills] to recognise the challenges facing schools in fulfilling their obligations and immediately provide the necessary support.

Separately, I would like to propose an amendment to the Order of Business that the Minister for Justice and Equality, Deputy Flanagan, would come to the House today to discuss the case of Shane O’Farrell, who was tragically killed in a hit and run accident. I, along with Senator Mac Lochlainn and others, attended a briefing this morning given by Lucia O’Farrell, who outlined how her son Shane was tragically killed by a foreign national in a hit and run ac-

cident, the same foreign national who had entered this country with a criminal record. I think we would all agree that for any mother to lose a son is unnatural and against the grain, but to lose a son in such tragic circumstances is worse again, and we can only imagine what that poor woman and that poor family are going through. It is a serious issue. For her and her family, for the memory of her son, Shane, and for future lessons, the Minister needs to come into this House to discuss this issue.

Senator Pádraig Mac Lochlainn: I wish to fully support Senator Gallagher's call. Last night RTÉ's "Prime Time" was a devastating exposé of the failures in our criminal justice system. Shane O'Farrell was mown down by Zigimantas Gridzuiska on 2 August 2011. Not long after that I met Shane's parents. What will never leave me is their grief and the love they had for their son, and the sheer devastation. However, the anger has grown over the years in that family, given what they have discovered. Mr. Gridzuiska was responsible for an absolute litany of criminal activities around that area, on both sides of the Border. There was an order from a judge that, if he was found guilty of any other offences in terms of fraud and theft, he would be sent back to jail, yet, repeatedly after that, he was not, and this is before he knocked down Shane O'Farrell.

There are huge questions. It should never have been left to GSOC alone. It was not a matter just for An Garda Síochána. This was a whole-of-system failing. Any decent citizen of the State would see there has to be a public inquiry into this matter.

Senator David Norris: Hear, hear.

Senator Pádraig Mac Lochlainn: We cannot leave it to GSOC. The first part of its report is a shambles and a travesty in terms of what we can see with our own eyes based on the dossier of evidence that Lucia O'Farrell herself has put together. It is an insult to the Irish people just to leave it to GSOC. There has to be a public inquiry. We have some solemn powers in the House. We do not abuse them and we use them sparingly, but today the House should call in the Minister for Justice and Equality, Deputy Charlie Flanagan-----

Senator David Norris: Hear, hear.

Senator Pádraig Mac Lochlainn: -----to listen to our concerns and to tell us there will be a public inquiry into the death of Shane O'Farrell.

Senator Paul Gavan: Well said.

Senator Pádraig Mac Lochlainn: I propose this along with my colleague, Senator Gallagher, supported by Senator Norris.

An Cathaoirleach: It is proposed and seconded.

Senator Frank Feighan: With regard to the Garda and the Minister for Justice and Equality, I would like to put to the House that applications for the current round of Garda recruitment finishes next Wednesday, 6 June, at 3 p.m. Bringing the Garda strength up to 15,000 by 2021 is something we should absolutely welcome. It is great for rural and urban areas. I was a bit concerned that the GRA stated there was a lack of tasers for gardaí. These would be very helpful, as would vehicle number plate recognition, which has worked extremely well in the North. Perhaps we should ask the Minister what exactly has happened and will happen, because it would be very helpful to law enforcement, particularly on the roads.

Senator Terry Leyden: I join with other Senators in raising the adoption of children without the families' knowledge. Senator Boyhan made a very good and genuine case with his personal evidence here today. On 17 May 2017, the Seanad debated Second Stage of the Adoption (Information and Tracing) Bill 2016 and there was great urgency then. Seemingly the information that came into the public domain yesterday has been well known for a very long time. Action has to be taken in this particular regard because there is nothing worse than being deprived of one's heritage and background.

These people, who were adopted between 1946 and 1969, and some of whom are now approximately 48 years of age, must be informed. They must know and they must be told. Why live a lie? They were adopted illegally. Former Ministers with responsibility for justice or foreign affairs - whoever had responsibility for passports - must have been aware these were forged passports. The Garda Síochána is supposed to be involved in this also, but the main issue at this stage is not a question of going back into what happened then but that people have a right to know. The best way to do this is through DNA samples. Millions are available now. I know people who have traced their families and the number of people coming forward in this regard is extraordinary. This is with regard to people who emigrated to the US back in the 1920s and reared families there, lost contact with their families in Ireland and are now being reunited. The Minister for Children and Youth Affairs should look at the situation from a DNA point of view. There may not be records there so how will the person find the DNA? We should at least make it available to people who will try to trace their families.

What sort of a country would do this? The Sisters of Charity did not show much charity in sending little babies away and taking them from their mothers. Some of the mothers thought their children were dead. It is an outrageous situation. The Minister should come back here immediately and get the Bill through before the summer recess. It is unacceptable that a Bill she said was urgent on 17 May 2017, one year ago, is not urgent now. There was a big press statement yesterday. There is a lot of publicity going on here. The Ministers are trying to grab the headlines, as far as I am concerned. I know they are carried away by the great event in Dublin Castle on Saturday-----

Senator David Norris: The one the Senator voted "No" for.

Senator Terry Leyden: Yes.

An Cathaoirleach: Please, the referendum is over.

Senator Terry Leyden: They were like rock stars. I thought they had won the World Cup and the European Cup all in the one day.

Senator David Norris: They did better than that.

Senator Jerry Buttimer: That is terrible stuff.

Senator Terry Leyden: We will not go down that road at this stage.

An Cathaoirleach: Tá an t-am istigh.

Senator Terry Leyden: I request the Leader to request the Minister to come to the House to discuss the matter and ask her to please bring forward Committee and Report Stages of the Bill.

Senator Aidan Davitt: An issue has been brought to my attention by Councillor Pat Fitzpatrick in Arklow, who works with Deputy Pat Casey. There seems to be an anomaly in the rental accommodation scheme, RAS. Tenants of a landlord who withdraws from RAS, who previously qualified for the housing assistance payment, HAP, no longer do so. It is up to the local authority in this instance, namely, Wicklow County Council, to house these people in a vacant council house, which we know do not exist readily, or place them in temporary accommodation. The Minister needs to adjust the scheme because there is definitely an oversight.

These former tenants have to be able to qualify for rental allowance or HAP. Apart from having to move into a non-existent house, being left on the side of the road or moving into one-bedroom accommodation, as many people are, there is the further complication that they are bypassing those who have been on the housing list for 15 or 20 years. This is actively happening as we speak. This is not a party political matter. It was a genuine oversight in the way the RAS scheme was adopted and introduced. People living in a house that is being sold cannot apply for a rent allowance or HAP.

Senator Jerry Buttimer: I thank the 15 Members of the House for their contributions on the Order of Business. At the end of the Order of Business I will propose an amendment that No. 4a on the Supplementary Order Paper, statements on incorrect birth registrations, be taken at 7 p.m. to conclude after 50 minutes. The arrangements for the business shall be that the contributions of group spokespersons are not to exceed six minutes, with the Minister to be given no less than five minutes to apply to the debate. I am sure we can discuss it at the meeting of group leaders after the Order of Business.

Senator David Norris: Will it be only group leaders?

Senator Jerry Buttimer: I hope that Members would be able to participate-----

Senator David Norris: No, that is fine.

Senator Jerry Buttimer: If Senator Norris wants to participate-----

Senator David Norris: I would have loved to, but I have guests whom I have already pushed up the list.

Senator Jerry Buttimer: Given that we have a recess next week and this is a very-----

An Cathaoirleach: To be clear, I presume people can share time if they wish.

Senator Jerry Buttimer: Yes, absolutely.

An Cathaoirleach: Group spokespersons will be allowed to share time.

Senator Jerry Buttimer: Yes. This is to facilitate the House as it is important, given the extreme sensitivity of the issue and that it is a matter of urgency. Senators Mark Daly, Conway-Walsh, Boyhan, Humphreys and Leyden contributed on the issue. I thank and compliment Senator Boyhan for his very personal contribution on the Order of Business. This is an historical wrong and, as we know, people have been denied what is rightfully theirs and it is important that we rectify this. As all of us have said here this morning, we are all thinking of the people affected by this awful tragedy and the awful wrong done to them. Senator Boyhan was generous when he said we cannot judge the past by the standards of today. He made a very magnanimous contribution. This is very much something we need to get right. We need to put ourselves in

the shoes of people who have been treated so wrongly by the State and various institutions. If we are honest, this is about people trying to establish who they are, having to find a birth mother or father, wondering who they are and who are their siblings and, very often, being blocked by society or the institutions of the State. I know from friends of the heartache and turbulence in their lives. Senator Boyhan is correct as although some people are happy and do not want to find out any information, others do and it consumes them. I remember going through a phone book in a certain part of the country with a friend trying to find names. We drove a certain part of the country ten times in a day. I am thankful that person was reconciled with his birth mother but it consumed him.

Events are unfolding which are absolutely awful. I commend the Minister, Deputy Zappone, but I condemn Senator Leyden's remarks this morning. This was not an exercise in public relations but rather it was about getting the truth out there. That the children - now adults - were incorrectly registered is an appalling failure by the State.

Senator David Norris: Hear, hear. She was the first to address it.

Senator Jerry Buttimer: The Government must respond immediately and effectively. If there needs to be an independent inquiry, let us have it. Let us give the Minister, Deputy Zappone, the space and time to do this. As Senator Norris suggests, she has only one interest. I have heard some people coming in and talking about an information tracing Bill. There is a reason for the delay, and it is not as easy as some people suggest. There are sensitivities, rights of people and protections that must be provided. We must get the balance right. It is a complex matter. Listening to Seán O'Rourke's radio programme this morning one would have heard the remarks of Mr. Tim Bracken, a senior counsel. He spoke of the major legal complexities in what has happened, including elements of parenthood, relationship succession and the rights of the adopted person. People could lose one right associated with a birth parent by being adopted but that may not be the case after all. I do not want to create hysteria, and that is why we need calm debate.

I do not know if we can retrospectively amend legislation. All of us want to see the publication of amendments for the Adoption (Information and Tracing) Bill and it is important for this to be done in a manner that progresses the Bill. It is a bit like the post-referendum call for legislation. We should get it right rather than having to revisit everything again. I am very much of that view, although I might be in a minority of one. Let us not give the legal eagles a field day in any scenario any more. We have an obligation to the affected people to get this right. I commend the Minister, Deputy Zappone, on her work.

We have created Tusla and there is an adoption agency. There is a duty on it to put right the wrongs of the past, and that is what we will do. It is why I asked the people in the office of the Minister, Deputy Zappone, about this before the Order of Business. It is important that we, as a House, debate the matter, as is the wish of Senators Mark Daly, Conway-Walsh, Boyhan, Humphreys and the Civic Engagement Group. We should discuss it tonight.

I do not have information on the trials from GlaxoSmithKline mentioned by Senators Daly and Boyhan. If what they say is the case, it is appalling that this has been done. People should be informed on that. I am not being critical of the Senator.

Senator Mark Daly: I know. Perhaps when the Minister comes to the House she could update the House on the matter? Her Department is dealing with it and it is supposed to do a

report on it.

Senator Jerry Buttimer: It may not be possible to do it today but we will certainly endeavour to do it over the next couple of weeks.

An Cathaoirleach: It has been brought to her attention.

Senator Jerry Buttimer: I give a commitment on that. Senators Daly, Richmond and Feighan mentioned An Garda Síochána. It is important we support members of An Garda and front-line emergency workers, including those of the fire brigade and ambulance service, when it comes to stress. We can have a debate on that with the appropriate Minister.

Senator Lawless raised the outcome of the referendum. I join him in commending all those people who travelled home to vote, no matter what side on which they voted. It is important for us to recognise that many young people are today exercised by issues rather than party politics. For all involved with the world of politics, there will be an exercise to engage and see how we can continue to gain that attention and work with young people. All of us recognise the importance of the home to vote movement. I agree with the Senator and I am thankful that emigration is temporary today. We benefit greatly from people returning home to work. It is about further enhancing participation in democracy.

I agree with Senator Conway-Walsh on the matter of home help. It is unbelievable that we have a delay in home help hours being allocated to people. I could wallpaper my desk, as I am sure the Senator can, with correspondence from people who are waiting. It is unacceptable. There has been an increase in the budget and we speak of keeping people at home living in the community. We need to see that working effectively with the allocation of hours. I do not agree with the Senator's remarks on the rainy day fund. We had the debate last week and we will not open it again now. I welcome today's rally with regard to the cervical cancer issue and I thank the people for organising it. However, it is important that all the necessary supports and information continue to be given to the women and families affected by this. The Government is committed to this.

Senators Norris, Gallagher, Leyden and Mac Lochlainn raised the matters arising from last night's "Prime Time" programme and the death of Mr. Shane O'Farrell. I did not see the programme. I know Ms Lucia O'Farrell is in the House today. There is a huge sense of grief and understandable anger being felt by the O'Farrell family and no words of mine or any other Members in the House today will ease the pain. It is important to note the tragic loss of life - Senator Mac Lochlainn eloquently disclosed to the House the nature of the incident and the perpetrator - and none of us condones that sort of behaviour. The Senator is correct that there is only place for that type of person, which is behind bars. In saying that there is a need for the family to have closure and answers. I support any call to get those answers. The Senators mentioned the Garda Síochána Ombudsman Commission, GSOC, inquiry. I am not sure if the findings have been published but I hope they will be.

Senator David Norris: Part 1 has.

Senator Jerry Buttimer: All the information should be put in the public domain. It is about justice and I hope GSOC will publish the report so we can allow for the investigation outcomes to be published. I hope we can get answers for the family so they can get real justice. I do not say this to in any way gloss over the contributions of Members but we should definitely stand united in supporting the family in its search for all the answers. I am happy to give that

support.

Senator Norris also raised the incidents in Gaza. The Minister for Foreign Affairs and Trade has condemned the attacks as being unhelpful, and he is right. This should be about dialogue and getting answers. I certainly hope we do not see politicisation of the United Nations by the United States. In response to requests by Senators Norris, Gallagher, Leyden and Mac Lochlainn, I will endeavour to have the Minister for Justice and Equality come to the House after the recess if possible.

Senator Hopkins raised the matter of young people in Leitrim and the campaign to use their brains rather than their fists. I commend all involved in the campaign and thank the Senator for highlighting the matter today. It is important in the modern world that young people think about how they can best serve their communities, friends and peer group. Unprovoked assaults are not a way and we should do everything in our power to ensure that young people see an alternative to violence and physical contact like that. The message that Senator Hopkins communicated through the video is one we should promulgate and I commend all involved.

Senators Paul Daly and Kevin Humphreys indirectly made reference to climate change and agriculture. I support Senator Daly's call for a Seanad committee to deal with not just the reduction in value of wool but the intersection of agriculture and climate change. The Minister for Agriculture, Food and the Marine established a bio-economy working group, which is a cross-departmental group that had its inaugural meeting recently. The Seanad reform committee met yesterday. It is chaired by Senator McDowell, whose birthday was yesterday. I wish him a belated 66th birthday; he is on the bus pass now.

Senator David Norris: Not until next year.

Senator Mark Daly: He is on more than that.

Senator Jerry Buttimer: I should also congratulate Senator Bacik, who reached the milestone of 50 at the weekend. I wish her a happy birthday. I am digressing for a moment. Senator Paul Daly's point is one that would, again, make the Seanad relevant in terms of the agricultural community. We have an agriculture sub-panel as part of our electoral system. I would be happy to support a debate on the issues raised by Senators Daly and Humphreys regarding climate change, renewable energy and synthetic petrochemicals.

In respect of Senator Richmond's point, we are very lucky given the quality of members of An Garda Síochána who serve us. To hear yesterday and this morning that seven members died by suicide is a worrying trend. I hope the Department of Justice and Equality and Acting Garda Commissioner Ó Cualáin will put resources in place to ensure there is access to counselling, support and a range of specialisms because our front-line defenders do a huge amount of work and work unsociable hours in unpalatable conditions. I commend them for that.

Senator Humphreys made a very good contribution regarding referendum posters. I hope that the local authorities will show discretion to the volunteers who erected the posters throughout the country. In many cases, they were not paid to put them up. I hope that all those who take down posters will take the cable ties down as well. Extending the deadline is a matter of discretion at local level. It is enshrined in law but it is important that discretion is used.

Senator Gavan raised the issue of the industrial relations climate within University Hospital Limerick. I am not aware of the information he put on the record but if it is half as bad as he has

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suggested, then it is pretty bad. I advocate that the Senator make a contribution by going to the Workplace Relations Commission himself and making a complaint. I hope he knows I cannot comment because I do not have the information but it would be appalling if a person acting as a shop steward or trade unionist - a voice for workers - is prevented from going back to work if he is fit to do so. I would not support that, as Senator Gavan will know well.

Regarding Senator Gallagher's comment, I did not say anything was a figment of his imagination last week. He is putting words in his own mouth as well as mine.

Senator Diarmuid Wilson: Senator Buttimer is very much a reality. He is not a figment of-----

Senator Jerry Buttimer: I very much live in the real world. I have my finger on the pulse of the people every day, which is why I enjoy being a Member and being involved in public life. If Senator Gallagher wanted to quote me correctly, he would have referred to the website I gave him with access to the information. He should reflect on that.

Senator Robbie Gallagher: On a point of information, I have no appetite whatsoever for getting into an argy-bargy here. I raised an issue last week after being contacted by a number of school principals who said that there appeared to be an issue. Two days ago, the INTO issued a statement, according to which it is clearly completely in the dark. It has no preparation made whatsoever and no direction from the Department of Education and Skills. With respect, all I am looking is for the Department to get a grip on this, contact the schools and tell them how they are meant to comply with this new legislation.

An Cathaoirleach: The Senator has made his point.

Senator Jerry Buttimer: Senator Feighan made an important contribution. Under the previous Government, the Garda Training College in Templemore was reopened. Garda recruitment is open to the public and the closing date is 6 June. I hope that people who are interested in An Garda Síochána will apply to become members. I am proud of the fact that the party that founded An Garda Síochána has recommenced recruitment to it.

Senator Diarmuid Wilson: They are paid peanuts. Maybe if the Government paid them a proper wage-----

Senator Jerry Buttimer: Senator Wilson is definitely spoiling for a fight today. My friendship with him predates our election to the House and I will not rise to his bait on this occasion.

Senator Davitt raised an important point about a potential anomaly. I suggest as a matter of urgency that he tables a Commencement Matter on the matter as he will get an answer more quickly. I am sure the Cathaoirleach would be happy to help him in that.

I thank Members for their contributions. It is my intention to amend the Order of Business to allow for the Minister for Children and Youth Affairs to come to the House tonight.

Senator David Norris: On a point of order, Mrs. Lucia O'Farrell is in the Public Gallery of the Dáil and will be happy to meet Members.

An Cathaoirleach: I am not sure if that is a point of order but the Senator's information is noted.

Senator Gallagher has moved an amendment to the Order of Business, “That a debate with the Minister for Justice and Equality on matters arising from the tragic death of Mr. Shane O’Farrell in a hit-and-run accident”, be taken today. Is the amendment being pressed?

Senator Robbie Gallagher: No, I have received assurance from the Leader that the Minister will come to the House at the first available opportunity. It is very important.

Senator Jerry Buttimer: I apologise to Senator Gallagher. I did not realise he had proposed an amendment to the Order of Business. It is my hope that the Minister will come to the House the week we come back. I will endeavour to have that debate. I did not realise the Senator had proposed an amendment.

An Cathaoirleach: Senator Gallagher proposed an amendment to the Order of Business that was seconded by Senator Mac Lochlainn.

Senator Robbie Gallagher: I spoke to my seconder as well. It is important that it be a one-item agenda.

An Cathaoirleach: Is the amendment being withdrawn?

Senator Robbie Gallagher: Yes.

Amendment, by leave, withdrawn.

An Cathaoirleach: The Leader has moved an amendment to the Order of Business, “That statements on incorrect birth registration be taken at 7 p.m. this evening with the contributions of group spokesmen not to exceed six minutes, time may be shared and the Minister to be given no less than five minutes to reply to the debate”.

Amendment agreed to.

Order of Business, as amended, agreed to.

Sitting suspended at 12.38 p.m. and resumed at 12.45 p.m.

Radiological Protection (Amendment) Bill 2018: Committee and Remaining Stages

Sections 1 to 3, inclusive, agreed to.

SECTION 4

An Leas-Chathaoirleach: Amendments Nos. 1 and 2 are related and may be discussed together.

Senator Grace O’Sullivan: I move amendment No. 1:

In page 9, line 4, after “apparatus”, to insert the following:

“and

(iv) by the insertion of the following paragraph after paragraph (k):

“(l) to report annually to the Oireachtas on the implementation of the National Radon Control Strategy or any successor strategy.”.

It is estimated that 250 people die of radon-related lung cancers every year in Ireland. Radon is a naturally occurring radioactive gas which seeps out of the earth. It is the biggest source of exposure to ionising radiation in Ireland. Radon concentrations are naturally high in Ireland, so much so that some of the highest indoor concentrations of radon measured in homes anywhere on the planet are in towns such as Castleisland, County Kerry, and Mallow, County Cork. High exposures result from radon being trapped and building up in houses and workplaces. Fixing such houses is comparatively straightforward, involving changes to the ventilation in areas where radon collects.

However, radon is odourless, tasteless and invisible. A house must be tested to find out if it has a radon problem. Testing is simple, involving leaving detectors in the house for three months, and costs between €40 and €60. Despite the fact that testing is easy and cheap, there is a problem getting homeowners to test their properties. The problem is most severe in private rented properties, where tenants living with the radon risk are not responsible for testing and, if necessary, remediating the house. As a result, even though at approximately €50 it is clearly affordable, it is unusual for private landlords to carry out radon tests.

In 2011, the Government established an expert group to produce a national radon control strategy, NRCS. The resulting strategy was put to public consultation in 2013 and adopted in 2014. The strategy provides for a continuation of the testing programme for social housing, which is well advanced. State authorities recognise that radon testing and remediation is something they, as responsible landlords, must carry out. The strategy also recognises that the necessary testing in private rented properties simply will not happen if it is left up to the landlords and their agents. It was, therefore, decided that when the standards for rented housing regulations were next revised, they would address radon. This was adopted as national policy in February 2014. In 2016, the Department of Housing, Planning and Local Government consulted with a select group of stakeholders regarding revision of the rented housing standards. The EPA pointed out the commitment in the national radon control strategy to address radon in the revised regulations and suggested how it should be implemented. No other stakeholder referred to radon. The general public and public health organisations were not told of the consultation.

Now the mystery starts. In January 2017, the then Minister, Deputy Coveney, signed off on regulations that contain no reference to radon. It is clear from the reply to a freedom of information request the Green Party submitted to the Department that there is no document in the Department which responds to, or addresses, the EPA submission. There is no stated reason radon was not included in the final regulations. This is in a context in which other elements of the strategy are also being ignored. The Residential Tenancies Board, RTB, is referenced many times in the strategy, with recommendations that its stakeholder meetings be used to raise awareness and that its website include information and links on radon. However, there is nothing to this effect on the RTB website. How can the Department and the Minister acknowledge a commitment in Government policy, be reminded about another State agency and then proceed as if it did not exist? How could this happen with a simple practical commitment which, if implemented, would reduce the incidence of lung cancer, saving dozens of lives per year? To add insult to injury, the annual report on implementation of the strategy marks the action as complete. Unfortunately, the Government is failing to implement the action in the national radon control strategy. I have, therefore, tabled the amendment requiring the EPA to report to the Oireachtas on implementation of the strategy.

I wish to signal in advance that I will support Senator Conway-Walsh's amendments.

I hope the Seanad will recognise my comments and unite on this issue of public health. I particularly appeal to Fine Gael Senators to support the obligation to report on the implementation of a strategy that their own party introduced while in government.

Senator Terry Leyden: I welcome the Minister back to the House. We are anxious to get the Bill through as quickly as possible, as he knows.

Senator Marie-Louise O'Donnell: The Senator cannot-----

Senator Terry Leyden: Excuse me. We are anxious to get the Bill through as quickly as possible, as is the Minister. Both amendments in this group are good and there is a great deal of merit to them. Radon gas is a serious issue, as it is a silent killer. My experience is that some schools have been affected by it as well. I understand these buildings have been remediated. Will the Minister confirm that new buildings have radon barriers which prevent radon from getting in? Many houses built before radon barriers were introduced, particularly houses in rocky areas, areas where there is limestone and elsewhere around the countryside, are in danger. Radon gas is the key to the growth of cancer in certain regions. This is a reasonable amendment, and I would like the Minister to respond to it.

Senator Kevin Humphreys: I support the amendment also. It is important that we monitor and measure exactly the progress being made. Radon gas is a killer and this is a worthwhile amendment to the Bill. Both Houses would be able to ensure that the policy we ask to be implemented is implemented and that there is a regular check on that. We have a responsibility to ensure that the job is done. Senator Leyden is correct that radon gas is a killer. There have been improvements in this regard in recent decades, which I recognise, but this is a sensible, worthwhile amendment that would bring merit to the Bill.

Senator Rose Conway-Walsh: I am happy to support Senator O'Sullivan's amendment but I am disappointed that Sinn Féin's two amendments have been ruled out of order. They related to radon control. One involved a survey of the home for radon, and the second another scheme for remediation to protect against radon gas in homes.

Radon is the greatest cause of lung cancer after smoking and it causes five cases of cancer each and every week. The harmful gas is colourless, odourless and tasteless and people can be unaware of a buildup of radon in their homes. We need to take action. This is a major cause of cancer throughout the State. We need to ensure householders know about the individual risk associated with their properties. I see this in my county, Mayo, which is one of the worst-affected areas in the State.

I also tabled an amendment concerning a remediation scheme, which would help homeowners currently at risk of radon gas. A pilot scheme, which we have discussed before with the Minister, has been put in place in Roscommon and east Galway. I certainly welcome this, but it needs to be extended throughout the State as quickly as possible. According to the Environmental Protection Agency, EPA, other counties are greatly affected by this dangerous gas in their homes. We see this in Mayo and Donegal, for instance. The amendment would put back on a statutory footing a scheme to help protect homes from the danger of this lethal gas. Homes built since 1997 should have been fitted with a radon barrier. Homes without this protection, particularly those in the areas that are most affected, need a scheme of testing to carry out remediation works and to protect health. This is simple and this needs to be done. I accept what the Minister has said and what he is trying to do with the pilot scheme. This needs to be moved

forward and it needs to be implemented in a comprehensive way. This gas causes ill health and death if not addressed. A small investment is required given what it will do for people's health.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I ask the Leas-Chathaoirleach for a little discretion even though I know this is Committee Stage. I will deal with all the issues that have been raised and then come back to Senator O'Sullivan's amendments. I would like to try to address these because Senator Conway-Walsh's amendments were ruled out of order but I am positively disposed to the principle behind them. They can help to address some of the concerns Senator O'Sullivan has raised.

An Leas-Chathaoirleach: They were ruled out of order because of a potential charge on the Exchequer under Standing Order 41.

Deputy Denis Naughten: Yes. I do not dispute that decision. This will all fall into place if I am given a chance to elaborate on the matter.

Radon gas is killing five people every week through lung cancer. Basically, a lung cancer diagnosis is terminal. Only 4% of people survive after being diagnosed. After smoking, radon gas is the second biggest killer in respect of lung cancer. Five deaths a week are attributed to radon gas.

Back in 2002, legislation was brought forward to introduce a scheme to test and retrofit homes. There have been 15 people in my position since then. They have been from many of the political parties - the Labour Party, the Green Party, Fine Gael, and Fianna Fáil
1 o'clock - and this issue has not been progressed. That is because it was put into primary legislation. Returning to Senator Conway-Walsh's point, I have delayed this legislation for 12 months to try to do exactly what she wants in her amendments. I was determined to ensure that we could do that. However, based on the long and protracted negotiations I had with my officials, the legal section of my Department and the Office of the Attorney General, it is not possible for me to do that because, unfortunately, my predecessor provided for a scheme in primary legislation that is inoperable. The only way I can introduce a national scheme is to amend that primary legislation with another scheme. The difficulty is that I do not know at this stage what will or will not work in communities throughout the country.

To try to find that out - and to develop a proper robust scheme - we pinpointed 1,400 homes in Roscommon and east Galway. It is not a comprehensive list of homes; it is only a sample of people in low radon and high radon areas. We kept it geographically tight because we do not want contractors running the length and breadth of the country. We want this turned around quickly. It takes three months for the radon test kit to be installed and returned, and then it has to be read. Once it is read and the homes that require retrofitting are identified, we will carry that out. We developed pilot schemes with the Sustainable Energy Authority of Ireland, SEAI, and from those we have developed a robust scheme. Based on that, I intend and am determined to roll out a national scheme available to everyone.

This is a serious public health issue. It is a big demand on our health resources and affects the quality of lives of people. As a representative of a constituency afflicted with radon gas over a long number of years, I raised this in Dáil Éireann on numerous occasions from the Opposition benches. I am committed to introducing a scheme once I know how it can be structured. I hope that when I do so, I will have the assistance of colleagues to expedite it through the Houses of the Oireachtas as quickly as possible. I am fully supportive of the thrust of Senator Conway-

Walsh's amendment and I am determined to introduce legislation to reflect what she has said and implement this on a national basis. This has been long-fingered for far too long.

Regarding Senator Leyden's question, the building regulations were changed in 1998. Since then, there has not been a significant issue with radon gas. There may be one or two isolated pockets where the radon barrier has not been put in. We can spot-check some of those premises as part of this national roll-out to make sure that the building regulations are fully complied with.

I understand where Senator Grace O'Sullivan is coming from. If I was sitting in her shoes, I would make the same argument out of frustration with the failure to make progress since the legislation was enacted in 2002. I agree with the point she is making. I will propose a solution. I am opposing the amendments because it is not an appropriate function for the EPA to have in primary legislation. The creation and implementation of the NRCS is an administrative and management issue for my Department and a multi-Department, multi-agency approach to improve the awareness of, and protection, from radon gas. The EPA is not responsible for the formulation, adoption or delivery of the strategy. It follows that a statutory requirement to report on the implementation of the strategy, over which it has no control or responsibility, cannot be imposed. The policy function for tackling radon rests with the Minister for Communications, Climate Action and Environment and he or she is directly accountable to the Oireachtas in this regard.

I know where Senator Grace O'Sullivan is coming from. However, the difficulty I find myself in is that a radon retrofitting scheme was provided for in legislation in 2002, which prevents me from introducing such a scheme. Inserting this provision into legislation would transfer responsibility from the Minister who is directly accountable to Members in this House and in the Lower House to the EPA. I am willing to provide a report that would be laid in the Library, and then to come into this House - which is probably easier to do than the Lower House - and take questions on the implementation of the radon strategy. It is only right and proper that the Minister be held accountable for that. It would have been useful if some of my 15 predecessors had been held accountable for the failure to implement it. Putting this in legislation and giving responsibility for reporting to the EPA is not going to help delivery because the agency is not responsible for the implementation of the plan. It would only give a broad commentary and report back on it. The Minister, however, is responsible for the implementation of the plan and he or she should be held accountable for it in the House.

The EPA's work on radon is a key component of the NRCS. I remind the Senator that the agency reports on its work in this regard on a statutory basis under section 51 of the Environmental Protection Agency Act 1992. Those reports are laid before the Houses of the Oireachtas. The NRCS is chaired by my Department. The strategy contains recommendations on a broad range of measures aimed at reducing radon risk to people in Ireland and these are set out in six thematic areas. Successful implementation of the strategy would require action from a range of Departments, public bodies and stakeholders. My experience regarding matters to be implemented across government, taking responsibility away from the Minister and giving it to one agency that does not have teeth to report on will fail to ensure that the matter is implemented.

There are 31 identified action points set out in the NRCS and it is intended that all those action points will be implemented. A total of 19 actions are complete, three actions will be completed with the transposition of the basic safety standards directive and nine further actions have been commenced and will either be completed following the end of the strategy in

2018 or carried out on an ongoing basis. Some of the key achievements to date include the establishment and launch of a dedicated website, www.radon.ie, the completion and roll-out of targeted training courses on radon remediation for construction site staff, local authorities and contractors and the establishment of registration schemes for radon measurement services and radon remediation contractors.

One of the strategy's key recommendations relates to financial incentives to encourage householder action on radon. I launched a targeted radon testing and remediation survey to assess the uptake of radon testing and remediation in homes in high radon areas and adjacent lower risk areas to inform the detailed design of a new nationwide financial incentive scheme. Due to the success of the work programme under the NRCS, I intend to establish a successor strategy on a statutory basis to continue the good work in identifying and remediating radon where it occurs.

Senator O'Sullivan has raised a particular issue regarding consultation. I am happy to take up that particular point on her behalf.

The Government opposes amendment No. 2 both on principle and on the detail behind it, as it is already set out in section 7 of the principal Act. Paragraph (1)(d) assigns to the Environmental Protection Agency the general function of advising the Government, the Minister and other Ministers of the Government on radiological safety matters relating to the transport, use, storage, maintenance and disposal of radiation sources wheresoever located. Paragraph (1)(c) further assigns the general function to the EPA of advising the Government, the Minister, other Ministers of the Government and the public on measures for the protection of individuals in the State from radiological hazards. Paragraph (1)(k) assigns the function to the agency of providing information to the public on any matters relating to radiological safety which the agency deems fit. The function of the EPA to advise the Government, the Minister and Ministers of the Government and the public on radiological safety matters is not restricted by a geographical location, type or purpose of radiation source.

The difficulty is that the amendments would bring no additional clarity to the functions of the agency as an advisory body, but they may include a number of unidentified and unclear terms which may be open to legal interpretation and may, in fact, impede the agency in delivering its mandate. Again, I refer back to the 2002 legislation which was brought through this House with the best intentions but is now impeding me in introducing a scheme. I have concerns that if these two amendments were enshrined in the legislation they could impede the objective of the scheme. I am committed to come back and report on it. The Minister should report on it, not the EPA. This is across Departments but the EPA can only respond and be accountable for what is within its function. The Minister is answerable in respect of both his Department and the action or failures by the Government in implementing this. It would be wrong not to leave that accountability with the Minister. I will be happy to return and report on it through whatever mechanism the House deems appropriate. The second amendment is already covered in the primary legislation but it could give rise to an interpretation which may impede the EPA.

Senator Grace O'Sullivan: I accept what the Minister said. He obviously recognises the impact of radon on public health. What I am proposing is that we would get a comprehensive report from the EPA. However, I understand that the buck stops with the Minister. If I understand him correctly, he is giving the House a commitment that he will report back to the House and assure us that steps are being taken with regard to what I propose in the amendment. As regards stakeholder analysis, we see situations where there is no full stakeholder analysis or

where there are gaps where stakeholders are not contributing to a process. It would be appreciated if a stakeholder analysis includes all stakeholders, which will always be the public as well as agencies and institutions.

I have a feeling that radon, radiation and the impacts of transboundary radiation have somewhat fallen off the Irish agenda. We saw that recently with Hinkley Point C when the Government had no representative at the Espoo Convention consultation to represent this country with regard to new developments on the east coast of England and the installation of a nuclear power plant. It is important that we as a nation, and I direct this remark to all parties in the House, pull up our socks and acknowledge the nuclear accident at Fukushima in Japan and remember the accident at Chernobyl. We must not forget that there is a risk to this country from both radon and radiation in terms of transboundary contamination or pollution from the UK. We must take appropriate steps to identify the risks and do what we can to ensure we are prepared in the event of an accident happening in the UK.

I accept the good faith of the Minister's commitment and welcome it.

Senator Terry Leyden: I appreciate Senator Grace O'Sullivan's amendment because it brought forth a comprehensive response from the Minister. He takes this issue very seriously, and rightly so given the dangers of radon. I am delighted the Senator will not press the amendment because the Minister has promised to report back.

With regard to the effect of radioactivity on Ireland following Chernobyl, we were very badly served at the time by the Radiological Protection Institute of Ireland. Nobody should have been allowed out during the period after the Chernobyl accident. I genuinely believe that from my experience as a Minister of State with responsibility for trade. The fallout reached as far as north Roscommon. In fact, milk powder that was affected was sent back from South America. That was resolved, but the effect is enormous.

If something happened in Britain there is no doubt that we would be absolutely devastated. The UK can exit the EU as much as it wishes but we must ensure it has proper controls of the radioactivity in the developments taking place. The Minister and the Department are aware of this. It is important that they keep a close eye on what is happening in Britain because the dangers are enormous. Britain is also drilling for gas and oil and that is creating difficulty also. Chernobyl was a wake-up call for anybody who thinks that we are not affected by international events. Some cattle were affected very badly by cancer as a result of the fallout from Chernobyl.

This work is very important and I am delighted the Minister is on top of his brief in this regard. He needs space to develop this. He is correct that the Minister is accountable to these Houses. The agencies are not.

Deputy Denis Naughten: On the points raised by Senator Grace O'Sullivan, the EPA under its remit with regard to radon publishes its aspect of it as part of its annual report under section 51 of the Act. That is laid before the Houses. The implementation of the NCRS is published by me. It is not a statutory document and is not laid before the Houses, but I will ensure that when the annual report comes to me and is published, a copy will be given to the Senators. It will then be a matter for the Whips, but I will be happy to come to the House to go through the implementation and to update the Senators on the progress we have been making on the pilot scheme and the progress towards a national scheme. I am happy to do that once it is available.

As regards the stakeholder analysis, I am open to any suggestions on stakeholder input in

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that regard. The Senator is correct. It is not the case with this specific issue, but I specifically asked that question about stakeholders on another issue within the last week. In many cases stakeholders do not include the public, yet the biggest stakeholder we have is the public. I made that very point with regard to stakeholder consultation. The Senator is right. The most important group is the public and it should be involved. This should not be a way of bypassing that engagement. If the Senators have any suggestions or ideas I am quite willing to take them on board and facilitate them where I can.

In response to Senators Leyden and Grace O'Sullivan's questions about the UK's nuclear building programme, the Government asked the Radiological Protection Institute of Ireland, RPII, now merged with the Environmental Protection Agency, EPA, to prepare a report on the potential radiological implications for Ireland from the proposed nuclear power plants in the UK. The principal finding of the report published in May 2013 is that the routine operation of the proposed nuclear plants will have no measurable radiological impact on Ireland or the Irish marine environment. This report continues to inform Irish engagement on the UK's new nuclear build programme.

In response to the question on why the Irish Government was not consulted on the Espoo Convention at an early point, the scientific expert analysis by the RPII of the UK's nuclear build programme found that the routine operation of the proposed Hinkley Point C power plant would have no measurable radiological impact on Ireland or the marine environment. Representations were made to the Espoo implementation committee on the Hinkley Point C project which issued draft findings that the UK Government should have consulted with the neighbouring states. There was no agreement at the last Espoo meeting of the parties on the Espoo findings and the matter was withdrawn. A revised decision will be considered at an *ad hoc* meeting of the parties to take place at the end of 2018 or early 2019. The UK invited states to comment on the project by letter of 28 July 2017 without prejudice to the Espoo implementation committee discussions.

In respect of the last meeting of parties, Ireland was not represented. The lead Department in Ireland for the convention is the Department of Housing, Planning and Local Government which liaises as appropriate with other Departments and agencies on particular issues. Ireland was not represented at the Espoo Convention meeting of the parties which took place in Minsk, Belarus.

In response to the question of whether there had been any meetings specifically for consultation on Hinkley Point C, a meeting took place in Dublin in April 2017 between UK officials and representatives of the Department of Communications, Climate Action and Environment and the Department of Housing, Planning and Local Government. If the Senators want a more detailed briefing specifically on that subject we can arrange for them to meet with officials and go through it because the back and forth between both jurisdictions and what is happening on Espoo is quite complex. If Senators contact my office we can facilitate that and go through the detail. I hope that has answered the questions raised.

Amendment, by leave, withdrawn.

Section 4 agreed to.

Amendment No. 2 not moved.

Section 5 agreed to.

Sections 6 to 9, inclusive, agreed to.

SECTION 10

An Leas-Chathaoirleach: Amendments Nos. 3 and 4 seek to amend section 10(1A) which provides: “The Minister may by regulations provide for the carrying out of relevant activities and for interventions that may be required to deal with ionising radiation...”. The amendment seeks to provide that these regulations and actions include a survey of homes across the State in areas deemed to be at risk to radon exposure. There are potential cost implications arising from such surveys-----

Senator Marie-Louise O'Donnell: On a point of order, I am sorry to stop the Leas-Chathaoirleach in full flight but can somebody tell me how we can be making all these decisions when there are only four of us sitting here? We have no quorum.

An Leas-Chathaoirleach: Is the Senator calling for a quorum?

Senator Marie-Louise O'Donnell: Absolutely.

An Leas-Chathaoirleach: We are not making decisions.

Senator Marie-Louise O'Donnell: That is exactly what we are doing.

An Leas-Chathaoirleach: We are dealing with Committee Stage. I was just giving a-----

Senator Marie-Louise O'Donnell: There are four of us here, we might as well be standing at a bus stop.

An Leas-Chathaoirleach: I did not want to rule the Senator out of order but she is out of order.

Deputy Denis Naughten: The buses are busier than that and there would be more than four people standing at a bus stop.

An Leas-Chathaoirleach: I was simply giving a reason, which the Senator is well aware of, under Standing Order 41.

Senator Marie-Louise O'Donnell: I am not chastising the Leas-Chathaoirleach nor would I think to do such a thing but there are only four of us.

Senator Rose Conway-Walsh: We are each representing our parties. We speak for our parties.

An Leas-Chathaoirleach: The Minister gave a very full response, which the Senator allowed him to do on earlier sections.

Senator Marie-Louise O'Donnell: We are like people standing at a bus stop and thinking they are in the Seanad.

Notice taken that 12 Members were not present; House counted and 12 Members being present,

An Leas-Chathaoirleach: I have just pointed out that amendments Nos. 3 and 4 have the potential to impose a charge on the Revenue and must be ruled out of order in accordance with

Standing Order 41.

Amendments Nos. 3 and 4 not moved.

Section 10 agreed to.

Sections 11 to 33, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Senator Terry Leyden: I thank the Minister for bringing the Bill through. I would like to see speedy progress of Bills such as this because too many Bills are being held up in the system. I am delighted the Minister has got it through. For clarification, I understand this Bill has yet to go to the Dáil and I hope it gets through the other Chamber. The Minister might clarify that point.

Minister for Communications, Climate Action and Environment(Deputy Denis Naughten): It is going to the Áras from here.

Senator Terry Leyden: Therefore, it is now passed and is going for early signature, as such. I welcome that. I congratulate the Minister on bringing the Bill through. It is very important that these responsibilities are clearly in his domain and that we can allow for delegation of responsibilities, given the new additions to his ministerial title. I wish him well on that. Well done.

Senator Tim Lombard: From the Government side I acknowledge the work that has been done by the Department and the Minister to get the Bill through the Houses. It is very important legislation. I welcome that it will be signed by the President as soon as possible.

Deputy Denis Naughten: As Senators are aware, the Bill is comparatively short and quite technical in nature. Primarily, its purpose is to regularise matters in the area of radiological protection by amending certain sections of the Radiological Protection Act 1991 and to effect the transfer of radiological functions from the Minister for Housing, Planning and Local Government to the Minister for Communications, Climate Action and Environment, as directed by the Government when the Department of Communications, Climate Action and Environment was established.

In addition, it provides that a function under the Harbours Act 1996 requiring the consent of the Minister for Transport, Tourism and Sport to exempt certain vessels carrying nuclear material otherwise prohibited from entering an Irish harbour will also be transferred to the Minister for Communications, Climate Action and Environment, as the appropriate Minister. Finally, the Bill will provide for amendments to update the terminology in the 1991 Act to account for developments since that Act came into effect.

The Bill also provides the legal basis for the evolution of a one-size-fits-all system of licensing currently operated by the Environmental Protection Agency to a risk-based graded approach to the regulatory control of radiation sources, making it a far more streamlined and appropriate system. The provisions on a graded approach to regulation are in line with the requirements of

the EURATOM Council, referred to as the basic safety standards directive, which lays down basic safety standards for protection against the dangers arising from ionising radiation and with international best practice in the field of radiological protection. I stress that the introduction of a graded approach to regulatory control will not result in any reduction in radiological safety. However, it will provide a much simpler, less costly and less administratively burdensome regulatory framework for both the operator and practitioners engaged in activities involving radiation sources. The Bill also provides for amendments to update the terminology of the 1991 Act to account for developments since the Act came into effect.

I thank colleagues for facilitating the passage of the Bill. I give a commitment that I am determined to introduce a scheme to address the issue of radon gas as soon as practicable and feasible.

Question put and agreed to.

Community Banking System: Statements

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): As Minister, I am acutely conscious of the value placed by communities in both rural and urban areas on services provided by post offices and I am concerned to ensure the needs of those communities continue to be met. I believe there is enormous potential for An Post to create additional competition and increase the availability of banking facilities throughout rural Ireland.

An Post recently announced its plans for a modernised post office network, which centres around the availability of new services in a modernised, revitalised network. Such services will include a better range of Government services, financial services and e-commerce services for shoppers and small businesses. The announcement by An Post is supported by an agreement reached with the Irish Postmasters Union, IPU, executive following three months of intensive negotiations, which has subsequently been endorsed by 80% of IPU members. I want to publicly acknowledge the tremendous work done by Turlough O'Donnell, who I appointed to assist with these negotiations and to come to a conclusion, which was accepted by 80% of the membership.

The agreement represents a positive first step in reinvigorating our national post office network. It is the first agreement in regard to the revision of the post office contract since 1907, so it is far older than most Members of this or the other House and, in fact, older than the State itself. It provides for adapting the post office network to the changing environment in which it operates by providing a service that meets the needs of communities across the country, particularly in rural areas.

An Post has the largest retail network in the country and provides savings and investments, lending, payments and insurance services to retail customers. An Post already offers a significant range of financial services to customers and is now looking at extending the range of services provided. It is actively looking at what other postal services across Europe and elsewhere are doing, looking at what has worked and looking at different models that have been tried. We are already seeing a number of important new initiatives. An Post has invested in the launch of a current account in 2017, which is now available in each of its branches. The account has been well received, with an average of 100 accounts being opened on a daily basis and 25,000

customers in less than a year. It provides agency banking services for three of Ireland's retail banks, AIB, Ulster Bank and National Irish Bank. These services are available to consumers and business. I understand discussions are ongoing with other financial institutions. In 2017 there were over 4.5 million agency banking transactions at a value of €1.5 billion.

In 2017 An Post administered more than €20 billion of State savings for the National Treasury Management Agency. State savings are estimated to be 16.5% of national household deposits. At the end of 2017, over 480,000 customers held fixed-rate savings products and over 1.2 million customers have a post office savings bank account.

An Post had sales worth over €300 million in the provision of foreign exchange services in both 2016 and 2017. A further five currencies are being added in 2018, which will also see an enhanced online presence and a mobile app developed. The intention over the coming weeks is to extend the foreign exchange cash provision. An Post offers bill payment services for more than 100 companies, including Electric Ireland and Bord Gáis, with over 1.6 million bills processed through the network in 2017. Post Insurance employs over 160 staff and has more than 160,000 policy holders. Through its network, An Post has already established relationships with local small and medium enterprises, for whom it provides cash services. Over €275 million was lodged by local businesses in 2017. It is clear that An Post is already providing a significant range of financial services to over 1.7 million customers across its network and online channels. It will continue to add new products and evaluate new propositions through partnership models.

In so far as the Kiwibank model is concerned, A Programme for a Partnership Government envisaged that An Post, the Irish League of Credit Unions and other interested stakeholders would be asked to investigate and propose a new model of community banking, such as the Kiwibank model in New Zealand. The programme for Government also includes a commitment to investigate the German Sparkassen model for the development of local public banks. A project team comprising officials from the Department of Rural and Community Development and the Department of Finance was established to progress this commitment. The project team carried out detailed research into the concept of a public banking model.

In addition, a public consultation process seeking views on the concept of a community banking model ran for four weeks. A total of 16 replies from a range of stakeholders were received. As part of their research, officials from both Departments met representatives from the Savings Banks Foundation for International Co-operation and Irish Rural Link. These organisations put forward a proposal as to how a local public bank, based on the Sparkassen model, could work in Ireland. The Department officials have now finalised their report and have submitted their findings. The report has been submitted to the Government for consideration and will be published in due course.

Turning to State services, the Government is actively working on further opportunities for government business through the post office network, particularly the payment of motor tax. Government policy is to offer government services online but there is always likely to be a segment of the population that is not comfortable or proficient in accessing online tools or services. One in seven people in Ireland has never used the Internet. The post office network is the obvious choice as the "offline gateway" for citizens with its nationwide network and existing strong relationship with offline citizens. I have asked my officials to actively engage with An Post, the Office of Government Procurement, the Office of the Government Chief Information Officer and other Departments to assess how additional State business might be channelled through the

post office network. I know discussions have been positive and I hope to be in a position shortly to expand on some measures under consideration.

My colleagues, the Minister of State, Deputy Kyne, the Minister for Rural and Community Development, Deputy Michael Ring, and the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, and I are committed to ensuring more government services are channelled into the local post office network. We are determined but also cognisant of the need to adhere to public procurement procedures. The first practical step that the Government is taking is the digital assist pilot programme. Under that programme, post offices will provide access to a wide range of government services. Government funding of €80,000 has been secured for the roll-out of a pilot digital assist scheme to ten post offices, which will be equipped to help citizens with online government interactions. The ten pilot schemes will be located in rural post offices and will be in place later this year.

A pilot e-Local service was launched by An Post last year in three districts, Bantry, Mullingar and Ennis. This service combines the strengths of online commerce with that of An Post mails network for the benefit of local business. It gives local business an edge over national and international online operators by connecting retailers with their customers both online and in person. A key feature of the *eLocal.ie* service is that An Post will give each retailer an online presence, displaying their goods and services, and enabling online orders. This ensures any business in the three towns can guarantee next-morning delivery through the local post van to any home within the mail district. Based on the development of these three locations, the intention is to expand the service across the country. This will ensure that more of the €14,000 per minute currently spent online by Irish customers will be spent on goods in this country. Currently, €10,000 of the €14,000 per minute spent is spent on goods and services outside this country. I want to see a greater proportion spent on goods and services in this country, particularly in provincial towns. The *eLocal.ie* service facilitates that.

The affiliation with the Department of Employment Affairs and Social Protection remains a significant feature for the future of the post office network. In April the Minister for Employment Affairs and Social Protection renewed her Department's contract with An Post to provide pensions, child benefit and other social welfare payments in cash at post offices. Last year's contract amounted to €51 million for 33.6 million payments, and the value of the 2018 contract is expected to match that. This reaffirms the Government's policy that sees the post office network as a key piece of the country's financial and social infrastructure, particularly in rural areas. Accordingly, A Programme for a Partnership Government commits to actively encourage payment at post offices. All avenues are being explored to ensure services available through the post office network are enhanced in order that we have a strong, sustainable customer-focused network. I look forward to hearing your views and suggestions on this important matter.

Senator Terry Leyden: I thank the Minister for being present for this debate on postal services and particularly local post offices, which are very close to all our hearts. As a former Minister of State at the Department of Posts and Telegraphs in 1982, I had a very close relationship with the postmasters' union and the post office system. Since that time, unfortunately, too many post offices have closed. In County Roscommon alone, post offices have closed in Kiltewan, Dunamon and Ballymurray. I could go through a list, which is unfortunate.

The agreement reached between the postmasters' union and the Department is welcome. If there is a very attractive deal, I want to ensure postmasters do not take it on themselves to close a possibly viable office in a rural area on the basis of the agreement. An Post should ensure the

office structure would be retained. It is a danger with agreements like this, although I welcome that the agreement has been made. I know the Minister is making great efforts to enhance the role of viable local post offices and the location of offices. Nevertheless there are circumstances where a postmaster might decide for his or her own reasons to avail of this attractive package, although it might not be in the best interests of the area the branch serves. It must be possible for An Post to refuse to agree to a request from a postmaster or postmistress to close a viable office. Technology has allowed Seamus Boland and Sinead Dooley from Irish Rural Link to tune into this debate. I commend the Houses of the Oireachtas on having a facility to broadcast debates live on the Oireachtas network. Irish Rural Link has made a good submission. I understand the Minister is responding well to its proposal to offer a banking structure in local post offices.

There is great trust in the post office. It is a guaranteed system. It has reached a stage where many people with small savings will literally have to pay for the banks to retain and secure their money. The current interest rate on savings is about 0.25%, although I understand An Post offers a better deal. In the past, the post office service encouraged young people to save. It may not go through the same process used in the past when, under a stamp system, a stamp was issued and a person built up savings. I encourage young people to save. The school system should encourage them to get into the saving habit. The best way to save is through their local post office because people will get a welcome from the postmistress or postmaster, whereas banks are nearly all automated and customers have little contact with staff at the front desk. Sometimes I wonder if I am being charged for discussing my accounts at the front desk.

I also welcome the decision of the Minister for Employment Affairs and Social Protection to renew the contract with An Post. The previous Government had a tendency to encourage people to have direct transfer of their pensions to commercial banks. I could never understand this and I am delighted the Minister for Communications, Climate Action and Environment and his colleagues have grasped this issue. As the Minister stated, the contract has been renewed.

In respect of the pilot scheme that is being launched, the Minister made the point that one in seven people does not have access to the Internet. He knows from being a Deputy for Roscommon-Galway-----

Deputy Denis Naughten: One in seven people has never used the Internet.

Senator Terry Leyden: That may be because they do not have access to or knowledge of it. It takes a long time. Young people are highly proficient in this regard. As a Deputy representing Roscommon-Galway, the Minister knows there are many farmers who are required to submit applications online. Doing so is a daunting task. The service is available at a cost. It involves being prepared to pay because sending forms properly elicits a quicker response with regard to the grants that are available. There is a great deal of bureaucracy in the Department of Agriculture, Food and the Marine. Local postmistresses and postmasters could provide that service and I recommend that the Minister roll it out to all post offices as quickly as possible.

Regarding savings, I remember making a point to the late Brian Lenihan when he was Minister for Finance during a terrible crisis. He was a courageous man who was unbelievably dedicated to the State and we all owe him a great debt of service. He was standing where the Minister is seated and it was very difficult for him. I made a point about the national reconstruction fund, which I believe was in place, although I am not sure. I often wonder about what kind of return it is getting. There is an enormous amount of money in the country, some of which

could be put into a savings account in An Post for a national reconstruction plan, particularly for housing. The State could draw down this money from people who have savings and can invest for a period of four or five years without accessing their savings. The more that these types of services are provided by An Post and the local post office service, the better it will be because from personal experience, I believe there is enormous trust in the excellent and completely confidential service being provided by postmasters and postmistresses. From my time in the Department when I approved many applications for post offices, I know positions in post offices were much sought after and, to be honest, political appointments were made in post offices throughout the countryside.

Deputy Denis Naughten: A bit like the Land Commission.

Senator Terry Leyden: The Minister has a good memory. Unfortunately, the Land Commission has gone as well. The post office was very tightly fought over in different areas. It was always the responsibility of the Minister of the day to make appointments. I am sorry to see a major post office in Castlerea go into the private sector. It is doing a good job so I am not knocking it and I wish the people who got it well. The Minister is moving in the right direction and I commend him on what he is doing. He has grasped the issue very well. The postal area is developing and expanding with developments in packaging and Amazon. We have a tremendous postal service. People can receive next day delivery practically everywhere in Ireland.

Acting Chairman (Senator Gerard P. Craughwell): The Senator is out of time.

Senator Terry Leyden: I am discussing an area on which I am comfortable speaking.

Acting Chairman (Senator Terry Leyden): I know the Senator is comfortable but he is out of time.

Senator Terry Leyden: In fairness, Irish Rural Link is doing a very good job and I would listen to its advice and proceed with the banking system it proposes as quickly as possible.

Senator Marie-Louise O'Donnell: I thank the Leader for facilitating my request to have the Minister come to the House and thank the Minister for taking the time to do so. I appreciate it. The big question is where lies An Post, the country's national treasure? Does it envisage becoming a full service bank like Kiwibank in New Zealand or the Sparkassen in Germany or does it plan further co-operation with the pillar banks? That is my main question this afternoon.

An internal memorandum from the retail marketing manager of An Post - I will not name the person who wrote it because she needs to go to language and linguistics classes - states that from 24 May, An Post will kick off a campaign to promote banking services at the post office and that the recipients of the memorandum will find enclosed a show card for display in their post offices. The memorandum states that this formed part of a larger focus to promote banking services at the post office to help bring new customers to the post office. An Post is "kicking off" - that is the level of communication. A banking service, involving AIB, Ulster Bank and Danske Bank, is what is kicking off in the post office. We are handing the post office network over to AIB, Ulster Bank and Danske Bank and closing 390 post offices at the same time. Let me remind the House about AIB. According to Mr. Bernard Byrne, the chief executive of AIB, management is creating a customer-centric, sustainable bank with a sustainable margin that will, in time, see it fully repay the State's €21 billion. He is referring to a capital injection of €21,000 million over a five to ten-year timeframe. That is great. These billions were lent to AIB in 2008 by me, you, all the other Senators and taxpayers. AIB, which is to become part of

An Post, is already ten years in arrears with another eight to go, or 18 years in total. It is one law for the banks and another law for me. Given that AIB is 99% owned by the State, this defies logic. The State wants the bank to be customer-centric in post offices and make bellboys of the post offices with a harp over the door. That is my opinion.

The chief executive of AIB has a salary of €500,000 and two former AIB executives have been handed prison sentences. So far, we have only got back €10 billion of the €21 billion we pumped into the bank. In 2012, AIB cut 2,500 jobs and its soured loans peaked at €29 billion in 2013. In 2014, the bank came looking for bonuses, while in 2016, it fared among the worst in European Union banking stress tests. In the same year, it emerged that 3,000 customers had been wrongly denied a tracker mortgage rate over the previous decade.

In 2017, AIB paid the State €280 million of the €20 billion it owes us. AIB remains the lender most likely to sue its customers in the High Court. AIB applied for debt summary judgments, where the bank seeks an immediate court ruling against a borrower without a trial and gaining recourse to any and all of the borrowers assets, on 755 occasions according to the 2017 court records. It is now at the counters in An Post. That is great.

Here are some facts about Ulster Bank. It is repaying €15 billion to its parent company, Royal Bank of Scotland, and we know about Royal Bank of Scotland and the fines it has had to pay. This is owed to the British and Irish taxpayers, where we put the money in North and South of the Border. We never learned what the split was, but the Republic is thought to have been responsible for two thirds of the billions. It now stands as a loan entity. The chief executive officer left and he now works for Paddy Power. That is great.

Ten years ago this month, our national debt was €39 billion; today, it is €200 billion. These are the banks that the Government wants An Post to deal with. It wants An Post to publicly subsidise our commercial banks. Are the commercial banks the real force pushing the flawed three-year deals at An Post, capturing a national asset for failed banks in order that they can overprice and profit? A similar deal was done in the UK with Bank of Ireland, and Bank of Ireland takes huge profits from the post office network there. It will cost UK taxpayers £2 billion to get rid of the bank. They cannot get rid of it even though they want to do so because it takes all the profits.

I appreciate everything the Minister has done and said, but pages two and three of his speech are full of waffle and obfuscation. Why have we not tried out the New Zealand Kiwibank model? The Minister said that we have done so, that we have stakeholders and that we are looking at reports, but in the middle of this, AIB and Ulster Bank are moving in. The head of retail banking has told us this. They are moving in on all the post offices. Why have we not piloted this model? What is the delay with the pilot? It is a phenomenal success and I do not have to go into the Kiwibank. Its profit over three years has been phenomenal. It is for the people. It has captured 20% of the market, and, therefore, 20% of New Zealand banking is in public hands. In Ireland, 95% of banking is commercial, which is disgraceful. In Germany, which has the Sparkassen model, only 12% of banking is commercial and 70% is community-based providing loans with an interest rate of 1.1%. The model is the backbone of the German economy and it is the fourth largest in the world. Will Ireland even try to copy that model and not let the other banks that beggared every one of us in the door? I will not put my money anywhere near the counter of a post office if I see the big fat, greedy, profiteering names of AIB and Ulster Bank on the counter.

Senator David Norris: Hear, hear.

Senator Marie-Louise O'Donnell: It is not going to happen.

Commercial banks in Ireland control our markets and our lives and they are predatory. The Minister has known for years that the post office network required investment and creative thinking, and the Government has failed. We have no State or community banks. AIB, Ulster Bank and Danske Bank will not become community banks, while Germany has 1,400 of them.

If I were working in the post office, I would start a strike to get those profiteering banks out the door and to adopt the models I have discussed across the country. It only takes creative and imaginative thought to do it and to get on with it. We seem to be lazy about it. Where is the motion on this that was presented to the Dáil that 158 Dáil Deputies signed? Where is the submission of Irish Rural Link, which was mentioned, that relates to the Sparkassen public bank foundation in Germany. What about the Grant Thornton report, which discussed the financial issues and the decline in the post office network and the €60 million needed for the processing of social welfare payments, which was ignored?

The Minister has sidetracked opportunities on motor tax, proper community banking, payment of household charges and hospital charges, and he has not implemented the commitment in the programme for Government. I am very much a believer in Fine Gael and all it has done, but this has gone wayward. I recommend the Move your Money campaign. This will be a thorn in the side of the Government. One has to stand up somewhere and I will stand up against the commerciality of the post office. I will suggest to An Post that it takes my advice, closes the doors, and does not put up the great retail manager who cannot write a sentence, and kick AIB and Ulster Bank out of every post office. It will bring An Post to the place where we now are.

Acting Chairman (Senator Paul Daly): The Senator is a minute over time.

Senator Marie-Louise O'Donnell: Everybody has forgotten what the State owes, what we are being paid back by these banks, what these banks did to everybody and the greed they inflicted on every household and person in Ireland. It is not the way to go. This is certainly not the way to go if it is not, at the same time, paralleled with piloting Sparkassen or Kiwibank.

Acting Chairman (Senator Paul Daly): Thank you, Senator. You are over a minute over time.

Senator Marie-Louise O'Donnell: I thank the Acting Chairman, but I was the one who asked the Minister in.

It is hard to get banks out once they are in. We should pilot those other community banking structures at the same time and give the people choice. I am angry about this. I do not like it and it will not go away.

Senator Máire Devine: Well said.

Senator David Norris: *Bravo.*

Senator Tim Lombard: I welcome the Minister to the House to discuss this important issue. These statements are also an opportunity to have a debate on the post office network itself. The Minister outlined the significant services provided by An Post. In many ways, the Minister's statement clarified many issues regarding An Post's activity. The view was that we went

to the post office to get a stamp and that was it. The level of activity in An Post is something we need to be proud of. We should also discuss the immense services it provides.

An Post is going through a process of change. In recent weeks, post mistresses and postmasters received letters to state they have until 31 July to make a hard decision. It is a hard decision because they are an important part of the community. Some have been running post offices for decades, and now they must decide whether they will take the package on offer by 31 July or continue on the old contract with the possibility that their businesses will not survive. This is an issue for the network. This year will tell a great deal about how the network will look in the future. When we get information, such as that which the Minister has given the House, about the level of activity in post offices, it is important that we talk about it. We must also begin to talk about the fact that if we want a post office in the community we have to use it, and not just talk about it and campaign on it but physically use it. This will be something that all of us will have to deal with. We all must send the message - use it or, unfortunately, lose it. It is important that we get this message out there.

Expanding services is crucial, whether they relate to banking or motor tax. Work has been done on some of these issues and we must discuss them. We have to progress the motor tax issue at pace. The ability to renew motor tax in a post office would be a logical step. As other Senators have mentioned, a cohort in society does not have the ability to use the Internet. They do not renew motor tax online and will need an opportunity to go to a base to get their documentation. Senator Leyden mentioned the agricultural sector. The amazing aspect of the single farm payment system is that it is 100% online. Everything has to be done online to secure the basic payment. The post office is the obvious place for a hub that people can go to. This would be important for the rural dynamic to work.

With regard to the banking system, there is some activity regarding An Post, the banks and outside banks. We must acknowledge that it helps people who need to move money in and out of bank accounts. We are discussing today what the next system should be and what the real An Post system should be. We are discussing which system we should choose. I looked into the Kiwibank system. It has some exceptional merits. A lady working in my office from New Zealand never used the system. She is from an urban centre. She said the system is more for the rural parts of New Zealand.

Senator Marie-Louise O'Donnell: Which we need.

Senator Tim Lombard: Indeed, but the rural part of Ireland needs to be considered also.

Senator Marie-Louise O'Donnell: AIB will look after us.

Senator Tim Lombard: May I speak? I did not interrupt anyone. We need to consider a system that can be incorporated. We need to go through a proper process, however, and ensure the system will be right for us.

Senator Marie-Louise O'Donnell: In the meantime, commercial banks-----

Senator Tim Lombard: If I could speak-----

Acting Chairman (Senator Paul Daly): Senator Lombard should be allowed to speak.

Senator Tim Lombard: Indeed. What we are saying is that we need to know this will be right for us. We have three options but we need to choose the right one. We are not going to

rush into this. The action has to be right for the Irish people and the Irish psyche. The key point is that there is much activity in the An Post network. An awful lot of work needs to be done in the next few months. The real issue for me is that, from now until 31 July, many people will make some very hard decisions that affect their communities. We have to acknowledge that. The next step, when the decision is made, is to incorporate a system that will ensure that what is left of the network is sustainable.

Senator Grace O’Sullivan: I welcome the opportunity this debate affords us to examine the financial services landscape in Ireland and the need for An Post to provide services for a new generation of customers to whom traditional postal services appear irrelevant. There will be a great temptation to see the Kiwi post bank system, which we have heard about here, not just as a solution to the future threats faced by An Post but also as a solution to the dominance of the commercial banking system we are unnecessarily encumbered by in Ireland.

In the 2011 report by the commission of investigation into the banking sector in Ireland, Professor Peter Nyberg stated:

In explaining the simultaneity of the failures in Irish institutions, the Commission frequently found behaviour exhibiting bandwagon effects both between institutions (“herding”) and within them (“groupthink”), reinforced by a widespread international belief in the efficiency of financial markets. Based on this, the Report finally offers some lessons that could help avoid future similar occurrences in Ireland and elsewhere.

Herding and groupthink are still strongly in evidence in Irish banking, and a challenging and competitive new model is required here, not just another private commercial bank that disrupts for a while and then leaves again. What is needed is a bank that is culturally different, a bank that accompanies a loan to a business with real support and financial guidance throughout the term of that loan, that puts money into public works and, ultimately, that does not see profit maximisation as its reason for existence. Such banks do exist, as the Minister knows. They are publicly owned so they have no shareholders — only trustees — and they exist, therefore, to build up regional economies.

The Green Party supports an expansion of the financial services being offered by post offices, including banking services. Indeed, we see it as inevitable that such a development will happen. It would give customers the opportunity to take their business away from their current bank, based on return on savings, cost of loans and general banking charges. It also seems to us, however, that the institutions most impacted by such post banks and the additional competition they would bring to the market would be the credit unions rather than commercial banks. In this regard, a comprehensive analysis paper from the Department of Finance and the Central Bank would be a welcome addition to the Minister’s proposal today.

The equally pressing issue of restructuring the banking landscape in this country must be restated. Postbanks are not equipped to become the regional economic driver that strong savings and loans banks in public ownership and operating as key lenders to SMEs in the €50,000 to €500,000 space, can be. Such a proposal to create a true third force in Irish banking will indeed challenge the commercial banks, which currently compete primarily to satisfy shareholders rather than stakeholders, and which continue to gorge on mortgage and business loan rates.

The regional public banking model would also enjoy the advantage of public ownership in perpetuity. Demutualisation will not happen in the event that they are established, or even in the

event of the sale of shares to private institutions, as happened with Kiwibank in 2016. Profits will not be used to give shareholder dividends but, rather, will be put back into core capital and into public works, potentially for local authorities, which may act as the legal trustees of the institutions, as is the case with Germany's Sparkasse banks.

I understand that a very significant offer of technical support from the public banking network in Germany is currently on offer to the offices of the Minister for Rural and Community Development, Deputy Michael Ring, and the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty. This would facilitate the creation of a working group to engage on a detailed design for the establishment of six or eight regional banks around Ireland. These public institutions would be availing themselves of savings from the local and regional population to lend only to SMEs in the region, thereby capturing local wealth created and recycling it as future loans and interest on local savings. The potential for regional growth is evident, at a time when we are trying to grow our regions through the national development plan. Public banks would act as the perfect tool to make real the vision of more balanced growth around the country. I urge the Government to make a decision on this working group offer, and I hope it can support the public banking system while also delivering for the post offices.

Senator Rose Conway-Walsh: I welcome the Minister to the House again for this long-overdue debate on the establishment of another tier in the Irish banking system. There has never been more reason to have a regionally-based, common-good oriented and publicly-mandated banking system. We need a banking system we can trust. If there is one thing we have learned from the crash and the financial abuses, it is that we need to be able to trust our banking system. I am a member of the finance committee, which deals with this subject very regularly. We saw how the tracker mortgage scandal has affected customers who entered into mortgage contracts in good faith with the banks. In my time dealing with this issue as a member of the committee, I was continually struck by the absolute disconnect between the banks and their customers and the disrespect shown to the latter. We see this even in the numbers reported to the Central Bank. The numbers increased all the time. Trying to get the truth out of the banks at the finance committee was nearly impossible. That is a serious problem we must address.

Senator David Norris: Trying to get money out of the banks is impossible.

Senator Rose Conway-Walsh: Absolutely. I agree with the Senator.

Senator David Norris: Every time one goes in looking for something, one is told it cannot be done.

Acting Chairman (Senator Paul Daly): Enough conversation.

Senator Rose Conway-Walsh: I will say it for the Senator. It is true. When one goes into the bank, one is told one must come back between certain times to get one's own money.

Senator David Norris: Yes.

Senator Rose Conway-Walsh: It is crazy, especially for people in rural areas. This is why we are talking about a rural banking system, although I acknowledge the proposal is for SMEs. That people from a rural area who have no public transport and who have to travel miles to the bank are told to come back the next day is absolutely bizarre. It is happening because it is being facilitated. I lost count of the number of times we were given guarantees that customers who had been identified as being affected by the tracker mortgage scandal would no longer be

contacted or, indeed, harassed by those same banks looking for the payments, yet this continued in very many cases. Therefore, there is something seriously wrong with the current banking model.

On 2 May, my colleague, Deputy Doherty, asked when the interdepartmental report on public banking, which is based on the Sparkassen model, would be published. Let us remember that the publication of the report has already been delayed by several months. The Deputy was told that the report had been completed and it would be brought before the Government in the next few weeks. Has the Minister present, particularly as he sits at the Cabinet table, seen the report? When will it be published and made public?

The current threat to more than 390 post offices brings the issue of public banking into sharper focus. The postmasters at these branches have been offered a no win situation. Either they take the offer of a redundancy package of two years salary now or they try, as best they can, to keep their branches viable. The current option that has been presented is that the post office network must downsize and that the remaining branches in larger towns should open themselves up to the pillar banks and offer their services. It seems that Ulster Bank, AIB and Danske Bank are now being presented as the saviours of small post offices. The reason for discussing public banking is that we desperately need another banking model that is not open to the greed and incompetence that we saw those very same pillar banks destroy our economy. Why has the current offer been made to the postmasters? Surely if the Government was serious about setting up a second tier of banking it would strive to keep these branches open. There is also huge political will to get this done. I know that the previous Governor of the Central Bank favoured a second tier of banking. The current Government has a commitment to seriously examine the issue in the programme for Government. It is not as if we would venture into the unknown. There are many examples worldwide of public banking that uses or co-operates with existing structures, such as the postal network and delivering a second tier banking system.

I welcome Mr. Noel Kinahan from Irish Rural Link to the Gallery. I commend the work that Irish Rural Link has done on this matter. It is not like reading a blank sheet because proposals have been put forward. The German cohort met the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach again. I hope to be part of the delegation from the committee that will travel to Germany in September. On that occasion we will take a closer look at the German banking system and try to identify ways to replicate the model here. There are lots of answers and there are lots of actors involved. However, it is the Government's responsibility to have a banking system that meets the needs of its people.

Public banking is not solely focused on commercial lending and returns to its shareholders. It can play a huge role in lending to SMEs that are still a major employer in rural Ireland. In Ireland as much as 90% of lending to SMEs is controlled by two banks. I believe we cannot allow that situation to continue and we can no longer remain dependent on two pillar banks. The post office has a far greater presence in local communities when compared with pillar banks. The post office network could help re-establish the relationship between the borrower and lender. When one has a public community system like that one has a relationship, and such a relationship existed before the banks got greedy and reckless. It means that one could approach one's bank manager and bank personnel to discuss one's needs and plans with them.

One of the things that has disappeared from the pillar banks, especially in rural areas, is the relationship between a bank manager and his or her customers. I hear that refrain from members of the farming community all of the time. When these people approach banks now

nobody understands the farming industry and how payments are lodged into and leave one's bank account at certain times of the year. As Senator Norris has said, in many rural branches one can no longer deal in cash, collect foreign currency or even set up an appointment with a member of staff.

In North Dakota and Germany there are public banking systems in place. I think a public banking system has been in place for 200 years in Germany. Such systems have proven to be really successful. Notwithstanding the fact that North Dakota has a population of only 750,000, as much as \$1 billion has been returned to the state in North Dakota, which was given back to its citizens. In this country the banks have not had to pay corporation tax for decades. The money collected from such a tax could be spent on tackling the neglect of rural Ireland. If this country introduced a public banking system and the system was invested in rural Ireland then we could have a completely different approach thus leading to an entirely different outcome for our citizens.

The New Zealand model that we are considering today was established in 2002 yet already it has 20% of the overall banking market that caters for its population of 4.6 million. The New Zealand banking model could be replicated in this State. We have heard from representatives of the Kiwibank that the banking service was offered in order to break the back of the major Australian banks that held a huge market share in New Zealand yet they sent most of the profits back to Australia. The post office network needs something new. The public banking model holds the chance of keeping branches open and giving customers a choice in banking. We have talked for a long time about the fact that customers were mistreated by the major banks. I believe it is time to allow them to vote with their money and business and be allowed to embrace a new model of banking that has proved successful in many countries, including New Zealand. I firmly believe in a public banking system and Sinn Féin, as a party, has always believed in a public banking system but after the economic crash it is an imperative. Let us not forget that only the Government can deliver and put impetus on introducing a public banking system.

Acting Chairman (Senator Paul Daly): I call Senator James Reilly who has five minutes.

Senator James Reilly: I ask the Acting Chairman to let me know when I have a minute remaining.

Acting Chairman (Senator Paul Daly): I will, yes.

Senator James Reilly: I welcome the Minister to the House and I also welcome the Government's support and commitment to the post office network outlined.

I welcome any proposal that might bring new banking services and competition into Ireland. Clearly, we have a major problem with our banking system. We have a situation where we are clearly, with the pillar banks, running away from face-to-face interaction with customers. Everything is going online, which many people find challenging. They find that when they do not live in a large area, and even when they do, it is difficult to access the bank.

Others have mentioned the presence of Mr. Noel Kinahan in the Public Gallery. I, too, acknowledge his presence because Irish Rural Link has proposed to establish a new community bank in co-operation and partnership with Sparkassen community bank.

Senator Marie-Louise O'Donnell: Hear, hear.

Senator James Reilly: Like other speakers, I strongly support the initiative. Also, I was very determined that its representatives would come before the Oireachtas Joint Committee on Business, Enterprise and Innovation, as well as the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach because of one matter. The cost of doing business in this country, affordability and access to credit, which we have considered as a committee on many occasions is an issue that crops up repeatedly.

The Central Bank's SME report has produced serious information. The statistics clearly identify that there was an increase in the rejection rate of loan applications, which is up 13.9%, between March and September last year. To those who claim there is no problem I say that there is a serious problem. With the closure of branches it means that banks will become increasingly less involved in community and, therefore, less able to understand people's business. In the past, due to a culture of a bonus operated rewards system or common system, emphasis was placed on lending and not what one was lending for.

In terms of the post office, I echo many of the comments that have been made. Its importance to rural Ireland, and in many cases urban Ireland, cannot be overstated. We need to support them. It seems to me that the Kiwibank is certainly a model that should be considered, in terms of the post offices. I still want to see Sparkassen in this country too. As others have said, Sparkassen has a history of 200 years of supporting their communities, of a not-for-profit bank that has survived world wars and major depressions. They want their model to be adopted by this country. Unfortunately, the code of the bank does not allow them to set up and own other banks in other countries. People support the Sparkassen model and it trains people and helps to establish units. Of course, we also have our excellent credit unions.

I want to see an increasing number of facilities being made available through our post office network, which is critically important. If we lose them then we will never get them back and, believe me, we will rue that decision dearly. We have discussed rural Ireland and the supports that the Government has put in yet we know that shops are closing, the local doctor is leaving and an ever increasing number of services are operated centrally. We talk about rural Ireland and the supports the Government have put in but we know that shops are closing, the local doctor is going and more and more services are being centralised. Some of that is unavoidable but the post office and its network is clearly a huge asset. It can still deliver for us and can deliver an alternative to the pillar banks that we have at the moment. The same is true of the Sparkassen model as well. Like others, I will be going over to see that in operation later this year. I wish to ask the Minister, as others have, where the report is. The response to a parliamentary question a month ago was that it is imminent but yet it is not to be seen. We cannot move this situation on until such time as we have that report. We could be on the brink of a revolution, akin to the revolution in agriculture when farmers came together to form co-operatives and then communities of co-operatives, after which those co-operatives ultimately became larger and now sell Irish products all over the world. They are a huge success story. The current Government and its predecessor have brought huge social change to Ireland with the marriage equality referendum, the end of corporal punishment against children by getting rid of the defence of reasonable chastisement and, more recently, by giving women rights over their bodies and their reproduction. Why can we not now have revolution and real change in our financial services-----

Senator Marie-Louise O'Donnell: Hear, hear.

Senator James Reilly: -----which are so integral to all our communities. We can give the

power back to the people, give control of their money back to the people-----

Senator David Norris: Hear, hear.

Senator James Reilly: -----and remove it from the faceless suits that make decisions in faraway places, decisions which in the past have nearly wrecked this country.

Senator Marie-Louise O'Donnell: Hear, hear. Well done.

Senator David Norris: First, I must pay tribute to Senator Marie-Louise O'Donnell, who originated this extremely important debate. I have to say I cannot hide my distaste for the banks. They look to me like cockroaches, the only thing that would survive a nuclear explosion. We had a kind of financial nuclear explosion in this country. We thought everything was devastated and then out came the cockroaches again. They have absolutely not changed one whit. They are still behaving in the exactly the same way, that is, disgracefully. I will give a couple of examples. The Ireland Palestine Solidarity Campaign is a perfectly decent pacifist campaigning organisation. The Bank of Ireland has unilaterally closed its account at the instigation of the Israeli Government. None of us are safe if banks are allowed to get away with that. I understand they have refused the accounts of several diplomatic missions accredited to this country. How do we get on with banks like that? They should be put in their place. They are gagging to get at their emoluments, extra payments, bonuses and all the rest. These people are utterly shameless.

Senator Marie-Louise O'Donnell: Hear, hear.

Senator David Norris: The one thing they do not want is customers. If one goes into any bank, one will immediately meet someone directing people to a machine nearby. One dares not approach a living human being.

Senator Gerald Nash: If one can be found.

Senator David Norris: If one can be found. I was in the bank where I have had an account for 70 years, at the old home of the Parliament of Ireland at 2 College Green. I had not been there for a long time because the bank keeps pushing one out. There are no services. One cannot get this and one cannot do that. I was amazed at the things the bank will not allow one to do with one's own money. The bank will not cash a cheque over the counter. It is the customer's money. It will not send less than €3,000 or more than €5,000 or whatever is the rule. Every transaction one tries to make as an individual citizen is hammered. I have recently been buying a flat with some of the proceeds of the ten libel actions I took after the last presidential election.

Senators: Hear, hear.

Senator David Norris: Hear, hear, absolutely. Bingo. One in the eye for me.

Senator Diarmuid Wilson: What did the Senator do with the rest of it?

Senator David Norris: The bank first thought it could transfer €100,000 a day but then it turned out to be only €20,000 a day. I eventually managed to overwhelm them and I managed to get it done. I went into the bank at 2 College Green the other day. It has an enormous banking hall, at least the size at least of this Chamber, with about 20 cashpoints, only to discover the bank had closed the foreign exchange department and had moved it into the main banking department. The bank also had only three people on duty. These unfortunate people were dealing

with a catastrophe in the form of an enormous crowd that was snaking around all over the place. In my usual way, I demanded to see a manager but on this occasion, I must have been too feeble as they did not produce the manager but gave me a card to write a complaint. Consequently, I wrote all over the complaint card.

Those are the banks that now want to get into the post offices. Oh dear. Why the hell did they close their branches in these areas? Now they want to get in again. They will not have to pay for the plant and equipment and all the rest of it. They are cockroaches, leeches or lizards. They are some peculiar form of humanoid insect life. I have to hand an internal memorandum saying that An Post is kicking off a campaign to promote banking services but it does not say who the service providers are. We know the providers will be AIB and the other one.

The banking services they offer are listed here. The memorandum refers to cash lodgement and withdrawals, credit card bill payments and more. Customers can ask at the counter for details. Does that mean they actually will be doing things in the former post offices, as they stagger on, in order that they will not have their own customers in their own branches? This is bloody ridiculous. It is absolute farce.

These are the banks who treat their customers with such utter contempt. These are the banks that were rescued and saved by the taxpayers. If one looks at the post offices, more than 300 of them are going to be closed down. In rural Ireland, post offices are closing all over the place. Banks have closed all over the place. Garda stations have closed all over the place. I would say we will soon have Roman Catholic churches closing all over the place. It does not give me any great comfort to say that. I am not antagonistic to the Roman Catholic Church at all but it is another community institution. It is where people met one another, where they socialised and exchanged information.

Senator Terry Leyden: They have been around for 2,000 years and they will still be there.

Senator David Norris: I hope so but I am not at all sure because things certainly have changed.

I will list the post offices that are closing down in three counties. In County Clare, they are Carrigaholt, Cooraclare, Craggagh, Cree, Doonbeg, Drumandoora, Feakle, Kilfenora, Kilmurphy McMahon, Labasheeda, Lissycasey, Quilty and Whitegate.

In County Limerick, 18 are closing, namely, Anglesborough, Ardagh, Athea, Ballyagran, Ballyneety, Broadford, Kilmallock, Creora, Drumkeen, Feenagh, Kilbehenny, Kildimo, Knocklong, Lisnagry, Mungret, Old Pallas, Oola, Shanagolden, Templeglantine. In County Kerry, 26 are closing, namely, Abbeydorney, Asdee, Ballinskelligs, Ballylongford, Ballymacelligott, Banemore Cross, Beaufort, Blackwater Bridge, Castlemaine, Causeway, Cordal, Currow, Duagh, Farranfore, Glenflesk-----

Senator Paul Coughlan: All very good places.

Senator David Norris: -----Gneeveguilla, Headford, Killarney, Kilcummin, Kilflyn, Kilmoyly, Knocknagoshel, Lisselton, Lyracrumpane, Mastergeehy, Moyvane and Scartaglen.

I would advocate that we introduce something like the Sparkasse bank or Kiwibank, which offers personal banking, home loans, personal loans, credit cards, everyday accounts and business banking accounts. Its services include business lending, international services and invest-

ments. There is a large range. Kiwibank is a publicly owned bank. It won the *Sunday Star-Times*-Cannex banking award in 2006 to 2010, inclusive, and 2012 for offering the best value across their range of products. It was also voted New Zealand's most trusted bank. There is a word. How many of us trust banks?

Senator Marie-Louise O'Donnell: Nobody.

Senator David Norris: Suas leis na lámha, how many in this House trust banks? Not a single bloody one. We do not trust the banks. However, Kiwibank can be trusted. It is a mutual bank. It is a bank that is interested in the welfare of the citizen, and that is what we want. May I make a final remark to the Minister?

An Cathaoirleach: The till is closed, Senator.

Senator David Norris: At the time of the financial crisis, a great opportunity was created to reimagine the banking system. The mistake that was made was that governments all over the world, including here and in France, Germany, England and America, went in to rescue the financial services and let the people go and bugger themselves. Good government means looking after the welfare of the citizens.

An Cathaoirleach: I call Senator Gallagher. I must hand over to the Minister at 2.46 p.m., which is only six minutes away. Unfortunately, that is the way in which the business is ordered.

Senator Robbie Gallagher: That is the way it goes.

An Cathaoirleach: I cannot change the time because this item of business has to conclude at 2.51 p.m. Unless Senator Gallagher wants to be generous and-----

Senator Robbie Gallagher: As always, I will display my generous side. It will only take a couple of minutes to say what I have to say.

An Cathaoirleach: Good man.

Senator Robbie Gallagher: The Minister is very welcome. I enjoyed Senator Norris's contribution. It was very humorous but also very serious.

Those of us who live in rural Ireland know we are definitely at a crossroads when it comes to our future. No one can deny that rural Ireland is in decline. Of that there is no doubt. We have discussed the decline of rural Ireland, but someone must call a halt, and Government needs to play an important part in this. The main pillar banks have turned their backs on rural Ireland. We all see this. They have left the people with no banking service. It is a case of "if you do not like it, tough". Is anyone calling the banks to account? Is anyone calling them in and telling them this is not good enough? It is time Government did so. I know banks will tell us that everything is moving online and that this and that can be done online. Yes, we all want to embrace new technologies - that goes without saying - but, for many of our citizens, broadband, as the Minister knows well, is non-existent, so doing anything online is also non-existent. Many of our citizens, particularly the elderly, find the whole concept of dealing with the Internet very challenging, and we should not turn our back on those people. Once upon a time, the banking system was based on the person; it was person-focused. Now the person is more of an obstacle than anything else for the banks. We should not lose that human contact. We are Irish. We are different from the rest of the world. We believe in human contact, we believe in friendship and we believe in community. If we believe in all these things, we need to put the infrastructure in

place that ensures we sustain those qualities. These qualities are reflected in the post office network. Senator Reilly mentioned in his contribution the importance of this and how we would woe its decline in years to come if we allowed it to disappear off the landscape. Unless Government acts very swiftly, that is exactly what will happen: the post office network will decline.

Regarding the addition of services to communities in rural parts of our country, this banking model is definitely worth consideration. I compliment Senator Marie-Louise O'Donnell on her work in this area and Irish Rural Link for its work as well. Irish Rural Link made a presentation to Government in early 2017 and is awaiting the outcome of the Government's deliberations on that.

As I said, we are at a crossroads. It is over to the Minister and the Government to show us that rural Ireland is important and has a future. Part of this will involve putting the necessary infrastructure in place to ensure we have that future. Part of it involves adding more services to our already well-located post office network in order that our citizens will have contact with human beings as opposed to machines, where they can talk to the people behind the counters about issues they might have. This banking model, which has been hugely successful in Germany for over 200 years, to my mind, is a no-brainer and something we must embrace if we are serious about the future of rural Ireland.

An Cathaoirleach: There is only one minute left. Senator Lawlor has priority, but the difficulty I have is that the business is ordered and there is a debate on mental health next. I ask Senator Lawlor to be very brief.

Senator Anthony Lawlor: I will take 30 seconds because I have just one quick point to make.

An Cathaoirleach: I will give the Senator 30 seconds.

Senator Anthony Lawlor: We are here discussing the future of An Post and whether we can get community banking into the country. One idea in Ballymore Eustace, County Kildare, is that the post office offers the services of an online doctor. These kinds of ideas should be brought forward to the post offices.

We already have community banks here that need to be looked at. They are the credit unions. There is a credit union in every community. The credit unions need to be strengthened and given better-quality governance. I must admit, I like the idea of a central service provider. The credit unions should be adopting that. The Irish League of Credit Unions, ILCU, should provide that so the small credit unions can remain small credit unions in the community rather than having to amalgamate. Those are my two suggestions for the Minister.

Senator Alice-Mary Higgins: Others have spoken about the challenge facing our post office network and the linked but separate challenges of the need for an alternative to commercial banks and the hugely disproportionate weight of commercial banks in Ireland, which is out of line with anything anywhere and dangerous for society. Senator Marie-Louise O'Donnell's excoriating and brilliant speech covered that, so I will make just two points.

In addressing the post office network problem, we need to ensure we do not accidentally fail to address the question of the alternatives. I am worried about something I have seen happen again and again. While the excellent Sparkassen and New Zealand models, for example, are very well developed proposals, there are talks about pilots - pilots in rural areas and pilots in

urban areas - yet, at the same time as we are piloting good practice and doing reports on it, we are rolling out-----

Senator Marie-Louise O'Donnell: That is it.

Senator Alice-Mary Higgins: -----bad practice. We are handing over the territory on which we hope these new community banks and public banking will take place. There is a choice here. We need alternatives, not simply new agents of the existing commercial banks. We need to ensure we do not take that space away.

My final point, which is very important-----

An Cathaoirleach: The Senator's time is up.

Senator Alice-Mary Higgins: I will say this because it is a direct question to the Minister. Is it not the case that those commercial banks do not pay taxes because they are writing them off? If we have new banking models, they will not only be profitable, they will also feed back into stakeholders and communities rather than shareholders. They will also be paying tax properly. At present, the existing heavily loaded banks do not even contribute at that base level. We should not be facilitating them. We should be giving that space to the new alternatives that are on the table. What is the plan to scale up from the pilots?

An Cathaoirleach: The Minister has only five minutes because of the way in which the business is ordered. I must do my job.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I will do the best I can in the time available.

One can complement the other, but there are two very separate issues here that I wish to address. The first is the future of the post office network. We can talk about all the banking models in the world; if we do not have a network, we are going nowhere. Eighteen months ago, the chief executive of An Post came to me and told me that within 30 weeks An Post would run out of money and no longer be viable. There was no money to pay the staff. The issue of the local post office has been kicked down the road by Minister after Minister. The last time we had a new post office contract with postmasters in this country was in 1907. I gave a commitment to postmasters long before I was appointed Minister that I would try to have this issue brought to a head once and for all and plan out a clear future for the post office network. The solution that was presented to me 18 months ago was that we would reduce the postal deliveries to a three-days-a-week service in rural areas and that we would see vast swathes of rural Ireland without access to post offices.

The post office network is not viable without a sustainable An Post. There are 1,122 post offices throughout the country and my intention, despite some of what has been said today, is to try to maintain the maximum possible number. That is the objective of the company itself. There will be no compulsory closures - zero. Senator Leyden asked about viable post offices. A viable post office cannot close under this protocol unless it is taken up by another person, particularly another retailer in the community. Even when it comes to post offices that are not viable, if someone else within that community - a retailer, for example - is prepared to take on that service, it can continue in that community. That is the factual situation. Senator Norris is wrong in regard to the post offices and communities that he listed earlier. Postmasters have been written to and they have been provided with an offer, but there is a clear procedure in place

that has to be followed. An independent review process is in place and the joint committee will review that protocol after six months of operation to ensure we protect communities across the country.

An Post has four big strengths - its brand recognition, it is trusted by the public, its nationwide network and it had a van delivering five days a week. Now, of course, that has expanded and it is now delivering parcels six days a week to every single premises in Ireland. I welcome that expansion of its parcel service and hope to see it extended. The difficulty is that many postmasters and postmistresses believe that digital services are the end of the post office, whereas I believe the opposite and that it provides us with huge opportunities to provide additional, new services through the post office.

Some of those services are delivered on an agency basis. In my initial contribution I pointed to the bill payments service where over-the-counter services for Electric Ireland, Bord Gáis Energy and so forth are provided through the post offices. I listed three banks where, again, an agency service is being provided to customers. That is an agency service and it was never planned to be a banking service provided by An Post. Nonetheless, An Post is providing financial services to 1.7 million customers on an annual basis and this provides the company with a huge opportunity. An Post is exploring a range of financial services and the banking counter service for the three banks is only a small aspect of this. That service has been in place for years but is not being utilised to the extent that it could be to bring additional income into the post office network. An Post is looking at additional banking services, including current account, loans and other credit facilities.

I want to pick up on a point made by Senator Anthony Lawlor. Everyone is talking about a German banking model, but Senators Lawlor and James Reilly were the only two who mentioned the other banking model - the credit union movement. I have extensive engagement with the credit union movement, which could provide far more services and which is anxious to lend to customers and to small businesses. This is an issue I have taken up directly with the Minister for Finance, namely, how can we unlock the capital and potential in respect of that ethos which is so robust across the country.

We need to look at every avenue. That is why we are so determined to expand digital services, particularly Government digital services, in order to provide an offline option for people in communities. This should not be just in regard to Government services but also services such as *switcher.ie* and *bonkers.ie* whereby people can save up to €300 on their electricity bills. People who are offline cannot avail of that today and the post office should, and must, be able to provide it.

Separately, we need a new banking model in this country. Whether it is the Kiwibank, An Post, credit union or Sparkassen model, I do not care, but we need another avenue. While this is something I am committed to, the House should not for one minute believe Kiwibank is the solution to protecting the post office network in Ireland. They are two separate issues. The Kiwibank website states:

The challenge

An outdated retail network experience that is expensive to run and doesn't fit our modern customer needs for both postal services and for Kiwibank.

Our plan

30 May 2018

Our plan is to deliver our customers' postal and banking services in ways that better meet their needs – this includes in-store and digitally.

It is happening in New Zealand, where they are trying to wind down their retail network. What I am trying to do as Minister is maintain, insofar as is humanly possible, the maximum number of post offices across the country. I believe the best, most fruitful and most productive way to do that is through delivering digital services offline in local communities through the Government.

I listened to the contributions made today. Bobby Kerr prepared a report a number of years ago. There were 226 Oireachtas Members at the time. How many of those 226 bothered to make a submission to Bobby Kerr on suggested futures for the post office? The answer is six - myself and five others. What I am talking about in regard to digital assist is having an offline service for Government online services, and this was in my submission to Bobby Kerr. As Minister, I am determined to follow through on that, engaging with ministerial colleagues and with the Office of Government Procurement. I intend to deliver on that because the postmasters, An Post and I believe that it is the best available opportunity today to bring cash flow into local post offices and maintain as many of those 1,122 post offices as is humanly possible.

Report on Children's Mental Health Services: Statements

An Cathaoirleach: I welcome the Minister of State, Deputy Jim Daly. The committee Chairman, Senator Paul Coughlan, will lead off, followed by the committee rapporteur, Senator Joan Freeman. I call Senator Coughlan.

Senator Paul Coughlan: I welcome the Minister of State, Deputy Jim Daly, to the House for this important debate and I acknowledge the work he has undertaken to bring about improvements in this challenging brief.

I also acknowledge his input into, and attendance at, the public hearings on this topic. The issue of children's mental health is of major concern to all Members. When the Seanad Public Consultation Committee, SPCC, was established in 2011, it was given the task of engaging directly with the public on matters of public policy. At the commencement of this current Seanad, when choosing its first topic for public consultation, the committee unanimously selected - on the proposal of Senator Joan Freeman - children's mental health services.

Given the importance each and every member of the committee afforded the issue, the committee issued a public invitation for written submissions and we were pleased with the phenomenal response we received. The committee sought submissions from all stakeholders, including the users of the service, those who provide the service, clinicians, doctors, psychiatrists and psychologists and policymakers. I sincerely thank all those who participated in the process. I was particularly grateful to the parents who presented to the committee during the public hearings. Listening to them relay their stories in their own words was a humbling experience for me and for other committee members. Each family's story made for compelling listening and strengthened our resolve that this public consultation should seek to ensure real and meaningful improvements in the provision of children's mental healthcare.

3 o'clock

Our mental health can change as we go through life. I am sure all of us know somebody in

our family, circle of friends or community affected by mental health issues. The effect this can have on family and friends cannot be overstated. Research indicates that mental health problems tend to begin when we are young and that by the age of 13, one in three people is likely to have experienced some type of mental distress. That is the time support and resources are vitally needed. Early intervention is essential when a child is in crisis, as delaying the provision of appropriate care can result in a child's condition worsening. The proper delivery of child and adolescent mental health services, CAMHS, is dependent on having the appropriate staff to deliver those services.

Mental illness should be treated no differently than physical illness. The evidence presented to the committee shows that if we invest in early intervention, we will make savings into the future as the number of crisis cases presenting will be reduced. Ireland should work towards a situation where supports are available nationally seven days a week and 24 hours a day. Otherwise, the gardaí, the voluntary sector and families have to step in when out-of-hours mental health services are unavailable. The committee believes the recommendations set out in its report are a valuable and timely input into the review of mental health services currently under way. We look forward to engaging further with the Minister of State, Deputy Jim Daly, who takes a strong interest in the issue. On behalf of the Seanad Public Consultation Committee, I sincerely thank Senator Joan Freeman for proposing this topic and for acting as rapporteur in the drafting of this report. We all acknowledge Senator Freeman's tremendous work in helping vulnerable people in our society.

Senator Joan Freeman: I thank the Minister of State for attending. I thank the Chairman of the committee, Senator Paul Coughlan, who was extremely professional and guided our committee extremely well, and who readily agreed to accept the topic of mental health for the public consultation day. A number of mothers, in particular, gave heartbreaking evidence during that day. More than 60 submissions gave first-hand witness testimony of the disgraceful experiences that not only they, but their children, had to go through. We also heard from people who provide the service. They again talked about the harrowing conditions that some of them had to experience. There are extraordinarily kind, passionate and compassionate people within the children's services. Yet, here we were failing two massive groups of people - the people who needed the service and the people who provided the service.

It was a little upsetting when the report was published in October 2017, and the recommendations discussed, the Minister of State, Deputy Jim Daly, was invited to participate but he did not attend. As far as I am aware, outside of the interim report published by the Oireachtas Joint Committee on the Future of Mental Healthcare, this is the only report published during his tenure on a matter that falls under his remit, yet he was not there. A number of recommendations came about because of the report. I promise I will not go through them all because there are so many recommendations and issues to address that we would have to camp here. I will go through just a few of them. I refer to emergency out-of-hours care. The Department of Health submission noted that weekend mental health services are provided in only eight of the 17 mental health areas. Outline work is being undertaken to enhance a seven day a week mental healthcare service nationally. What has been done in this area so far?

Let us talk about the waiting lists. The latest data show that there are 2,818 children on the CAMHS waiting list, which is an increase of 3.6% per month. Promises about reducing that waiting list have been made again and again. What has happened in this regard? He referred to an initiative in 2015 that would decrease that waiting list. How stands that initiative at this point? I will address my favourite topic of all - the admission of children to adult units. There

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is a huge shortfall in child beds, but the HSE, in its submission, highlighted that it continues to address the admission of children into adult units. What has happened? It is interesting that one of the Minister of State's team told me face to face that children in adult psychiatric units are not only monitored daily but there is some form of communication daily that will prevent an increase in the time that child stays in that unit. What about the child who has spent 39 days in an adult psychiatric ward? He was let out of the room twice during those 39 days and he could hear men screaming around him. I refer also to a 15 year-old girl who had the same experience. What happened to the person in the Minister of State's team who said that it is always only temporary, it is only for a weekend or a couple of days? The information the Minister of State is receiving from his Department is inaccurate and he should question those who give it to him. I have not heard his statement but I respectfully say that it has probably been handed to him again. I wonder whether he will ever query the information that his Department is giving him because it is inaccurate.

I turn to something that is also close to my heart, which is staffing and recruitment. The HSE mental health division has said this is the biggest challenge in CAMHS. The attitude, again, from staff in this division is a shrugging of the shoulders. We are told, "Sorry, we cannot do anything about this; it is a problem that Europe is experiencing and there is nothing we can do". However, when we started to investigate why there is such a major issue with recruitment and retention, we gathered some interesting information. I again ask the Minister of State to challenge his Department on this. For example, before a clinical post can even be advertised, the job specification has to go through three committees.

The other element of the recruitment and retention of clinical staff is that there is a central panel interviewing a possibly suitable person for a position. The person being interviewed does not even see the place where he or she would be working. There is a series of questions surrounding this. The Minister of State knows I am not one bit cynical but if I were, I might suggest that these recruitment procedures are obstacles to delivering recruitment and are instead preventing recruitment or kicking the can down the road, something at which the HSE is so good. The system in place does not make sense. I ask the Minister of State to personally investigate that.

I will revert to the topic I keep bleating about. I am trying to get the Mental Health (Amendment) Bill 2016 through Committee Stage and I ask the Minister of State whether he will carry it through the Dáil when it passes through this House.

Business of Seanad

Senator Jerry Buttimer: I propose, notwithstanding the order of the House, that the proceedings on No. 3, statements on the report of the Seanad Public Consultation Committee entitled Report on Children's Mental Health Services, shall adjourn at 4 p.m., if not previously concluded.

An Cathaoirleach: In other words, it would roll on to another day. Otherwise, people may be cut short. If people do not get in today, it can be dealt on another occasion. The statements will not conclude today, they will be adjourned. Is that agreed? Agreed.

Report on Children's Mental Health Services: Statements (Resumed)

Minister of State at the Department of Health (Deputy Jim Daly): Gabhaim buíochas as ucht an deis labhairt ar an ábhar tábhachtach seo. Is pribhléid dom é a bheith ar ais arís sa Teach seo ag plé an report seo.

I am here with my officials, Mr. Jim Ryan from the HSE and Mr. Greg Canning, principal officer at the Department of Health, who have been monitoring the development of this report. I thank them for their interest and work to date on that.

I welcome the opportunity to speak on the report produced by the Seanad committee. This report is an important contribution to advancing the debate around how mental services for children and adolescents might be framed and delivered over future years. Members of the committee will be aware that I addressed the committee last July, as its work was beginning. Since then the work of the committee has been complemented by other initiatives such as the symposium on mental health organised by the Ceann Comhairle in Dublin Castle last September. We also had the report on positive mental health in schools by the Joint Committee on Education and Skills and the work of the Joint Committee on the Future of Mental Health Care. All these initiatives are to be welcomed and have formed an important part of the parliamentary duties and work in the year since I took office as Minister of State.

I have noted in particular the context, themes and recommendations of this report. We all share a common desire to have the best possible mental health policies and services for children and adolescents. This must take account of the practicalities involved in order to achieve real and sustainable change. Nobody seriously concerned with having the best possible services for some of the most vulnerable children in our society could disagree with the principles and overall themes reflected in this report. My Department, the HSE and all providers of mental health services to young people have long advocated for the three high-level themes - access, recruitment and service outcomes - highlighted in the report. There is broad consensus too regarding the 12 recommendations and other concepts highlighted such as better prevention and early intervention, listening to and learning from service users, acknowledging service improvements while tackling service gaps and addressing staff shortages. I also agree with the need for better transition arrangements for those leaving CAMHS and the need to promote more seamless care for those aged 18 to 25 into adult services. All of these strategic aims have been embedded in HSE service plans for mental health in recent years.

In conjunction with my officials and the HSE, I have given full consideration to all aspects of this report. That includes the submissions made and quoted in the document and the personal stories highlighted of experiences of child mental health services. All the recommendations have been reviewed to see how improvements might be incorporated into better policy and practice. Some of these, such as triage and improving links between child mental health and other services, are long standing practice in the HSE. The report and various legislative proposals suggested by Senator Freeman, among others, raises the practice of placing those under 18 in adult psychiatric facilities. Good progress has been made by the HSE on this compared with ten years ago. The position has been reversed since then, with approximately 75% of young people now placed in age-appropriate facilities. This is minimised in practice to the greatest extent possible by the HSE with built-in safeguards for the young person. Relevant factors here include, for example, individual assessments, duration of stay, distance to CAMHS units and the wishes of the young person and families.

Similarly, the views on other matters raised in the report, such as the organisation or expansion of CAMHS, have been noted, along with the need for improved mental health intellectual

disability care. Members will appreciate, on the other hand, that proposals regarding remuneration for nurses or other health care staff can only be addressed in the wider context of pay discussions. We look forward, therefore, to the forthcoming publication of the Public Service Pay Commission's report.

I strongly reiterate this afternoon that mental health remains a key priority for the Government. The HSE mental health care programme has to be prioritised and delivered in the context of the annual budgetary process and in line with its annual service plan. My commitment and that of the Government is reflected by the allocation of an additional €35 million for mental health services in 2018. That is for new developments in addition to the increases that have come about in the previous five years. This brings the total amount available to approximately €910 million for the year. This amount is significant by any standard but I will continue to press for further resources annually in line with programme for Government commitments. However, it is important to note that funding availability in itself is not the only issue right now for mental health. Staffing recruitment and retention are currently proving difficult and the lack of availability of specialist grades in the area of mental health is a global issue that requires new and innovative approaches to recruitment and retention to be identified and implemented. The emphasis must be on putting in place the correct skills mix to ensure that we modernise services in line with A Vision for Change. This may have taken longer than we had hoped but progress must be made in recruiting and training appropriately skilled personnel rather than staffing for outdated systems.

The HSE service plan for 2018 commits to further development of CAMHS and wider services and supports for young people to meet evolving demands. This is against a background where the population of children is increasing and where the demand for CAMHS has increased by 26% between 2012 and 2017. Approximately 18,800 referrals are expected for HSE CAMHS this year, with approximately 14,300 being seen by this specialist service. CAMHS has been prioritised in new funding provided by the Government over recent years. Additional resources and facilities means there are now 69 CAMHS teams and three paediatric liaison teams supported by approximately 75 CAMHS beds nationally. Further beds are planned to come on stream as quickly as possible.

The staffing difficulties I mentioned are also an issue for CAMHS teams, particularly with consultant psychiatrist posts. Recruitment efforts are ongoing, notwithstanding a serious shortage of suitably qualified CAMHS consultants, at both a national and European level. The HSE is working to provide the best possible service within available staffing resources. A key focus is on managing clinical risks and prioritising referrals accordingly.

Mental health services, including CAMHS, will continue to deliver service improvements aimed at increasing productivity and efficiencies. Other CAMHS-specific measures in the HSE service plan include an initiative to increase the number of CAMHS referrals to be seen this year by 27% compared with 2017. It is an ambitious target but I am very confident we can achieve it. There will also be provision for a seven day per week service for CAMHS to ensure supports for young people in line with the recommendations in Connecting for Life, as well as improvement of day hospital services within CAMHS and development of eating disorder specialist community teams for young people. The HSE is also focusing on enhanced access by older adolescents to specialist mental health services in parallel with continued appropriate placement and care in CAMHS-specific settings. Detailed data in respect of waiting times for CAMHS is published by the HSE in its regular performance reports.

A key approach to developing early intervention services for young people at primary care level was the decision by the Government to increase access to counselling services in primary care with the recent appointment by the HSE of approximately 114 assistant psychologists and 20 psychologists. It is anticipated these posts will deal with the less complex child and adolescent cases, thereby reducing the burden on CAMHS.

Since becoming a Minister of State, one of my priorities has been to look beyond existing funding and structures to see what practical new measures can be applied to better plan and deliver services. This new approach sits in the context of wider initiatives such as the review of the Mental Health Act and the refresh of our current mental health policy *A Vision for Change*.

I share the objective reflected in the report to explore the potential to make progress where possible, without awaiting completion of these inherently longer and more complex processes. A key focus for me is continued investment in innovative, digital technologies which are well placed to support access to appropriate services particularly to prevention and early intervention services. The HSE has established a working group to progress a national telephone-text helpline and digital information supports for those requiring access to services. It is my intention that the roll-out of the new telephone helpline will commence before the end of this year. I have also requested the HSE to pilot a project providing remote access to counselling services in the primary care setting. This approach will help underpin improved implementation of *Connecting for Life* and the report of the task force on youth mental health.

The national youth mental health task force report contained 22 recommendations that will be implemented over a period of three years. Many of the recommendations are already being delivered, such as the development of an interdepartmental youth mental health team known as the pathfinder project, the establishment of additional training supports, online and in schools, and the creation of a pilot tele-psych unit. The introduction of mandatory mental health training for teachers and medical staff, along with additional training for parents in both the NGO sector and online is also being progressed. It is hoped that this additional focus on prevention will reduce the numbers being referred to specialist care and thereby improve wait times for those accessing child and adolescent mental health services, CAMHS.

The expert group review of the Mental Health Act 2001 made a number of recommendations regarding the provisions of that Act which relate to children. In particular, the group recommended that legislative provisions relating to children be included in a standalone section of any future mental health legislation rather than being spread though the Act as is currently the case. Work is under way on this comprehensive review, with text of the heads of a revised mental health bill to be advanced by the end of the year.

Senators will be aware that two Private Members' Bills related to mental health have been discussed in this House recently. Both Bills include revised provisions relating to children. Deputy James Browne's Bill seeks to introduce a set of guiding principles for children while Senator Freeman's Bill seeks to ensure that orders to detain children are necessary, in line with protocols and to age-appropriate facilities.

There is a broad range of initiatives under way or planned across mental health, including child mental health. Some of these are CAMHS-specific, while others are interrelated by legislation, policy and service links across care programmes or with other Departments. The core objectives of this report are reflected and being progressed, to varying degrees, in annual HSE service plans. These cover, for example: promoting mental health on many fronts; having more

integrated, evidence-based and recovery care; delivering timely, effective and standardised services; listening to the voices of service users and advocates; and having highly trained and engaged staff.

I thank the Members of this House for inviting me here today. I look forward to a constructive and collaborative discussion.

Senator Diarmuid Wilson: I welcome the Minister of State at the Department of Health, Deputy Daly, back to the House. He is a frequent visitor to this House. I am speaking on this matter on behalf of my colleague, Senator Keith Swanick.

Fianna Fáil welcomes the report on children's mental health services which was published last year following public consultation here in the Seanad. The report highlights the deficiencies in mental health services for children, and it is critical they are addressed. We have been aware of the deficiencies highlighted in the report for some time. Just over a week ago, my party colleague, Deputy James Browne, obtained information to the effect that there has been a 10% surge in the number of children and young people waiting longer than 12 months for an appointment with CAMHS. Twelve days is an excruciatingly long period for any parent to wait for their child to get an appointment with CAMHS, let alone 12 months.

It is perfectly clear for all to see that the CAMHS service is simply not able to meet current demands. There will be well over 3,000 children stuck on waiting lists before the end of this year if the current trend continues. This is quite frankly unacceptable. I regret to say that it shows that the Government's mental health strategy is floundering.

The submissions received by the committee reinforced previous findings that there was a chronic failure by the HSE to recruit psychiatric nurses and consultant child psychiatrists to operate the existing bed complement in Ireland, matched with a failure to alter pay agreement structures and working conditions to attract employment. I regret to say that it appears that there is no will on the part of the HSE to deal with this urgent crisis.

The committee made a number of key recommendations, which have been alluded to, which should be given appropriate consideration in the review of A Vision for Change. They include: a recommendation that waiting lists should be triaged in accordance with urgency and need; CAMHS must be extended nationwide to children up to the age of 18; admissions to adult psychiatric units should be prohibited; 180 child and adolescent psychiatrists should be in their posts by 2020; primary care should be urgently staffed with the level of psychologists recommended in A Vision for Change; and the two-tier remuneration system for nurses and consultants qualified since 2012 should be scrapped. The preceding are only a few of the recommendations in the report.

I commend our colleague, Senator Joan Freeman, who is working towards these recommendations and has already brought a Bill before this House to stop the admission of children to adult units. I also want to pay tribute to the Chairman of the Seanad Public Consultation Committee, Senator Paul Coghlan, and the rapporteur, Senator Freeman, and the other members of the committee who engaged in this process, along with all of those who gave evidence which helped in the compilation of this report, especially the parents who have been referred to by Senator Freeman.

I congratulate Senator Freeman on her very forthright contribution here this afternoon. She posed some very important questions to the Minister of State, and I have no doubt about his

genuine desire to ensure the provision of these services. I ask him to reflect on some of the questions posed to him by Senator Freeman this afternoon. I commend this report to the House.

Senator Pádraig Mac Lochlainn: The Seanad Public Consultation Committee report on children's mental health, similar to the Citizens' Assembly work that led to the recent referendum on the eighth amendment, is a body of work led by the citizens of Ireland who have lived experience of the issue. We see how well politics works when citizens are authentically engaged, heard and listened to. This must be the case for this report too.

The integrity and power with which the service user witnesses spoke is an inspiration to legislators and policy makers trying to improve mental health services. Parents, who had to fight so that their children could gain access to mental health treatment, continued the fight on behalf of other children and families by coming into the Seanad and sharing their stories with raw sincerity. We are indebted to each of them.

We also owe gratitude to the stakeholders who provided invaluable insights, knowledge and data for use in the report. It is powerful to take the stories of the service users and then apply them to the knowledge and insight from the NGOs who live this issue day in, day out. The committee itself deserves commendation for collating and analysing all of the submissions and making solid, tangible recommendations within this report. It is an excellent piece of cross-party work, and can serve as a roadmap to improving children's mental health services.

We cannot take our eye off the ball, and while this report is solid and worthy of existence, we are only beginning the work that is clearly so necessary. Since this report was published in October, how many of the recommendations have been looked at by the Government? How many have been implemented? Has an implementation plan been formulated? The findings of the report are deeply disturbing. To quote the main finding of the report: "...there is a chronic lack of standardised services and a lack of clarity surrounding the operation of CAMHS in Ireland". This is not a finding that children's mental health services need improvement. This is a finding that children's mental health services are in complete disarray and are continuously failing our children.

We need to drill down into the detail of this issue now, and with urgency. Take, for example, community healthcare organisation, CHO, area 1, which covers counties Donegal, Sligo, Leitrim, Cavan and Monaghan. A parliamentary question tabled by my colleague, Deputy Louise O'Reilly, last June found that staffing levels in CHO 1, which is my area, were at 53% of the recommended levels in A Vision for Change. A reply that I received only yesterday stated that by December, that percentage had dropped to 48.7%. How can we possibly believe that the Minister will take this report seriously when, in parallel to the report being drafted, the situation is getting worse in some areas, including mine?

The success of this report will hinge on accountability. Unfortunately, there is no reason to believe that this will be an easy task when it comes to the HSE. Extensive work has been done by the Oireachtas Joint Committee on the Future of Mental Healthcare to draw out figures and data on mental health spending, but to be honest it is harder than drawing blood from a stone.

My party asked for a simple breakdown of CAMHS spending in a parliamentary question two weeks ago. The reply today stated: "The existing national financial systems do not currently provide for reporting at specialty sub specialty level." Was this information not provided to the committee when it was deliberating on CAMHS? I accept that the HSE is changing the

way it records its finances, but it is absolutely imperative that Members of the Oireachtas get the most up-to-date and accurate information available when requested through parliamentary questions and other mechanisms. If we do not, how are we to monitor and progress the recommendations of this report?

Will the Minister of State go back to the parliamentary question unit of the mental health division of the HSE and re-examine the information, or lack thereof, that is being provided to Members of these Houses? If the staff who provide this information need support and resources to improve the information they are providing, I urge the Minister of State to support them without delay. For us to allow this report to remain a fleeting dream would be an absolute disservice to those who gave testimonies during its development. We are seeing now that storytelling is making real change in Irish society, and in the world of mental health this is a real opportunity for us to hear the stories and allow them to make the impact that they deserve. Those keepers of the harrowing stories within this report have already done their jobs. It is now up to us, and to the Minister of State, to take the gift they gave us, treat it with the respect it deserves, and take strategic action to commit to and plan to achieve the recommendations of the committee.

Senator Colette Kelleher: This is an opportunity not only to consider the report of the Seanad Public Consultation Committee on children's mental health services but also to consider more generally what is happening to our children's mental health. I spoke on this issue over three months ago, often citing the report we are discussing. It is disappointing that we have made so little progress, and it is devastating for the children and young people affected and their families that we are falling so short. The suffering and distress is overwhelming. We do not seem to get to the nub of the issue. We talk about the HSE and the opacity of budgets as well as recruitment difficulties, all of which are current issues. The Minister of State gave a good overview of the range of issues but there are children and young people in distress today and they are not getting anything like the kind of helping hand they deserve. We know there are approximately 115,000 people younger than 18 years who have mental ill health and that 23,000 of those have very serious and disabling mental ill health. The State continues to fail to provide the range of supports that our children so desperately need. While it is not true to say that nothing is being done, nothing like enough is being done to support them.

Over the past decade there has been a gross inadequacy and even decline in budgetary resources across the mental health service. We could spend time proving that it has gone up or down and we can change our accounting methods but the resources have not kept pace with the need. Successive Governments have continued to fly in the face of the recommendations in the HSE's 2006 report, *A Vision for Change*, for example, the recommendation to provide 100 inpatient beds for a child population that was 21% smaller than it is now. There are currently 47 beds which is fewer than half that number. We are ignoring people's plight. As Senator Mac Lochlainn said, we seem to require people's stories before making any change in this country. People have to bare their souls, pain, lives and miseries before we wake up and listen. We have all the reports and statistics but until we reach in to people's hearts and souls we are not motivated to change.

Mental ill health affects people individually but it also affects people from specific backgrounds disproportionately and while it is critical to take individual cases seriously, we must also note how specific groups are affected. A study in June 2017 entitled *Homelessness and Mental Health* found that those suffering from housing related burdens are far more susceptible to mental ill health. One does not need to be a psychiatrist to figure out that a child living in a hub or hostel, or not knowing where he or she will be next month or next year, will not have the

same sense of well-being and security in his or her life as a child for whom that is not a reality. We know that the child who may feel different from his or her peers and has come to an awareness that he or she is lesbian or gay may also feel under greater pressure. It is no wonder Traveller children commit suicide at a rate that is completely disproportionate compared with the rest of the population. One does not need a degree in psychology, sociology or social work to figure that one out. As well as looking at individual cases we need to look at the circumstances of particular groups and ensure our response addresses those most in need of assistance.

Nowhere in the country is there a fully functioning, fully staffed and resourced CAMHS. It does not exist. There is no model of good practice that we can point to. Parents had to come in and tell their stories over and over again. We should not have to do that to people to get the change we need.

When I worked in the Cope Foundation it was not possible for children with mental health difficulties to be looked after by CAMHS. We had a letter from a parent saying that his daughter, who was in a most appalling state, had to be taken through an Aldi car park to get into CAMHS privately only to find there was no one there to meet and greet them. We also need to think about the fact that we have a culture of over-medication and about the dominance of psychiatry in the treatment of children's mental ill health. The dominant narrative today is that distressed or troubled children need to be fixed, without considering the societal system they have come from. This belief is deeply damaging, particularly for children and young people. I cannot stress enough the benefits of family therapy. Where is it? Such a service should be as common as dentistry for people. It speaks to the early intervention we talk about. A child does not come into the world mentally unwell, feeling anxious and worried; everything around them causes the child to end up in that situation. In our reform of mental health systems, we must also look at that. Dr. Elizabeth Gregory has written a great article on why we need to talk about children's mental health and the elephants in the room. I ask the Minister of State to accept that there is a serious problem.

Last year, I asked the Minister of State rather glibly what marks out of ten he would give the child mental health system. I would ask him that again and if he is willing to make radical and bold moves about making things such as family therapy a normal part of our response to children and young people and their families in distress.

Senator Victor Boyhan: I will not use all my time as I am conscious that others have things to say. I thank the committee and particularly my colleagues, Senators Freeman and Coghlan, for their work. Apart from the report itself, I found two things most important. I attended on the day of the committee's public hearings and heard the service users and those who wanted to use the service and their families. It was harrowing and the best work ever done in the Oireachtas, as far as I was concerned, because we got to meet them and we heard their personal experiences. One after the other spoke of needing and wanting to access services.

Then on the other side, we heard from the service providers, the people on the ground who also shared a frustration. When it came to the policy makers, the HSE and people within the Department we saw the worst performance. It seemed to me that there was a big issue there, and I found it hard to believe that the gap was so wide.

Each day in this Seanad, I say that this Government, however long it lasts, will be judged on its performance on health, in its broadest sense, and housing and homelessness. Those are the two things that resonate with people across the country. We are here to speak on health and

mental health as part of the bigger health agenda.

I refer to the Minister of State's speech to the Seanad this afternoon when he spoke of prevention and early intervention. He will recall that on a previous occasion here, I told him how we need to provide early intervention. I was encouraged by what he said then. I know the issues, including financial issues, that the Minister of State faces but this is not about him or me, but people who need services. It is a question of whether the Government is up to it and prepared to fund and resource the appropriate measures needed, particularly regarding CAMHS.

I would like the Minister of State to respond to the points I will make here, if not today then he can circulate a response to Members, this week if possible. Earlier, the Minister said the following:

A key approach to developing early intervention services for young people at primary care level was the decision by Government to increase access to counselling services in primary care with the recent appointment by the HSE of around 114 assistant psychologists and 20 psychologists. It is anticipated these posts will deal with the less complex child and adolescent cases thereby reducing the burden on CAMHS.

Will the Minister of State enlighten Members about these appointments and whether they have all been filled? That is important. People are waiting for CAMHS services. How will the Minister of State reduce this vast list of people who need support?

Senator Frank Feighan: I will share some of my time with Senator Devine.

I am delighted to be here to put this issue centre stage once more. I thank Senator Freeman and all the Members of the Oireachtas and the stakeholders who had an input into this very valuable report, particularly the service users and their families. As the report notes, mental illness should be treated no differently from physical illness. We all know someone in our family or community who is affected by mental health issues. The effects this has on their families and friends cannot be overstated. As a politician, I had never known the services that were available until I had to use them with friends and family. I was very happy that they were there but they can always be improved. However, I was shocked, although not surprised, to learn that mental health problems start when we are young and that by 13 years of age, one in three people is likely to have experienced some type of mental illness. It is obvious and sensible that early intervention is crucial.

The committee Chairman noted in the foreword to the report that if we invest in early intervention, we will make savings into the future as the number of cases which present will fall. That is what Senator Boyhan just said.

Unfortunately, this report comes against the backdrop where the quality of some child and adolescent mental health services fall short of the targets recommended in A Vision for Change. This is exacerbated by the rise in mental problems in the child population. The key recommendations are that primary care should be urgently staffed at the level of psychologists recommended in A Vision for Change and updated in accordance with the child population data 2017. The CAMHS referral criteria should be expanded to include children with intellectual disabilities.

I have a lot more to say but I want to let in Senator Devine. Unfortunately, many areas have suffered from underfunding over many decades. With each set of new recommendations

it is evident that there is a case to be made for additional funding in order to close the gaps in services that currently exist.

Senator Máire Devine: I thank Senator Feighan, he is very kind and generous. I welcome the Minister of State.

Picking Senator Coghlan as Chair of the hearings into child mental health services was a no-brainer. I thank Senator Joan Freeman and everyone on that committee. It was both harrowing and enjoyable. I also thank the parents and the young adults who allowed us into their lives, and their trauma, in public in the Seanad. Senator Freeman and I also met a number of people privately, who had been unable or unwilling to go into the public eye which can be horrific, especially when sharing stories of access, or lack thereof, to our child and adolescent mental health services.

Equality of access emerged as a major point, as well as waiting lists and continuity of care. People who were lucky enough to get to speak to a professional kept having to tell their story to a different person time and again. That goes against the formation of any therapeutic relationship. It is not a broken leg, but a broken heart, mind, soul or spirit of children and adults in mental distress. Medication policy was another major factor.

Senator Boyhan referred to time. People are losing their time of childhood. Most of us here were lucky enough to have stability in our lives and were allowed to be children, to grow, mature, make mistakes, whether emotional or intellectually, and grow up. That makes us the adults we are. Our children in mental distress do not have that. They are frozen in time because by the time they reach adulthood, if things are not addressed early, we will have condemned them for life. I do not say that lightly but we need that early intervention, the immediate, rapid response to allow our children to experience childhood. That is what is not happening.

The recommendations are there for all to see. One recommendation is to allow experienced nurses to do clinical assessments. Another is that for those with intellectual disabilities, the referral criteria for child and adolescent mental health services, CAMHS, should be expanded. We could talk about recruitment but it comes down to a chaotic working environment. Many staff have left and new people are not being attracted into the service. The report on public service pay will be published at the end of June but this is a priority and it needs to happen now.

As for Senator Freeman's Mental Health (Amendment) Bill, will the Minister of State speed up the passage of that Bill? Can he find time soon to allow Report and Final Stages be taken? It would be one measure to prevent children in adult psychiatric hospitals suffering trauma. They are not being allowed to heal from the trauma they witness in psychiatric hospitals. Will he provide time for the taking of Report and Final Stages to allow us do something about that prior to summer?

Acting Chairman (Senator Diarmuid Wilson): Senator Mullen and Senator Black are offering. There is exactly nine and a half minutes remaining so they will have less than five minutes each. The debate is being adjourned at 4 p.m. so whoever is in possession at that time will be in possession when the debate resumes on the next day.

Senator Rónán Mullen: I join other colleagues in congratulating Senators Freeman and Coghlan and all those involved in the creation and bringing about of this thorough and thought provoking report on child and adolescent mental health services. It has been said many times in this House, and is restated in Senator Coghlan's introduction to the report, that mental illness

should be treated no differently from physical illness. I wholeheartedly agree.

Mental health and mental illness can take a terrible toll on individuals, families and communities. It takes many forms. I think of my own father's condition, Alzheimer's disease, which is formally recognised as a mental illness. That has brought me closer to this issue from one particular perspective.

Public discussion around mental health has come on significantly in the past decade. I can still remember a time when to discuss depression was considered a personal failing and some kind of secret shame to be concealed. Thankfully, we are moving away from such times. To paraphrase the report, we all know somebody in our family or community who is affected by mental health issues and the effects of that on family and friends can never be overstated.

The focus of our public discussion is often on adult mental health services in the context of the A Vision For Change report launched in 2006. That report was a comprehensive blueprint of how we, as a country, were to recognise and properly fund our mental health services but, sadly, significant gaps remain. Today's report shines a welcome and much needed light on the neglected area of children's mental health services.

In that context, it is sad to be reminded that according to the United Nations children's emergency fund report, Building the Future, published in the weeks before the committee sat, Ireland has the fourth highest teenage suicide rate among 37 nations of the developed world. That report further highlighted that Irish children aged between 11 and 15 are presenting with emotional issues on a weekly basis at the second highest rate in Europe. That shows graphically that our young people and children are vulnerable to mental health issues. Even more shocking is the fact that the report shows that the increases in mental health problems in the child population in Ireland are not matched by an increase in services.

Senator Freeman and her team have catalogued the fact that there has been a reverse trend in overall budget funding for services. The percentage of the total health budget for mental health has decreased from 13% in 1984 to 7.3% in 2004 to the current 6.1%. At a level of percentage, that declining allocation of funding is in stark contrast to many other western European health systems such as those in France, Germany and the United Kingdom, where spending on mental health services comes in at approximately 10% to 12% of the overall health budget. This chronic underfunding shows a repeated failure by State agencies and reflects that failure to build the necessary capacity to provide adequate mental health services to children and adolescents.

In the weeks prior to the committee's oral hearings, which took place on 29 June and 6 July of last year, one of four child inpatient units in Ireland for acute mental health problems closed 11 beds, lowering the national bed complement in Ireland, with a population of 1.25 million children, to 48 beds. The reasons for the closure cited by the Government were nurse shortages.

Before I speak about staffing problems, I want to return to an area colleagues will have heard me highlight in the past, that is, the provision of community based mental health services. If we look at Galway, my own county, we will see in microcosm the dysfunction in Health Service Executive, HSE, community mental health services. The HSE in Galway has decided to centralise all mental health treatment into an overcrowded mental health unit in the university hospital. That is partly the result of the fact that in 2015, the HSE closed a state-of-the-art mental health facility at St. Brigid's Hospital, Ballinasloe, which cost over €3 million to renovate. At the core of the vaunted A Vision for Change plan for mental health services was the recom-

mendation that care be given close to the communities where the patient lives. In Galway, the opposite is now happening. All mental health care is being centralised in the city hospital.

In addition to poor use of physical resources, there is the ongoing chronic failure to recruit and retain staff. I am glad the report has highlighted that issue as a major problem.

The Government recently committed to invest tens of millions of euro in child and adolescent mental health services over the next five years. Those commitments also include the creation of a 29-bed inpatient unit at the new children's hospital that is due to open by 2021. This service will increase the bed complement in Ireland but ignores the HSE's chronic inability to recruit the nurses and child psychiatrists who will be needed to put these beds into commission. Crucially, there is no point in opening beds without a nurse or a doctor to operate them. That is the lesson the renovated and subsequently closed unit in Ballinasloe teaches us.

This report reinforces what many of us have been saying for years about mental health services in this country. We cannot provide a service where there is a chronic failure by the HSE to recruit psychiatric nurses and consultant child psychiatrists to operate the existing bed complement in Ireland.

We need a plan by the Minister of State to show how he will target pay and working conditions to attract specialists in this area. Unless we can find and keep the staff, there is little point in unveiling expensive new units with empty beds. The last I heard they were storing records in the expensively refurbished St. Brigid's unit in Ballinasloe.

I welcome this report. I agree with the conclusions regarding recruitment of staff and I look forward to hearing innovative proposals from the Minister of State.

Senator Frances Black: I welcome the Minister of State. This is a vital issue and none of us can be happy to be standing here again debating it. The point has been made endlessly in these Houses, and this report is further evidence, that our child and adolescent mental health services are falling well short of what is expected. We are not delivering anywhere near the standard expected by Irish people, and we are not delivering the targets recommended in *A Vision for Change*, which for so long has been the blueprint for mental health services in Ireland.

I do not say this to score points or point the finger. We are all committed to fixing this problem, and I know the Minister of State is passionate about it, but it is important to be honest. I want to commend the members of the Seanad Public Consultation Committee, the Chair, Senator Freeman and all parties involved, and none, who put so much work into making sure this report painted a clear picture of mental health service provision in Ireland, even if it is shocking and worrying. The honest, heartbreaking testimonies from parents stand out in particular. These are the real-life stories that illustrate starkly the human cost of our failure and they are as good a measure as any of how well our system is working.

A few minutes ago, just before I walked into the Chamber and while writing this speech, I received a phone call from a woman who was in awful distress. She had been going through the private system for treatment but when her money ran out she had to go into the public system. What she experienced was traumatic. When she came out from seeing somebody she felt suicidal. Her mother and sister were with her and they had to prevent her jumping into the local river. It was a horrendous experience. Whoever she saw that day is probably suffering from burnout. That person told her to go to her local doctor and get prescription tablets. That was all she was told to do. That is not on.

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My worry is that all this work and progress will be fatally undermined if increased awareness and demand are not met with similar investment in services. We cannot in good conscience urge young people to speak up and seek help and then fail to ensure that someone is there to listen. The waiting times quoted in the document clearly illustrate the issue.

It has been said that since 2014, the demand for mental health services has gone up by over 30%.

Thousands of children and young people are still waiting on treatment and many have been there for well over a year.

On the other side of the issue, I talk to people working in these services and it is also devastating for them. I know because I work in therapy. This sector is understaffed. Burnout is huge in this area. Service providers are simply not able to meet the demand. It is unfair on those seeking treatment and on those working in the front-line services. Again, I do not want to sound too critical, but we are in a crisis. I know the Minister wants to fix this, but the stories in this report and the many reports that have gone before it should shock and shame us. It is like homelessness in that we hear what is happening every day but I do not see the urgency that is required to deal with the issue. There has recently been talk of investment in a rainy day fund, the need for which I can fully appreciate. However, if a suicidal young person has to wait 18 months for help, surely it is already raining pretty heavily.

As I have limited time, I will not pore over the specific changes recommended, other than to thank Senator Coghlan, Senator Freeman and the other members of the committee for their work. They have outlined a long list of changes, some requiring increased financial investment and many focused on common-sense reform to our structures and procedures. I urge the Government to listen to them.

I will touch briefly on the link between alcohol harm and mental health. We have to talk about that at some point, particularly as it relates to young people and intergenerational trauma, which causes young people to suffer from mental health issues. They do not feel worthy. This is an important issue. Alcohol is a depressant, with more than 50% of suicides alcohol-related. I wanted to highlight that issue before I concluded.

Minister of State at the Department of Health (Deputy Jim Daly): I will be as brief as I can and try to answer as many queries as possible. To give a holistic overview, Senator Freeman asked a specific question about her Bill going through the Houses and Senator Devine asked the same question. It is not within my gift to decide when Bills come before the House. I do not order the business of the House. In the Dáil that is the function of the Business Committee, and I suspect the position is similar in respect of the Seanad. The Senators should raise the matter with the relevant authorities in the Houses. As Minister of State, I am happy to come before the House when requested. It is not within my gift to decide when the House progresses legislation.

I will first address the issue of child and adolescent mental health services, CAMHS. I thank the Chairman of the committee, Senator Paul Coghlan, and the rapporteur, Senator Joan Freeman. I became Minister of State in June of last year, almost 12 months ago. Within that time, children's mental health services has been a salient issue. I very much welcome the focus and energy this House has brought to that particular area and to ensuring that we can home in on it. I accept the point made by Members that we cannot continue to repeat the same narrative

that services cannot be delivered because there are recruitment challenges in the mental health area. I have accepted that from day one, including when I spoke here last July, and I accept it again today.

What have I done since? I have tried to build a lower level of intervention. Addressing waiting lists deals with the symptoms. I could introduce a waiting list initiative to get rid of the waiting lists, but they will build again and they will still be there in three years' time. I will not be dishonest or try to fool anybody by doing that. It is better to fix the system, not the symptoms that display the faults in the system, by addressing the faults. We have tried to build in a lower level of intervention in order that we can catch these issues at a lower level before they escalate to requiring specialist services. How do we do that? We have put in place a lower level of teams, consisting of 114 assistant psychologists and 20 psychologists, to deal with teenagers and young people. This approach captures the issues much earlier, before they escalate to a specialist service.

There is also an issue with referral. Most teenagers who have a mental health issue are referred automatically to CAMHS. This is inappropriate. They are left on a waiting list for a long time. Not everybody needs to see a consultant psychiatrist or requires medication or the assistance of a CAMHS team. However, all of those who are referred need help. They have anxieties and similar issues they want to deal with. For this reason, I have appointed 114 assistant psychologists and 20 psychologists to build a lower level infrastructure to prevent issues escalating to CAMHS. That is how I am treating the waiting list in CAMHS.

I have also spoken about the telephone line. That is a referral issue. People are not being appropriately referred. There are some wonderful services available, such as Pieta House, Alone, Aware, Jigsaw and many others. However, knowing where to go is very confusing for people. General practitioners do not know where to send people so they send most teenagers automatically to CAMHS, which is not always necessary. The phone line is intended to be a referral pathway. Any teenager with any form of mental health issue can dial in and be told the most appropriate service. If Jim Daly of Clonakilty is experiencing serious anxiety ahead of his exams and cannot get rid of it, he will be directed to Jigsaw in Bandon, the nearest town. We are progressing this referral pathway at a fast rate. I intend to have substantially developed this concept before the end of the year. It will have a significant knock-on effect on waiting lists by assisting people who are currently being inappropriately referred, do not know where to go and are lost in the system. We will also have a listening pathway as part of that.

I always make the point that addressing this issue is not only about providing more money. We are spending an additional sum of more than €60 million this year, with €35 million specifically for new initiatives. We could throw another €200 million at the issue. It is important to look at what we do and how we do it, with a view to doing it differently. What I have done for the past 12 months is challenge the system. I appreciate the challenges Senators addressed to me. They can rest assured that all those in the Department and Health Service Executive who have dealt with me in the past year will say that questioning is one of my hallmarks because I question everybody, as Senator Devine knows. I do not take anything for granted or as a given. I question and challenge at all times and it has been my honour and privilege to do so, as Minister of State with responsibility for mental health for the past 12 months.

Senator Máire Devine: On a point of order, if the Mental Health (Amendment) Bill 2017 is passed by the Seanad, will the Government prioritise it in the Dáil?

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Acting Chairman (Senator Diarmuid Wilson): The debate has concluded. I thank Senator Devine, the Minister of State and all Senators who contributed.

Local Property Tax: Motion

Acting Chairman (Senator Diarmuid Wilson): I welcome the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, back to the House. She is always very welcome.

Senator Gerry Horkan: I move:

That Seanad Éireann:

recognises that:

- the Local Property Tax (LPT) was introduced in 2013 and current valuations are from that year;

- the primary purpose of LPT is to provide funding for local services;

- Fine Gael wrongly diverted 30 per cent of the revenue in 2014 to Irish Water;

- initially the revaluation date was set for November 2016, this was changed to November 2019, prior to the last General Election;

- Fianna Fáil consistently called for the postponement of the November 2016 revaluation so that significant reform could take place and people would not face large and unaffordable increases in their LPT bill;

- Fianna Fáil has consistently stated that LPT bills should not be increased as a result of the 2019 revaluation and that ability to pay and affordable issues need to be tackled;

- with the very significant increase in property prices since 2013, if left unreformed, people will face major increases in their LPT bill in 2020;

- LPT brought in €477 million in 2017 and this provides vital funding for local services;

- the revenue from LPT should remain broadly stable as a result of 2019 revaluations as home owners will not be able to afford to pay if a significant increase arises;

and calls on the Government to:

- undertake significant reform of the LPT system before revaluations take place in November 2019;

- ensure that households do not receive substantial increases in their LPT bill in 2020;

- ensure that households do not receive substantial increases in LPT bills in 2020 that would arise in the absence of significant reforms to the LPT system;
- examine the possibility of extending some relief from the LPT for those in multi-unit developments paying significant management charges; and
- introduce measures that would deal with ability to pay and affordability issues.

I thank Members for the opportunity to address this important issue. I welcome the Minister to the House. She and I dealt with another issue in the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach yesterday.

The local property tax, LPT, is a very important issue. The motion proposes that Seanad Éireann recognises that the tax was introduced in 2013, that current valuations are from that year and that the primary purpose of the LPT should be to provide funding for local services. It notes that in 2014, the previous Government wrongly diverted 30% of revenue from the tax to Irish Water. Initially, the revaluation date was set for November 2016 but the date was changed to November 2019 prior to the general election. The Fianna Fáil Party consistently called for the postponement of the November 2016 revaluation in order that significant reform of the tax could be implemented and people would not face large and unaffordable increases in their local property tax bills. My party has consistently stated that LPT bills should not be increased as a result of the 2019 revaluation and that ability to pay and affordability issues need to be tackled.

Given the significant increase in property prices since 2013, people will face major increases in their local property tax bill in 2020 if the tax is left unreformed. The LPT generated €477 million in revenue in 2017 and the motion acknowledges that this income provides funding for local services. It calls for the revenue from the LPT to remain broadly stable as a result of 2019 revaluations, whether through a reduction in the multiplier or by another means.

The motion calls on the Government to undertake significant reform of the local property tax system before revaluations take place in November 2019 to ensure households do not receive substantial increases in their LPT bill in 2020 that would arise in the absence of significant reforms to the LPT system. It also calls for an examination of the possibility of extending some relief from the tax to householders in multi-unit developments who pay significant management charges that are separate from the local property tax bills and cover services that most other people receive by virtue of paying the local property tax.

I note Fine Gael has tabled an amendment that basically deletes our entire motion and replaces it with some kind of self-congratulatory motion about the wonders of LPT. I have no doubt Senator Paddy Burke or somebody else will have to try to defend that as best he can. We are debating the local property tax. The household charge was originally called “funding local services”. However, half the time it is funding local services somewhere else. In many cases the money is not staying in the local authorities. Dún Laoghaire-Rathdown County Council, of which I used to be a member, generates more property tax than the whole of Connacht. I accept that property values are different but it is a local authority area that is five miles wide and eight miles long and generates a huge amount of property tax.

I will go through some of the statistics. Just because the value of the house is larger, it does not make people automatically better off. It often means they have a far greater mortgage against that house and equally that their monthly disposable income is quite different. Based on the revenue returns based on the property values in 2013, which is the last time valuations

were declared other than for new houses that have been bought since then, 60.6% of houses in Leitrim are valued at less than €100,000. In Dún Laoghaire-Rathdown County Council, that figure is 1.3%. In almost every local authority bar four, less than 10% of the houses are valued at over €300,000, but in South Dublin County Council it is 19.3%; in Wicklow it is 15.1%; in Dublin city it is 19.7%; and in Dún Laoghaire-Rathdown it is 59.1%.

That does not mean everybody in Dún Laoghaire-Rathdown is very wealthy; it just means the price of property is much higher and people have much greater mortgages. It is not fair that they are paying huge amounts of money into a fund. In some cases the amount that is going to the equalisation fund, the 20% of that money, is greater than other local authorities are generating in their entirety.

We need to look at something other than just pure property valuation. We need to look at the services provided. I fully acknowledge that services in Dublin, such as public transport, lighting and libraries, are often better than in other parts of the country. Equally we must acknowledge that the people living there have paid enormous amounts of money for their houses and often have paid huge amounts of stamp duty at the time when the stamp duty rates went up to 9% and so on. They have paid a huge amount of money to live where they are living. At a recent meeting of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, I pointed out that a teacher down the country and a teacher in Dublin are paid the same amount, but the disposable income of one is very different from the disposable income of the other.

We should look at other measures than just pure valuation. Local services form part of it. One could use floor area, the number of rooms and so on. I am not advocating a bedroom tax or one of those kinds of things, but there must be more nuanced ways than just pure value. Value is easy, but many people have paid huge amounts of money for those houses and have huge mortgages. They need the process to be fairer to them.

It is not fair, for example, in Dún Laoghaire-Rathdown for a €1,000 charge, even after the 15% cut which brings it back to €850, that €200 of that €850 goes to the equalisation fund and €600 of that €850 replaces grants that were given by the Department in the old days for roads, housing and other things. The local authority, having collected a net €850, down from the original €1,000, is only €50 better off. A householder has paid €850, down from €1,000, and gets €50 extra into their local authority.

If I were in government and the Minister of State were in opposition, he would be giving out about that system, certainly if he represented a constituency where so many houses are valued in the top band of over €300,000. That is all the information we have. We do not have any further figures. I believe there are 20 bands, but Revenue will only give us figures for the bands up to €100,000; from €100,000 to €150,000 as far as €300,000; and then the figures for over €300,000. I accept that in almost all those local authorities over €300,000 is small. However, there must be a better way to do it.

I do not advocate higher property tax for the rest of the country. However, we must acknowledge that significant parts of Dublin are generating a lot of property tax and are not necessarily getting the services commensurate with that. Every local authority, bar the four Dublin local authorities, gets road funds in addition to their property tax from the Department. The property tax is supposed to fund the roads tax in Dublin, so there is no allocation for roads either.

The funding of local services is important. Funds were diverted from the property tax to Irish Water when clearly the local authority no longer directly provide that service, albeit there are service level agreements involving them. We need to look at LPT. The new valuation date is coming soon. We are highlighting it today as an issue. The most important thing is that householders do not experience a doubling or more of their property tax. I am sure the Minister of State also does not want to see that. Of course Ministers for Finance always want to raise more revenue, but that has to be found from somewhere.

I do not believe we should have a system based purely on value, not taking into account the mortgage and other figures, and not looking at services being provided. It will always be more efficient to run a largely urban local authority because of the number of people using a road, footpath, library or whatever. Of course, we want to ensure that every local authority is resourced properly. However, we should not ask householders in one local authority to transfer a big amount of money into a pot that is then used by other local authorities. That is what central government is for. The local property tax is supposed to be just that - a local property tax used locally. The amount of money some local authorities are putting into the equalisation fund is greater than the entire amount of property tax generated in many local authorities. That is not a fair system.

Our motion is reasonable. We are not asking the Government to abolish the local property tax; we are not asking it to halve it or freeze it. We are asking the Government to carry out a review to examine what we are doing and ensure people do not face massive increases in their property tax at the time of next year's revaluation. I think that is reasonable and measured. Fianna Fáil is working with the Government by facilitating its existence. We want a fairer property tax that does not penalise people who happen to live in Dublin. In many cases they are here because of employment prospects and so on. Their property prices are high because those properties are in demand, but that does not automatically make those people very rich. It is important for us to examine that figure and ensure the property tax is there for services to be funded properly.

Senator Paul Daly: I propose to share time with Senator Ardagh.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Paul Daly: I second the motion. I agree wholeheartedly with everything Senator Horkan said. As the Minister of State comes from an agricultural background, I am sure he will concur with this. There is a saying in our industry about people being asset rich, but yet living on the breadline. A farmer can have a farm that is worth a lot of money, but if it is their home, they cannot realise any income from that. While they can be asset rich and end up with a large property tax, which will be even larger after the revaluation in 2019, it does not necessarily mean they have the ability to pay. This must be taken into consideration and should have been from the outset.

As Senator Horkan has said, we are not looking for abolition or any major change. We are looking for address of the system of how property tax is administered after the review. While Senator Horkan concentrated on Dublin, property prices all over the country have risen. For people, who were in negative equity whose personal circumstances may have changed during the crash and experienced periods of unemployment or may still be unemployed, there is no consideration as to whether they can pay, irrespective of the value of the house in which they live. They may have a very large mortgage or may be in negative equity. They may have inher-

ited a house that is worth a lot of money and valuable when it comes to taxation purposes but it does not realise any income to them. It is a roof they need over their head. People will not sell a house and downsize just for the purposes of property tax and it may not be feasible for them. They may not be able to move from the area in which they live and there can be many different circumstances that hinder that happening.

The motion asks the Government to look at the system. Senator Horkan did not mention one thing that I think is a valuable argument for this motion. I refer to the property tax of landlords, whether they are incidental or professional. When they get hit with the extra property tax, it will be filtered down to their tenants. It will be paid, in essence, by a sector we are all defending daily because of the crippling effect of rent. This can only have one outcome. The property owner will not pay the extra property tax. They will pass on their increased bills, and that will hit a sector of the community that is already crippled. It includes the student rental sector and student rents that we discussed recently. It needs to be looked at, distributed more evenly and applied to people who can afford to pay. That is the key point of my input today.

We must look at the ability to pay because the value of a property has no bearing on income or the ability to pay the bill when it comes. Escalating property prices mean the bills are only going to go one way. The Bill was well buttered up when it was introduced initially. People in rural areas bought into it and thought it was a great idea. They believed it would provide street lighting and footpaths outside their houses. The selling point was that all income from the tax would be spent locally; instead, it was redistributed in many instances to other areas. There was no additional income to the local authority because central government deducted its payment to the local authorities by almost an equivalent amount.

An Leas-Chathaoirleach: Is the Senator sharing time?

Senator Paul Daly: Yes, I will hand over now. The key point is that there must be some recognition of ability to pay any bill or tax.

Senator Catherine Ardagh: As my colleagues have pointed out, the essence of the motion is that local property tax bills will not increase when properties are revalued in 2020, with revaluation due in 2020 as matters stand. Many people are asset rich and cash poor. We have seen increases of up to 100% in house prices, especially in the cities. I work as a solicitor and in cases where the value of a house has increased by 80% or less, the buyer may obtain what is known as general clearance for local property tax purposes. However, specific clearance is needed if the value of a property increases by more than 80%. If that cannot be obtained, the owner must pay the difference between the local property tax paid in 2013 and the LPT that would have arisen if the valuation had been correct in 2013. We have already seen many difficulties in the LPT system and it is beginning to come apart. We know the mechanisms for organising the LPT system must be reviewed.

Many properties at the moment, especially new builds, are not in the LPT system. We can understand that a revaluation or new system must be put in place. The motion calls on the Government to ensure that those who pay LPT now do not face increases in their local property tax. As my colleagues pointed out, the value of properties in Dublin has increased by 100% in some cases. This does not give any benefit to many people because they will not move from the homes in which they have lived for past decade and will probably live in for another two decades. Their houses have increased in value but there has been no corresponding increase in their incomes. They cannot afford to pay the substantial increases that may be coming down

the line.

It would be very unfair to use this current system and revalue properties at a future 2020 rate. This motion calls on the Government to ensure a fair system is in place and the issues of affordability and ability to pay are examined. The local property tax disproportionately affects people living in Dublin where we have seen the most extreme increase in house prices. We have not seen increases of 100% anywhere other than Dublin. If the revaluation takes place in 2020, as envisaged, Dublin householders will be negatively impacted. This motion calls on the Government to ensure that a fairer system is put in place and to promise that no increase in local property tax will affect householders nationwide. As it stands, an increase in LPT would most affect people who own homes in Dublin. I thank the Minister of State for coming to this House. I hope he will support our motion and I look forward to hearing his response.

Senator Paddy Burke: I welcome the Minister of State to the House. I thank Senator Horan and the Fianna Fáil Senators for putting this motion forward. It is a good motion. It allows debate to take place on this issue on which an ongoing review will be completed later this year. It is a good motion in the sense-----

An Leas-Chathaoirleach: Is the Senator moving an amendment?

Senator Paddy Burke: I move amendment No. 1:

To delete all words after “That Seanad Éireann:” and substitute the following:

“recognises that:

- the objective of the Local Property Tax (LPT) is to broaden the tax base and replace some of the revenue from transaction based taxes with an annual recurring property tax to provide a stable and secure source of funding for local authorities;
- this stable source of funding has yielded over €470 million in 2017 to support the activities of local authorities throughout the State;
- the LPT is fair and equitable as the owners of the most valuable properties pay the most;
- the LPT legislation provides appropriately in relation to ability to pay and conforms to international norms;
- the LPT is now well established as a significant element of our taxation system and acknowledges that extensive research and experience internationally shows that taxes on immovable property are among the taxes that are consistently recognised as being the least detrimental to growth and employment;
- the Finance (Local Property Tax) (Amendment) Act 2015 provided inter alia for the postponement of the revaluation date for the LPT from 1 November 2016 to 1 November 2019, ensuring that home owners were protected from significant increases in their LPT liabilities in 2017, 2018 and 2019 as property values increased;
- the Minister for Finance has initiated a significant and important review of the operation of the LPT focusing in particular on the impact on LPT liabilities of property price developments since the initial valuation date of 1 May 2013;

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- a public consultation has been conducted as part of the review;

- the current review of the LPT includes an examination of the outstanding recommendations of the 2015 Thornhill review of the LPT and will inform the Minister for Finance in relation to any actions he may recommend to Government concerning the overall yield from the LPT, its contribution to total tax revenue and the optimum way of achieving that objective;

and calls on the Government to complete the current review of the LPT and bring forward proposals in due course designed inter alia to ensure that taxpayers LPT liabilities in respect of 2020 remain affordable and sustainable.”

An Leas-Chathaoirleach: I thank the Senator.

Senator Gerry Horkan: That deletes our motion.

Senator David Norris: It is a very good motion.

Senator Paddy Burke: I congratulate the Fianna Fáil Senators on tabling the motion.

Senator Gerry Horkan: The Senator is proposing to delete the motion.

Senator David Norris: He should have gone the whole hog and abolished it.

Senator Paddy Burke: I congratulate-----

Senator Gerry Horkan: He is being reasonable for now.

Senator Paddy Burke: I congratulate Senator Norris as well on winning “home of the year”. He should not be penalised for-----

An Leas-Chathaoirleach: We do our best not to-----

Senator David Norris: I will be penalised, however.

Senator Paddy Burke: The Senator should not be.

Senator David Norris: I will be.

Senator Paddy Burke: He has a fantastic home.

Senator Paddy Burke: The motion raises many issues. I hope the review of the local property tax will take account of some of the issues raised. My colleague from Mayo, Senator Michelle Mulherin, has raised this issue on many occasions at our parliamentary party meetings and in the House. She proposed a system where the starting point would be the rate at which the local property tax was set initially. It would then increase on a three year aggregate in line with inflation and a cap would apply. However, when the legislation was brought forward first there was no provision for a cap. There should be a cap.

The Revenue Commissioners have enormous power in respect of the property tax. I believe it is the first time the Revenue can enter a home and take control if the householder is not in compliance with the law. The law provides that householders must estimate the value of their property. As we know, various scenarios can inflate prices or, if there is not enough competition, the price achieved for a property may not be what was expected. I saw a house sold re-

cently where no bids were made. How would a value be placed on a house like that? In another case where a few people wanted to buy a house, the price was greatly inflated. Does that mean that the value of every other house in the area in question should be inflated as well?

That is where I believe there are inadequacies in the legislation. I raised this issue at a recent parliamentary party meeting with the Minister for Finance, Deputy Paschal Donohoe. He indicated he hoped the review, once completed, would deliver a fair and affordable system. I hope that will be the case and that people will not be criminalised for putting a wrong value on their home. It is very hard for an ordinary individual to put a value on their property. How do they do that? People do not know what the value of their house is unless they put it on the market. That is when the real value of a property becomes known.

Senator David Norris: Or one can pay a couple of thousand euro for a valuation.

Senator Paddy Burke: That is correct. I hope people will not be criminalised when new legislation is introduced, if it is required after the review has been completed. I propose the amendment to the Fianna Fáil motion, although I have great sympathy for parts of it. I believe most people would agree with a lot of what is in the motion and there are also many aspects of the amendment that Fianna Fáil would agree with. Perhaps Senator Horkan would withdraw the motion until the review is carried out later this year.

An Leas-Chathaoirleach: There might be a meeting of minds.

Senator Paddy Burke: I ask Senator Horkan to consider withdrawing the motion.

I hope those who carry out the review will take into account the many issues that have been raised in the House in regard to the local property tax. Later in the year, I hope we will see that the proposals made here today are addressed in that review, and that, as the Minister has said, it will be fair.

Senator Gerry Horkan: Senator Paddy Burke might consider withdrawing his amendment.

Senator Victor Boyhan: I welcome the Minister of State to the House. I have had the benefit of reading his transcript, which is very interesting. It is something we do not always have the benefit of before the Minister speaks.

Senator Gerry Horkan: I did not have the benefit of that.

Senator Victor Boyhan: I welcome that 12 Fianna Fáil Senators have signed the motion. While I would not agree with all of it, it is a good motion and it is good we are having this debate. The current local property tax regime is exorbitant in certain places, and in certain circumstances it is grossly unfair and takes no account of people's capacity and ability to pay. At the same time, we need a form of support for local government. I have always advocated a council tax and I stand here today in a public forum and I say it again - we need a proper revenue stream for local government. I believe we need to be upfront and honest and we need to learn from other experiences in this regard. Part of the remit of the Minister of State, Deputy Phelan, is local government and I know he is working on a number of initiatives. If we want decent local government, we have got to finally address the real issue of how we fund local government. It is wholly inappropriate that it should rely as heavily as it does on the commercial sector and commercial rates.

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I believe people are happy to pay or make a contribution-----

Senator David Norris: No, they are not.

Senator Victor Boyhan: -----for decent local government services. It has nothing to do with the value of their properties, which I think is totally wrong. While I do not subscribe to the current system of local property tax, I believe we should work to demonstrate to people that the revenue collected locally will be retained locally, every penny of it. I believe this is where people have a problem.

Those who support the Government need to use their influence to prevent any hike in property tax bills, and I say this to Fianna Fáil Members in particular, given they are supporting this Government, whether they like it or not.

Senator Paul Daly: We are facilitating it.

Senator Victor Boyhan: They are facilitating it. However, they can crank up their influence and their currency with this current Government. We know we will have local elections in 2019. I can tell the House here and now that local property tax will be one of the biggest issues facing the electorate in June 2019. If Fianna Fáil does not make an issue of it, somebody else will. I certainly will be doing so. I look forward to being out either canvassing or campaigning in some way in that election. It is one of two or three issues that I feel strongly about. We need to address it. I get a feeling that Fine Gael and the Government will address the local property tax because they are pragmatists, or they would want to be if they want to survive in the forthcoming local elections, which are just a year away.

It is important that we address the issue and that we have fairness in the system. We should be under no illusion that it is a big issue that is exercising the minds of people when they are out and about. Councils contribute to local communities and facilities. Many people were sold this big deal that they were going to have swimming pools, libraries and other services but it did not happen. I believe we need to link it in to the services that are provided locally, and with full accountability. We have to seek, as part of any local government review, better value and accountability for services, and greater transparency in the funding of local government and how that money is spent by local councils. I support empowering councillors and giving more powers to local government. While I do not hear too many people talk about it in central government, I am in favour of devolving more powers to local government. With that, however, there has to be funding from the Government. If people see a system where they can have some sort of a contribution, I believe they would be interested in supporting it.

I thank Fianna Fáil. I support 99% of what it is saying in this regard and I think it is right. We need to be honest and we need to pull away from the current system of local property tax. It is not the right way to do business. If Revenue was not collecting it, half of it would never have been collected. We need to look at this. It is part of a bigger reform package for local government and how we fund local services.

Senator David Norris: I am in two minds as to whether to support the Fianna Fáil motion. I probably will because it is half a loaf and that is better than nothing. However, if it was really the republican party it claims to be, it would go for total abolition of the local property tax.

It astonishes me there was such a row about the water rates. There is a very clear argument from central Government for water rates and for the establishment of Irish Water. Water does

not come straight from a cloud into a tap; it has to be stored, treated and delivered, and these are all clear costs. However, if I look at the history of Ireland - if I look at figures like James Fintan Lalor, Gavan Duffy and Parnell - they all fought against this kind of thing because it is nothing other than rack-renting. Under the 19th century system, if an Irish citizen dared to improve their property, the rent went up. That is one hell of a disincentive.

I will talk from my own personal experience. Luckily, I can still afford to live in the house to which gracious reference was made, and which won celebrity home of the year. Let me say that this took 40 years to achieve and hundreds of thousands, possibly millions, of my income were spent on that, because it was my only hobby. It is one of the ideals of this city to preserve the Georgian architecture. While the city authorities were laying waste to Georgian buildings all over Dublin, in my own little way in North Great George's Street, through my own house, through the James Joyce Centre, through the 12 other houses with which I was positively involved and through the creation of the North Great George's Street Preservation Society, I was doing the job of these people. What is the reward? To have a tax slapped on, just like in the 19th century.

We are told the primary purpose of local property tax is to provide funding for local services. What local services? Perhaps the Minister of State can explain what local services we get. We pay for the roads through car tax, which is also totally idiotic. I drive a very old car and it costs me as much every year to tax and insure it as it did for me to buy it because the Government will not see the sense of the polluter pays principle. The Minister in charge in a previous Parliament agreed with me that the polluter pays principle was the way to go, and one would pay the tax on the petrol. That is the obvious way to go but they will not do it. Therefore, the roads are provided for through road tax and, with regard to other services, we used to get the bins collected by the corporation. They were reasonably well collected and people knew where they were, and they were all collected at the same time, not in the middle of the night by half a dozen fly-by-night companies, which, by the way, engaged quite recently in the Mafia tactics of burning out each other's lorries. We do not really know where the profits go from these companies. That was a great one. How about taxing their profits? To repeat, we are not paying for the roads as that is done through car tax, and we pay through the nose for our bins. Therefore, what do we get for it? Very little.

The Fianna Fáil motion states: "Fine Gael wrongly diverted 30 per cent of the revenue in 2014 to Irish Water". Therefore, we are paying our property tax to prop up Irish Water. Hello. Is anybody out there listening? I am not sure. We come to the Government's amendment. My really decent and lovable friend, Senator Paddy Burke, said it was a great motion but then went and deleted the whole bloody thing. Oh God, Mother Ireland you are rearing them yet.

The motion states that the objective of the local property tax is to broaden the tax base and replace some of the revenue from transaction-based taxes with an annual recurring property tax to provide a stable and secure source of income for local authorities. They are scraping around to see where they can get the money to fund local resources. Had the Government the wit to tax the vulture funds, it would have the money. Giving the vulture funds charitable status was a brilliant coup. Nobody could possibly have anticipated that. If people were dreaming up what they could do that would be the most ludicrous thing possible, giving charitable status to vulture funds or, as I call them, vampire funds would be one. The motion has the gall to say that the LPT is fair and equitable as the owners of the most valuable properties pay the most. What about income?

I restored my house and spent huge amounts of money on it and I am very glad I did. Meanwhile, my income from Seanad Éireann has gone down by 50%. It is half of what it was before the crash because we had the cuts that everybody got, which is fair enough. Uniquely to us, the long service increment was ended. Being in Seanad Éireann is the only job in which one gets no long service increment whatsoever. That was a bright idea, which would save the country thousands of millions and billions. The money involved was a few grand that was given to half a dozen people in either House. It was a lot of rubbish and cosmetic nonsense.

The Civil Service was cute about hedging around the small and large allowances we got. Charlie McCreevy gave very generous allowances for nothing at all. Nobody knew what they were for. They were to compensate us for not taking his series of wage agreements. There was cash into one's hand. The same bloody civil servants had payments streamed into their income. They are not subject to the same thing. After 32 years and half a dozen elections, I earn exactly the same as someone who was nominated without an election and hardly shows a face in the House. The phrase used was "fair and equitable".

A review was conducted by Dr. Don Thornhill, whom I never met and never heard of. He was involved in the design of the tax. It is wonderfully independent and marvellous that the Government got the man who designed the tax to review it. Of course he is going to say that he thinks it is wonderful and it was a clever idea and he will wonder who thought of it. Has the Government ever heard of such a thing as independence? It certainly does not jump out at me from the speech.

The people want the property tax to be abolished as it is grossly unfair and harks back to a situation of rack-renting. We are talking about property tax when so many people cannot afford a home for financial reasons. We should ensure everybody in the State can afford a home in which they can be comfortable. I salute Sinn Féin for its stand against property tax. That is the way forward and an election winner. If Sinn Féin is going to go into coalition with Fine Gael or Fianna Fáil, it should make that a condition.

Senator Rose Conway-Walsh: This motion is a typical cynical motion from Fianna Fáil but to be fair, it is only taking up Fine Gael's lead on it. Those parties which supported the local property tax are now running afraid of it. Of course it is due to increase. The whole idea when it was introduced was that as property prices went up so too would the tax. That was too much to accept before the election so the can had to be kicked down the road. Now the great proposal is to kick it down the road again to make the next increase even steeper.

The Government should stand over the logic of its tax. I read the Minister of State's speech. It states the introduction of the local property tax provided an opportunity for political reform at local level. It has not done what it was supposed to do. I came from and live in a local authority. Local authorities are starved of finance. Not only that, decision-making within local authorities is still centralised in central government and at a European level and chief executives within the council make decisions. It certainly has not given more decision-making to elected representatives. The Government has not delivered the type of reform which was intended. People still do not have water, sewerage, proper roads and all of those things. People are annoyed because they do not see any benefit from the tax.

The local property tax was introduced at the lowest point in the property cycle, making the increases inevitable. Even those currently excluded because they bought properties in 2013 can only buy a little more time. There are people in deep mortgage distress paying this so-called

wealth tax. For them it is simply a tax on debt. Throughout his speech, the Minister of State referred to the importance of stability. Where is the stability for people who are paying a tax on debt?

I note the calls for reform, but what did these parties think was going to happen when they linked the tax to property? The motion is deliberately vague and designed to give the impression that something is being done. I have no idea what ability to pay and affordability issues are, and I do not know if anybody else does. In its report, the Parliamentary Budget Office set out four choices: no policy change, that is, the 2019 revaluation would go ahead as planned; to freeze valuations at 2013 levels; to revalue and adjust rates nationally to maintain overall yield; and to revalue and adjust rates locally to maintain overall yield. The Thornhill review supports the last option. As Senator Norris points out, we cannot have somebody reviewing a tax when he designed it in the first place.

One of the options is to revalue and adjust rates locally to maintain the overall yield. Maybe this is what Fianna Fáil is getting at but that would require some householders to pay more to allow others to pay less. Is that what this motion is about? If it is the case, Fianna Fáil needs to be honest about it. For Sinn Féin there is a fifth option, and a fair option, namely, scrap the local property tax-----

Senator David Norris: Hear, hear.

Senator Rose Conway-Walsh: -----and replace it with Exchequer funding. As Senator Norris and Sinn Féin have said, giving charitable status to vulture funds, who end up owning many properties and land when loans go into distress, and allowing them to pay a minuscule amount of tax does not make sense.

An Leas-Chathaoirleach: Is the correct title equity houses?

Senator Rose Conway-Walsh: They are equity houses.

An Leas-Chathaoirleach: I asked a question. It is not their correct title.

Senator David Norris: Vampire funds is what they are.

An Leas-Chathaoirleach: I know Senator Norris is-----

Senator Rose Conway-Walsh: They are vulture funds which are facilitated by this Government-----

Senator David Norris: Is the Leas-Chathaoirleach on any of the boards?

An Leas-Chathaoirleach: Definitely not.

Senator Rose Conway-Walsh: They have made fortunes on the backs of vulnerable citizens, many of whom have been crippled by property tax. They have had the red carpet rolled out for them. They are the same vulture funds which refuse to come before the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. Why will they not do that? What do they have to hide? We reward them by letting them avail of these tax loopholes. It is crazy. We have shown how the local property tax can be abolished. We have included it in all our fully-costed alternative budgets. This amounted to €445 million in the planned 2018 budget. It can be done. We have shown how. It is a failed tax. Its supporters are trying to reform it so

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that it is no longer what it was meant to be. The allocation process is so skewed that one cannot really call it a local tax - and it is not a local tax - and now the two main parties do not want it to be a property tax. It is merely another tax being levied regressively, including on those who cannot afford it and those who are already struggling under mountains of debt.

Sinn Féin continues to call for this tax on this debt to be abolished and have demonstrated how this can be done. I ask the Minister of State to reconsider this. It is often the case that the little people are taxed, those who cannot move or shift things around and cannot escape it. I ask that the Government look again at alternatives to the property tax in this year's budget, and consider how it might be scrapped altogether. I ask the Government that it should please not use the excuse of local government reform. Local government is starved of funds but this matter is in no way connected to local government reform.

Senator Anthony Lawlor: I second the Fine Gael amendment. It is interesting to listen to the debate. I am always concerned when Fianna Fáil talks about property tax and what it might or might not do. This seems to be the start of a debate relating to a future election promise in which Fianna Fáil will remove property tax. We all know what it did in 1977 when local authorities were funded by rates from households, businesses and landowners. Fianna Fáil removed that from household properties so that it could win a general election. Not alone did it win the general election, but it led the country to rack and ruin. This is another promise that it will deliver on in the next general election. Some €470 million will be cast aside, it will have to be found somewhere else to replace the property tax -----

Senator Gerry Horkan: The Senator should read the motion.

Senator Anthony Lawlor: I have no doubt but that this attempt to remove it will be before the electorate before the next election. As for Sinn Féin, it is talking about removing the property tax down here when someone in Newry has to pay two property taxes, one a local tax and the other a district tax, which it increases on a regular basis.

Senator Rose Conway-Walsh: I wish to make a correction ----

Senator Anthony Lawlor: Sinn Féin down here shouts for the removal of the property tax -----

Senator Rose Conway-Walsh: The Senator knows that services are delivered. He should also understand -----

Senator Anthony Lawlor: -----and then in Northern Ireland, call for it to be increased. I do not know what to make of that.

An Leas-Chathaoirleach: I have to take a point of order. I think that it is a point of order.

Senator Rose Conway-Walsh: The Senator is telling mistruths.

Senator Anthony Lawlor: They are facts.

An Leas-Chathaoirleach: There is no point of order.

Senator Anthony Lawlor: They are facts. The Senator cannot deal with facts. She should deal with the truth.

Senator David Norris: There are alternatives.

An Leas-Chathaoirleach: Order.

Senator Anthony Lawlor: I supported the last Government which introduced the property tax. It was there to broaden the tax base which had been decimated by the previous Fianna Fáil Administration when everything was based around taxes associated with building houses, and for developers. That property tax was difficult to bring in and was introduced reluctantly.

What are we to do for the future? Three parts of the tax are moveable. One is the property valuation, last undertaken in 2013 by all those who owned property. The second is the local adjustment factor, introduced in a recent Bill, where local authorities could adjust the property tax on each individual property by 15%. For instance, in 2017 Longford reduced the property tax by 3% and in 2018 increased it by 10%. In 2017, Limerick increased the rate by 10% and then by 7.5% in 2018. Most Dublin local authorities reduced it by 15% because of changes in the value of properties.

The third is the standard rate which is 0.18% while properties worth over €1 million, which might include Senator Norris, are at 0.25%.

Senator David Norris: I have no control over it. That is the point. Houses go up in value.

Senator Anthony Lawlor: The thing that can be done for the future was what was done in the mid-19th century when Griffith's valuation was undertaken. That valuation applied until recently when there was a review of all commercial properties. Local authorities decided on what they would charge in the pound. In their own general meetings, they decided whether to raise or lower the rate. That is what should be done. We should leave the valuation as it is and let the local authorities decide if they want to increase it by either the adjustment factor or else we as legislators should allow them to move the standard rate up from the 0.18%.

Senator David Norris: How about providing some services?

Senator Anthony Lawlor: I agree with Senator Norris on services. In my own local area, a number of playgrounds have been built from local property tax receipts, and roads that would not normally have been done have been done through the local property tax.

Senator David Norris: Road tax.

Senator Anthony Lawlor: Streetlighting has been paid for and footpaths repaired. Grants have been given to local communities for festivals and doing up their estates. All these things have been done through the local property tax.

The Government should leave the valuations as they are. If local authorities want to increase their revenue they should examine doing so on the local adjustment factor or give them the power to increase the standard rate. However, it should be put back to local authorities because that is where the money will be spent and local councillors should be given this power, not central government.

I will make one final point. Some 62,000 properties have been built since 2013 which are exempt from property tax which would have been worth €61 million to the State. We might include this in the review. It might be that the valuation should be brought back to those properties to 2013 levels, as with similar houses in the area.

Those are some of my ideas. I am strangely surprised by Sinn Féin with its call for aboli-

tion when it has it in full force in the North of Ireland where it is in charge. As for Fianna Fáil, this may be a step towards the abolition of the tax and the ruination of this country once again.

Senator David Norris: All the Prods have all the houses, it is a nationalist plot.

An Leas-Chathaoirleach: Order please. I call Senator Gerard Craughwell.

Senator Gerard P. Craughwell: The Minister of State is getting something of a lashing on this property tax issue.

Senator Gerry Horkan: Actually, he is not.

Senator Gerard P. Craughwell: I believe that in his speech today, he will announce the living in Dublin allowance and then we will not care about property tax, we will be very happy to pay it.

I do not know what people were thinking of when they based the tax on the value of properties. A four-bedroom, semi-detached house in Leopardstown in Dublin had a value of €969,000 before the crash. Immediately after the crash, it had a value of €360,000. If I live in that house, on which value should I pay the tax? Where does the valuation come in there? What lunatic put the value of the property as the basis for tax? I cannot really support the Fianna Fáil motion and am inclined to go along with Senator Norris and say let us just scrap the tax. It is coming to the stage where a living in Dublin allowance needs to be introduced for public servants, gardaí and teachers, who are on fixed incomes.

As Senator Norris pointed out, not only is one being hit with property tax one is also paying for the bin service. We rarely see the grass being cut in housing estates now even though we pay for it. When we were not paying for it directly through property tax it was being cut once a month. Now it is rarely done, perhaps once every six weeks or the like. The financial emergency measures in the public interest, FEMPI, legislation is still in place. Senator Norris referred to the removal of the long service increment, which sadly I would not qualify for if it was available. The Government has taken a significant amount of money from public servants over the last number of years. It has started to give some of it back, but we are a very long way from where we were in 2008.

Property tax is going up because the value of property is going up again. The four-bedroom, semi-detached house I referred to that dropped to €360,000 is now priced at €700,000. Yes, the economy is booming. The last Government did a great job on the backs of the citizens of the State. The country recovered. That recovery facilitated the vulture funds mentioned by Senators Norris and Conway-Walsh. They are enjoying all the benefits, but the workers are still paying and paying hard.

As regards the current system of property tax, I understand that Fine Gael has asked Fianna Fáil to agree to continue the little relationship so the Government can survive for another two years. If Fianna Fáil is happy to continue with the love affair it will all be hunky-dory for a while, but Fianna Fáil could make it part of the deal for the love affair that it has some input into property tax. That would be a good way to start. Senator Boyhan said that this will be an election issue. There are so many things that will be election issues I would not wish to go near an election at present. Property tax, health, education and security are among them.

Who wrote the Government's amendment? Who wrote that the local property tax is fair

and equitable? Were they trying to pull a fast one? It is hilarious to say it is fair and equitable. My poor old semi-detached house, indeed my dog's kennel, has a higher property tax rating than some of my relations' houses down the country. When the Minister of State does the review he should just scrap the property tax and bring forward something more equitable.

Senator David Norris: Hear, hear.

Senator Gerard P. Craughwell: Putting the money into water is a cheat. We had all the marches in the streets and then the Government said it was withdrawing water charges. It decided to divert some of the money from property tax. Given the rate at which properties are going up in value it will catch up on the €1 billion it was going to collect anyway. That really has to stop. The Government has no idea how difficult it is for ordinary, hardworking people to live, particularly public servants who are on fixed incomes and anybody working in the private sector who is on a fixed income. Property prices are going through the roof. Where are people going to get the money? I got notice recently that my waste charges are about to go up. There is talk of introducing charges for green bins. Everything is going up continuously but my income has not changed very much, and I doubt that I will see much of a change in my lifetime. Certainly in my working lifetime I will not see much change.

This tax was a fudge when it was introduced. It was just another way of making money, as was the FEMPI legislation. It was introduced with the most stringent methodology for collecting it so people cannot evade it. For its own sake the Government should take a long, hard look at it. Incidentally, with regard to bringing back the guy who designed it, he made a dog's dinner of it so I would find somebody else to conduct the review.

Senator Brian Ó Domhnaill: This is a timely debate. A debate on taxation at present is opportune for everybody, including the Department of Finance, due to the chill winds that are blowing across Europe and across the Atlantic. They will have an effect on the Irish economic footprint over the next number of years. The most recent figures from the Department of Finance show that the deficit this year has increased compared with the deficit up to the end of April 2017. There is a budgetary deficit of €3.4 billion this year compared with a €2.5 billion deficit last year. In that context we must be very careful about discussing the elimination of taxation measures in the State. We see what is happening in Italy at present and the repercussions that will have not only on the euro but also on companies that have invested in Ireland. Things that are happening worldwide will have consequences for Ireland.

The objective of the local property tax was to widen the tax base. It has done that, but was it fair? It probably was not. It is based on the 2013 valuations. According to the CSO, average property prices increased by over 56% up to the end of 2017. If that pattern were to continue up to the end of 2019 when the revaluations are due there could be an increase of over 70% on the valuations of property. That is not universal across the board. Those are the CSO figures but most of the increase has occurred in Dublin and the other urban centres. However, I have done the mathematics on what that will mean for property tax yield. It will probably mean an increase of approximately €400 million on the €486 million that was taken in last year, so it is approaching €1 billion. Would the economists in the Department of Finance want to see that tax removed? They certainly would not.

However, is the tax fair? That is one of the criteria used to determine a tax, along with the simplicity of the tax. It is not fair. It impacts negatively on a pensioner who has a valuable property and is living on the old age pension in Senator Horkan's constituency. The fairness of

the tax is probably why he put forward this motion. One of the crucial criteria for a government when crafting a taxation measure is the fairness of the tax. The blueprint in this motion should be taken on board by the Government and should be filtered into the review that is currently taking place, as was promised by the Minister for Finance, Deputy Donohoe, to try to provide some level of reassurance to people who are worried at present. Ultimately, we could see a flood of valuable properties coming onto the market from people who will not be able to afford to stay in them because the property tax will increase so much.

My wife is Canadian. I am seeking to put matters in perspective in case people think the property tax is terrible here. The tax in Canada is €5,000 for a small bungalow in certain provinces, and it is a provincial rate that applies there.

Senator David Norris: They get services for that.

Senator Brian Ó Domhnaill: The alternative is to abolish the USC and the property tax, as has been put forward by Sinn Féin and others. That is the wrong thing to do and this is the wrong time to do it. It is a crucial economic juncture for this country. We must be absolutely fiscally responsible. Otherwise we risk another crash like the one that happened in 2008 and 2009. There were irresponsible economics at that time, and it was not necessarily within the four walls of Ireland Inc. but worldwide. What happened in the United States had direct implications for what happened here. We must be ready for such tailwinds, and elimination of taxation is not the way to go.

Certainly, we should try to make the tax fairer. In doing that we should examine the 0.25% of the valuation. Additional autonomy must also be given to local councils. I believe the equalisation fund is unfair even though my county benefits greatly from it. It does not link the tax in locally. Instead, it is moving from east to west and that is not fair on the ground. There is a need to look at autonomy and giving councillors the additional power they require. We are talking about the local property tax funding local government because it makes up 9% of local government income this year, and that is because the Government reconfigured the Local Government Fund and is providing almost €1 billion to Irish Water. We have to ask if the money should not be going into local government instead. If Irish Water does not get the money from the Local Government Fund, it will get it from Exchequer revenues anyway, because of the complex situation it is in by virtue of not being commercially viable.

There are very serious questions and we have to look at this in the round. Senator Horkan's motion comes at an opportune time and I hope the Government, instead of bashing it, listens to what it contains. Ordinary people, whether in Donegal, Dublin, Dingle or Clare, are talking about the issue and are concerned about it and Fine Gael, Sinn Féin and Fianna Fáil councillors will face the issue in the next local elections.

A number of options are available to the Government in reviewing this but whatever happens, fairness must be at the heart of any solution. I hope the Minister of State will accept the motion and filter it into the process. He might advise us as to whether there is an opportunity for any Member to make submissions to the review. Is it open for public consultation? I read about making submissions in the launch but I have not seen a lot since. Will there be an opportunity to have another debate in this House on the process?

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I will answer the last question first. The submission period is closed. It was open for two weeks and

was extended for a further week. It was on the Department's website and was also in the media. A total of 12 submissions were received.

My proposal is designed to clarify the background to the local property tax, LPT, and its purpose and to note that a review of the tax is currently under way at the instigation of the Minister for Finance. The introduction of the LPT in 2013 was the largest extension of self-assessment in the history of the State, with more than 1.3 million taxpayers obliged to file LPT returns and pay the tax in respect of around 1.9 million properties. The LPT is producing a stable revenue yield for local authorities, although both yields and tax rates are modest by international standards.

The charging structure for LPT is progressive. The basic rate of 0.18% applies up to property values of €1 million, with a higher rate of 0.25% applying on the portion of value above the €1 million threshold. In addition to the progressive rate structure, and to the extent that those with higher income or wealth tend to own properties with higher values, the LPT is a progressive tax particularly over the life cycles of taxpayers.

From 1 January 2015, local authorities have had discretion to vary the LPT rates by plus or minus 15%. A number of local authorities have exercised this option. By the end of 2017 and since its inception, LPT has contributed over €2.2 billion to the funding of local authorities. The introduction of the local property tax fulfilled the objective of broadening the domestic tax base and replacing some of the revenue from transaction-based taxes with an annual recurring property tax. In the past, there was an over-reliance on transaction-based taxes and we know only too well how that dependence proved to be an unstable source of Government revenue when the financial crisis impacted. In contrast, international experience has demonstrated that property taxes provide a secure and stable source of funding. Stability needs to be the cornerstone of our public finances now and into the future. In that context, it is therefore surprising to hear proposals from some Opposition benches for the abolition of the local property tax.

Another positive feature of the local property tax is that it enables us to achieve our goals in a way that does not directly impact on employment. The Government has a strong record in the area of job creation and is determined to do everything in its power to protect and support the creation of jobs. The local property tax, as a measure which is a tax on assets, not employment, should not adversely affect job creation. In respect of ability to pay, the LPT legislation has a number of features providing that in certain circumstances one can defer or partially defer the payment of one's local property tax. Deferral arrangements are available where there is an inability to pay and certain specified conditions are met. A qualifying person may opt to defer, or partially defer, payment of the tax. Where a person qualifies for a full deferral then 100% of the liability can be deferred. Where a person qualifies for partial deferral, then 50% of the liability can be deferred. The balance of 50% of the tax must be paid. There are a number of conditions that must be met to qualify for a deferral. In the main, the income of the individual must be below €15,000 for a full deferral and below €25,000 for a partial deferral. Thresholds of €25,000 and €35,000 apply for couples. These thresholds can be increased by 80% of gross mortgage interest payments.

The LPT is an annual self-assessed tax charged on the market value of residential properties. The Revenue Commissioners are responsible for the administration, collection, enforcement and audit aspects of LPT. The property valuation must be determined on a specific valuation date and forms the basis for the LPT charge until the next valuation date. The first valuation date for LPT was 1 May 2013 and the valuation of a property set on that date remains valid until

31 October 2019. The 1 May 2013 valuation is not affected by any subsequent improvements or extensions to a residential property. Likewise, where a property is sold during the valuation period, and the value of the property has increased, there is no additional liability to LPT providing the initial 2013 valuation was accurate.

The local property tax is now well established as a significant element of our taxation system. It is important that its position is maintained, as research and experience internationally consistently show that taxes on immovable property are among the taxes that are least detrimental to growth. The introduction of the local property tax provided an opportunity for political reform at local government level. The local property tax will provide a stable funding base for local authorities and it can be altered into the future. This is a positive reform in local democracy whereby funds are ring-fenced for local authorities.

Because of its importance, in 2015, only a matter of two years after its introduction, the Minister for Finance asked Dr. Don Thornhill to conduct a review of the operation of the local property tax, in particular any impacts on LPT liabilities due to property price developments over recent years. Dr. Thornhill had chaired the interdepartmental group on the design of a local property tax in 2012. Dr. Thornhill's central recommendation was for a revised system whereby a minimum level of LPT revenues in each local authority area would be determined by Government, ideally having regard to the apportionment between local authority areas of the historic yield. This in turn would allow for the estimation of LPT rates for each local authority area and the application of these by taxpayers and Revenue. Local authorities could adjust this rate upwards by a factor of up to 15%. The new system was recommended by Dr. Thornhill with a possible interim deferral of the next valuation date until November 2018 or November 2019.

Following this review, in 2015 the previous Minister for Finance proposed to Government that the revaluation date for the LPT be postponed from 1 November 2016 to 1 November 2019. This postponement meant that homeowners continued to have their homes valued for local property tax purposes on the basis of their 1 May 2013 declared valuation, and so were not faced with significant increases in their local property tax in 2017, 2018 and 2019 as a result of increased property values. Local property tax liabilities for 2019 will also be based on the 2013 declared valuations and, again, homeowners will not see increases in their local property tax liabilities for 2019. If there was no change, the valuations of properties on 1 November 2019 would be the basis for calculating local property tax liabilities in 2020 and beyond.

The Finance (Local Property Tax) (Amendment) Act 2015 gave effect to the postponement of the revaluation date of residential property for local property tax purposes and to two of the recommendations in Dr. Thornhill's report, involving local property tax relief for properties affected by pyrite and relief for properties occupied by persons with disabilities. Among these recommendations is that local authorities be more engaged in supporting the Revenue Commissioners and that they provide the public and individual households with programmatic and other useful information on how they spend the public funds available to them and the proportionate contribution made by the local property tax.

The local property tax was designed on the principles of equity, transparency and simplicity. Under the local property tax, a liability applies to all owners of residential property with a limited number of exemptions. Limiting the exemptions available allows the rate to be kept to a minimum for those liable persons who do not qualify for an exemption. I note that the motion in the names of 12 Fianna Fáil Senators mentions the possibility of extending some relief

from the local property tax for those in multi-unit developments paying significant management charges. There is no specific relief from the local property tax for the payment of such management fees. Issues such as ability to pay are addressed through a system of deferrals, subject to meeting the qualifying conditions. Those individuals who are liable for management fees to property management companies may be exempt or eligible for relief from the local property tax for another reason, or may be entitled to avail of a deferral arrangement under the provisions contained in the legislation. However, it must be noted that generally, properties in managed estates to which such fees apply would have been purchased by their owners in the knowledge that they would be taking on commitments to partake in and to fund the management of the estate, and that it was the intention that many such estates would not be taken in charge by local authorities, nor would it be appropriate for local authorities to do so. Management fees in these estates may, in some instances, include services such as refuse collection, maintenance of common areas and a sinking fund for certain repairs to the buildings. These are costs which homeowners in many other developments would have to fund themselves for their own properties. An exemption for apartment dwellers as suggested would, therefore, be unfair.

Local authorities provide a broad range of services in the public realm, the proper functioning of which are important for the well-being of every community and household. These include fire and emergency services, road maintenance and cleaning, street lighting and spatial and development planning. The net issue is that the local property tax applies to everybody, no matter where one lives. Irrespective of the position in which some people find themselves in owning property in managed estates, it is not envisaged that there would be a special category or a special exemption for them. That is not the position of the Government.

I note also that the motion as tabled contends that “Fine Gael wrongly diverted 30 per cent of the revenue in 2014 to Irish Water” While all local property tax receipts went into a single fund, that is, the Local Government Fund, it would not be correct to say that local property tax paid for Irish Water from the fund in 2014. The general purpose grant declined from €640 million in 2013 to €281 million in 2014, a fall in excess of €359 million. The Government decided in the context of budget 2014 that the former water-related elements of general purpose grants should continue to contribute to the water services costs that were previously met by local authorities. The funding provided to local authorities for the provision of water services from 2014 is governed by service level agreements between Irish Water and individual authorities and, therefore, the local authorities are no longer in receipt of funding for water services costs directly from the Local Government Fund. Instead, the fund provided a subvention to Irish Water in 2014 of €439 million. The Government does not accept the assertion made in the motion on the diversion of funding to Irish Water and, therefore, must oppose it. Also, the motion does not acknowledge that a review of the local property tax is already under way, which will report in late summer. The Minister for Finance considered it important that the Government was able to make its position clear on the local property tax so that households will be aware of its plans well in advance of the November 2019 revaluation date, and the associated local property tax liabilities in 2020 and beyond. The Minister further considered that it is essential that the principle that formed a central part of the terms of reference for the 2015 review of the local property tax, that is, achieving relative stability in local property tax payments of liable persons, both over the short and longer terms, will inform consideration of this matter.

Some local authorities have increased or decreased the local property tax. The Dublin local authorities have decreased the local property tax but while they did so, they still applied to the Government for other grants. The best example to give is sports capital grant applications.

All of the local authorities received large chunks of money for sports capital projects at the same time as they decreased a funding stream. I was a Member of this House and of the other House when both Houses had to go through carnage during a difficult economic period because of a chipping away at the tax base over a period of time. Making the tax base too narrow and chasing transaction taxes was an error. We were the only EU jurisdiction that did not have a property tax. Perhaps they were all wrong and we were right, or else it is the other way around. I suggest it is the other way around. We collect approximately €500 million through the local property tax. Within the overall amount of €50 billion, it is a small quantity of money. We have a lot of other taxes that bring in an awful lot more money than the local property tax does, which have no consideration for ability to pay. Car tax has no consideration for somebody's ability to make the payment. The local property tax does not either. We can extend this further to income taxation. I know people who have properties with very large mortgages, and while they chose to take out a large mortgage, they are stretched to the limit. They pay 50% tax on all of their income, multiple times more than the local property tax. Ability to pay is not taken into consideration.

Senator David Norris: And now we have a property tax on top of that.

Deputy Michael D'Arcy: We do indeed. We have extended the tax base, which was appropriate and correct. As I have said, a review is under way. I suggest that Senators wait until they see the outcome of the review. That is the appropriate thing to do. As Senator Paddy Burke said, the Minister for Finance is on record as stating he would expect the local property tax to be affordable. He has said this publicly.

Senator David Norris: Will the Minister of State send him a copy of this debate for the review?

Deputy Michael D'Arcy: We will indeed.

Senator David Norris: I thank the Minister of State.

Deputy Michael D'Arcy: I expect it will be affordable, in line with what the Minister has said. Do we expect it to double or treble? That is not the expectation. Will it increase? I do not know but I have seen very few taxes decrease. They normally increase. The appropriate thing to do with taxation is to increase it in a careful incremental way by small amounts initially and that is how one increases the tax base. We are facing an uncertain period and we do not know what will happen with Brexit. We are facing a period of potential trade wars between the EU and the US, which have been and still are very closely associated trading partners. We are in a period of uncertainty, however. We could chip away these bases and both Houses could eliminate the local property tax. The Government does not have the voting power to block that but it would be irresponsible. One should not forget it has been a tough decade. If people want to do again what we did, it would be an error. I remember the period 2002 to 2007. If all of us had known what was coming after that, we would not have done what was done in either House. We should not consider it now. We do not know what is around the corner. We are being very careful and prudent, and the Minister for Finance, Deputy Donohoe, will be prudent in making the next steps regarding revenue and expenditure. We have a balanced budget, which has taken a long time to achieve, but we must be careful and must not be reckless.

Senator Gerry Horkan: I thank the other nine Senators and the Minister of State, despite Senator Lawlor's attempt to annoy everybody and wind everybody up. I realise he is only back

in the Houses and is probably a bit riled up but there is no suggestion at all in this motion that the property tax be abolished.

Senator Anthony Lawlor: Not true.

Senator Gerry Horkan: The Senator's colleague congratulated me on the motion before moving the amendment to delete it. I thank Senator Paddy Burke for his kind words.

Senator Paddy Burke: It was so we could have a debate on it.

Senator Gerry Horkan: Exactly. I thank Senator Paddy Burke very much for his kind words. I reassure Senator Lawlor that abolition is not proposed anywhere. None of us referred to it. It is not what we are about.

I acknowledge much of what is in the Minister of State's speech. It is very reasonable. Much of it is stating the *status quo*, with which many of us, particularly those of us on the finance committee, are familiar. I thank, in particular, Senators Mark Daly, Ardagh, Ó Domhnaill, Craughwell and Boyhan. I thank Senator Norris for his always-entertaining and valuable contribution to the debate. I hope his comment that half a loaf is better than none is an indication that he might be willing to support us. I would welcome support from all Members of the House, including those in the Chamber and those who are no doubt watching intently on monitors in other parts of the building and elsewhere. Unfortunately, I am not in a position to thank Senator Rose Conway-Walsh for much of her contribution but, then again, there is probably nothing new in that. I do not blame her personally and she knows that.

The tax is to fund local services. The money is being raised in one place and spent somewhere else.

Senator David Norris: Hear, hear.

Senator Gerry Horkan: It is replacing grants that used to be available. With regard to where I live, where I used to be a member of the local authority, I talk about €850, not 85 charges, because the average property tax there is €655 before any adjustment. As I stated, almost 60% of houses are worth more than €300,000. That is before we go near those valued at €1 million. It does not make people wealthy. As Senator Craughwell outlined, a property value goes up and down. One's house is where one lives and one is not in a position to realise its value, move off somewhere else and try to hold down a job in the area where one is living. Equally, for people on fixed incomes, pensions etc., it is difficult. I accept there are deferral mechanisms in a very small number of cases.

There is probably more in the motion that the Minister of State has agreed with than he has disagreed with. He found fault with the percentage associated with Irish Water. That is fair enough. If that is the only reason he is not supporting the motion, I will take the line out. I appeal to Fine Gael not to press the amendment, which effectively fillets and eliminates the entire motion, which we have spent the last hour and 34 minutes or so debating.

With regard to the property tax, €50 out of €850 is the benefit to householders in Dún Laoghaire-Rathdown. It is a tiny percentage. There is no point in Members shaking their heads because €600 replaces grants that used to be available. These are figures from the director of finance in Dún Laoghaire-Rathdown. We have debated them many times. We are better off by €50 out of a charge of €850. The other moneys are moneys we used to get anyway, and we do

not get them anymore. Those are the figures from the head of finance; they are not my figures. We debated them for many years. I was a member of the local authority in 2014, 2015 and 2016.

Deputy Michael D'Arcy: The Senator is choosing to ignore the State, or Dún Laoghaire, benefiting from huge volumes of money from other areas, or other Departments.

Senator Gerry Horkan: I am not ignoring it. I am saying that up to-----

Deputy Michael D'Arcy: People in rural-----

An Leas-Chathaoirleach: Order, please.

Senator Gerry Horkan: I acknowledge motorways that were built. I acknowledge many things. I acknowledge LIHAF. I regularly and often said good things about this Government, the Minister of State, in particular, and other Ministers in his Department when they did things right. I am pointing out that people think when they write a cheque or set up a direct debit for €850 that Dún Laoghaire-Rathdown is €850 better off. It is not. It is €50 better off. That is the point I am making and it is valid. The figures are not mine; they are figures that were substantiated and verified by the head of finance in Dún Laoghaire-Rathdown. That is the only point I am making. I will acknowledge LIHAF, the Luas, the M50 and many developments when the current Government was not in power and when Fianna Fáil was in government. Very expensive projects were carried out all over Dún Laoghaire-Rathdown. They included schools. When some people say we blew the boom, they should realise a lot of the boom was not blown. Certain things did not work out and moneys were certainly wasted but there are schools, community centres, swimming pools and libraries all over Dublin and the rest of the country that were built when the money was available to build them by the Fianna Fáil Government and, subsequently, the current Government.

Senator Craughwell referred to the living-in-Dublin allowance. That is not the point of this debate but it should be acknowledged that people in expensive properties in Dublin are spending considerable amounts of their disposable income, or their income, on mortgage payments, which means they have an awful lot less to do everything else with at the end of a week than somebody in a different part of the country. We need to acknowledge that.

My background is in accountancy and I am a prudent person. I am not recommending that one gets rid of €500 million worth of property tax. Equally, however, I do not believe it is fair on anyone in any part of the country to see a doubling of his or her property tax. Therefore, I ask that the Government withdraw its amendment. I ask the Minister of State to support the motion. If in order to pass the motion he really wants me to take out the line about Irish Water, because the percentage is wrong, I probably would live with that.

The motions calls on the Government to undertake significant reform. It says it is doing this anyway. The motion calls on the Government to ensure households do not receive substantial increases in the absence of reform. The Minister of State said that he does not want to see such increases. The motion asks the Government to examine the possibility of extending some relief from the local property tax to those in multi-unit developments paying significant management charges. I am not saying they should not pay anything but asking that there be some acknowledgment that some of the services being paid for through management companies are services that other people would get normally. I accept the fact that people buy into managed estates knowing the position.

We talk about ability to pay. Half the Minister of State's opening speech referred to ability to pay, and he said it was accounted for, and then he said in his wrap-up speech that, as with motor tax, it is not accounted for, so that makes it okay. There is a little inconsistency there. I ask the Government to withdraw its amendment. I do not want to divide the House. It is a reasonable motion. It is not asking that anything be deleted or replaced. It is now in the hands of the Minister of State.

Amendment put:

The Seanad divided: Tá, 11; Níl, 18.	
Tá	Níl
Burke, Colm.	Ardagh, Catherine.
Burke, Paddy.	Clifford-Lee, Lorraine.
Buttimer, Jerry.	Conway-Walsh, Rose.
Byrne, Maria.	Craughwell, Gerard P.
Coffey, Paudie.	Daly, Mark.
Feighan, Frank.	Daly, Paul.
Lawless, Billy.	Davitt, Aidan.
Lawlor, Anthony.	Gallagher, Robbie.
Lombard, Tim.	Gavan, Paul.
McFadden, Gabrielle.	Horkan, Gerry.
O'Mahony, John.	Kelleher, Colette.
	Leyden, Terry.
	Mac Lochlainn, Pádraig.
	Norris, David.
	Ó Domhnaill, Brian.
	Ó Donnghaile, Niall.
	Warfield, Fintan.
	Wilson, Diarmuid.

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Gerry Horkan and Diarmuid Wilson..

Amendment declared lost.

Question put: "That the motion be agreed to."

The Seanad divided by electronic means.

Senator Gabrielle McFadden: Under Standing Order 62(3)(b) I request that the division be taken again other than by electronic means.

Question again put: "That the motion be agreed to."

The Seanad divided: Tá, 16; Níl, 15.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Boyhan, Victor.	Burke, Paddy.
Clifford-Lee, Lorraine.	Butler, Ray.
Craughwell, Gerard P.	Buttimer, Jerry.
Daly, Mark.	Byrne, Maria.
Daly, Paul.	Coffey, Paudie.
Davitt, Aidan.	Conway, Martin.
Gallagher, Robbie.	Feighan, Frank.
Horkan, Gerry.	Hopkins, Maura.
Kelleher, Colette.	Lawless, Billy.
Leyden, Terry.	Lawlor, Anthony.
McDowell, Michael.	Lombard, Tim.
Norris, David.	McFadden, Gabrielle.
O'Sullivan, Grace.	O'Mahony, John.
Ó Domhnaill, Brian.	Reilly, James.
Wilson, Diarmuid.	

Tellers: Tá, Senators Gerry Horkan and Diarmuid Wilson; Níl, Senators Gabrielle McFadden and John O'Mahony.

Question declared carried.

Criminal Justice (Corruption Offences) Bill 2017: Report and Final Stages

Acting Chairman (Senator Gerry Horkan): I welcome the Minister for Justice and Equality, Deputy Charles Flanagan. Before we commence may I remind Senators that a Senator may speak only once on Report Stage, except the proposer of an amendment who may reply to discussion on the amendment. Also on Report Stage, each amendment must be seconded. Amendment No. 1 is in the names of Senators McDowell, Boyhan and Craughwell.

Senator Michael McDowell: I move amendment No. 1.

In page 17, between lines 3 and 4, to insert the following:

“(1) The District Court may try summarily a person or body corporate charged with a summary or indictable offence under this Act if—

(a) the Court is of opinion that the facts proved or alleged constitute a minor offence fit to be tried summarily,

(b) the accused, on being informed by the Court of his, her or its right to be tried

with a jury, does not object to being tried summarily, and

(c) the Director of Public Prosecutions consents to the accused being tried summarily for the offence.”.

Senator Victor Boyhan: I second the amendment.

Senator Michael McDowell: The purpose of amendment No. 1 is to make it absolutely clear that everybody charged with the offence of corruption is entitled to have a jury trial, if they so require. The Bill, as it is drafted, provides for summary jurisdiction in minor cases, even if the person accused does not wish to be tried in the District Court.

This is a point of fundamental principle and I ask the Minister to bear a few points in mind. First, there have been several attempts to amend the law relating to dishonesty and theft, to bring in a capacity to have the trial on a theft charge heard in the District Court. I know from my experience as Attorney General that this has been proposed for many years but it has been rejected by successive Attorneys General on the basis that the reputational consequence of being convicted of theft, even for stealing a chocolate bar from one's local shop, is of such gravity that it could destroy a person's career or require a person to resign office.

In the course of the various debates that have been held on the legislative process on this issue, I remember there are more than 100 and possibly 200 cases where a conviction for an offence of dishonesty disqualifies a person from holding office. I need not underline how many such cases there are, but there is a vast number of things that one cannot do if one has a conviction for an offence of dishonesty. Let me give an example, one cannot be an officer in the local credit union if one has ever been convicted of stealing a chocolate bar. That is the law. It has not changed.

It is crucial, therefore, that we should be very careful in this House about whether we would ever allow a person to be brought before a judge in the District Court on a charge of corruption. On some basis it may be alleged that it is a minor offence, when from the point of view of the person accused, it could never be minor. A conviction for corruption that is equivalent in some sense to a drink driving offence or a careless driving or dangerous driving offence could never be minor for a person who is an upstanding member of the community. These offences could never have the same consequence. They are qualitatively different. The point is that there are so many occupations for which a conviction for dishonesty disqualifies a person, it would be grotesque to allow somebody to be convicted of an offence of dishonesty without allowing him or her the right to trial by jury.

Is this a purely theoretical legal point? It is not. Some of us are long enough in the tooth to remember when the head of the Young Liberals in England, Mr. Peter Hain, who later became Secretary of State for Northern Ireland, was set up for a shoplifting offence where it later transpired that the South African secret service, the Bureau for State Security, BOSS, had a hand in creating the circumstances in which he could be discredited. He was eventually acquitted in the United Kingdom of this charge, which was something very tiny involving an item in a grocery shop, but the consequences would have been enormous if he had been convicted. For example, he would never have gone on to become the Secretary of State for Northern Ireland. He was just a student at that time. He led the Young Liberals but he later turned to the Labour Party.

I ask Members to consider whether, in the political world, anybody could propose themselves as a candidate for election to even the most insignificant elected position if they had a

conviction for corruption. What would the consequences be if a conviction for corruption could be thrown in one's face? They would be enormous for anybody and not just politicians. Could a tax inspector keep his or her job if he or she had a conviction for corruption? Could anybody retain any serious position of responsibility in a bank or a credit union, or in a local authority, whether in a management or an elected role? Could a person ever seek an important job having had a conviction for corruption? The answer must be that one cannot.

A conviction for corruption could never be a minor matter, even if it is taking a bribe to let somebody into a car park. Once one is convicted of corruption, the stigma is so huge that the question of disallowing trial by jury, in my strong opinion, simply does not arise. This section states that if somebody wants to avoid a jury trial, they should be allowed to consent to a summary trial. However, if they do not wish to be tried by a local judge in the District Court and want to have a jury trial, the offence of corruption is inherently so important that it is an absolute requirement that they are guaranteed that right.

Successive attempts have been made to introduce jurisdiction for the District Court to try a person against his or her wishes on a theft charge but they have been rebuffed for the reason that one cannot have one law for a bishop and one for the unemployed, the indigent or the homeless person who is accused of theft. The right to a good name belongs to everyone and if a bishop is accused of theft it is curtains for him if he is convicted in his local District Court. If that is the reputational consequence for him, or her depending on what church the bishop is in, the same rights must apply to anybody accused of the offence of corruption.

There is nothing to be lost and everything to be gained by guaranteeing the right to trial by jury to anybody accused of corruption. If we already accord that right to anybody for even the pettiest theft charge, it must logically be the same for a corruption charge. If anything, corruption is inherently a more serious and more deadly conviction for a person's reputation than theft. There are many positions and areas of employment for which a person is ineligible, by statute, if they have a conviction for dishonesty. If there is such a regime relating to dishonesty it must, *a fortiori*, apply to convictions for corruption. One cannot be corrupt honestly so, *ipso facto*, if one is convicted of corruption one is convicted of an offence of dishonesty. This amendment has been tabled for that reason. There is absolutely nothing to be lost by making it. As we guarantee this to people who are accused of theft, there is nothing to be lost by giving somebody charged with corruption the right to be tried by 12 women and men who will hear all the evidence, rather than by a single judge.

Senators Boyhan and Craughwell and I believe the consequences of conviction are so grave and so destructive of a person's character and their future in society that there is no such thing as a minor charge of corruption and such a charge should not be taken against a person without the right to jury trial. This is a House of debate and the Minister may have a brilliant argument against the amendment but I can see no argument, in advance, that persuades me to do anything other than move it to a vote.

Senator Victor Boyhan: I went through these two amendments the last time the Minister was here. He said he would reflect on the issues and I am sure he has done so. The aim of the amendment is simple: to ensure that, if an accused is prosecuted for an offence under this Act, he or she will have the option to elect for a jury trial. As the Bill stands, if a person or body corporate is prosecuted for any offence under the Act on a summary basis, where the maximum custodial sentence is 12 months, the criminal trial would be heard before a District Court judge. Many people may say that for offences with lesser penalties, this is an efficient way for crime to

be prosecuted and the Minister made that point the last time we spoke. My concern, however, is that the public reputation of a person prosecuted under any of these white-collar crime offences could have a lifelong punitive effect, even if the formal legal sanction is on the lower scale.

It is already the case that, in certain theft and fraud offences, an accused can elect to have their trial heard by a jury, even when prosecuted on a summary basis. I cannot see how prosecutions under a corruption Act are any less consequential than theft and fraud offences. When it comes to a person's liberty and ensuring he or she receives a fair trial, we have to be extremely careful that, in our collective desire to ensure no person is above the law, we do not lose sight of due process. I encourage Members to support the amendment.

Senator Gerard P. Craughwell: I rise in support of my two colleagues in respect of this amendment. Senator McDowell pointed to silly things people do in their young lives that can haunt them for the rest of their lives and we frequently hear of learned judges treating young students sympathetically because a criminal offence will follow that student for the rest of his or her life. Such students will not be able to travel to the United States and there will be many things they cannot do. It will interfere with their career. With regard to a simple fracas some night when someone is out or stealing a chocolate bar, as my colleagues have said, people do not like thieves and people who misbehave when they are out at night but the one thing that everybody in this country hates is corruption. We constantly hear talk of corruption. It seems to be ingrained in our system that corruption is the most heinous of all crimes and I agree. What can be wrong with somebody who is charged with an offence of corruption saying he or she wants to be judged by their peers and not by a single individual in a court? As Senator McDowell said, the taking of a few bob to let a fellow park in a car park can be enough to have someone labelled corrupt and this will follow him or her through for the rest of his or her life.

I will not waste the Minister's time because I believe he will accept this amendment. I cannot see any way he would reject it. He has had the advice of a former Minister for Justice and Attorney General and, therefore, I ask him to accept the amendment and not push it to a vote.

Minister for Justice and Equality (Deputy Charles Flanagan): I can assure Senator Craughwell that he is not wasting my time but he is wrong to conflate the wasting of my time and the acceptance on my part of the amendment because I will not accept it for a number of reasons. In doing so, I acknowledge the sincerity of the three Senators under the influence, however, of Senator McDowell, a former-----

Senator Victor Boyhan: He was not here on the last occasion.

Deputy Charles Flanagan: He is a former Attorney General, an illustrious Minister for Justice and a man of considerable influence-----

Acting Chairman (Senator Gerry Horkan): And Tánaiste.

Deputy Charles Flanagan: -----as can be evidenced by the debate.

Senator Gerard P. Craughwell: We are big lads now.

Deputy Charles Flanagan: I committed to a process of reflection and I have engaged in that reflection over the past while. I consulted again with the Office of the Attorney General and the Office of the Director of Public Prosecutions, so I have given this matter full and careful consideration. The right of election to a jury trial has been an issue for Senator McDowell down

through the years. I go back to 1992 when he made a submission to the Law Reform Commission raising a constitutional issue relating to the right of an accused to elect for trial by jury. On that occasion, that point was not accepted by the LRC in its pretty substantive and authoritative report on the law relating to dishonesty, which stated that the Oireachtas-----

Senator Michael McDowell: The Department of Justice accepted the advice of the Attorney General at the time.

Deputy Charles Flanagan: -----was entitled to rely on the integrity of the DPP and that office. The commission stated, "The District Court judge will be charged with protecting the constitutional rights of the accused". To say that there is no protection or that this is in any way a less than fulsome process is not a full-----

Senator David Norris: It is not fulsome.

Deputy Charles Flanagan: -----reflection of the picture.

The right of election was still provided for in the Criminal Justice (Theft and Fraud Offences) Act 2001 but provisions of that legislation must be considered in light of the law regarding the matter of theft offences that preceded that - the earlier Act. At least some of the offences contained in the Act were previously contained in the Larceny Act 1861 and were specified in the Schedule to the Criminal Justice Act 1951, which granted a right of election. The approach adopted in 2001 effectively maintained the *status quo* insofar as those types of offences are concerned.

A few weeks ago, Senator Norris made the point that we should follow tradition in respect of criminal offences. The text of the Bill relating to corruption offences follows tradition and follows the style of our anti-corruption legislation to date - legislation that is very much in existence and that provides for hybrid offences. I am not aware of any instance where the structure of the offences has caused the difficulty but I accept what Senator McDowell said in respect of potential difficulty or challenges. It is important to be clear on what the effect of the amendment would be, which is why I have given the matter the type of consideration I was asked to afford it by Senator Boyhan on the previous occasion. One Senator said he would be happy to support the amendment as it would allow the District Court to hear minor corruption cases and this could take the pressure off the higher courts but the Bill, as currently constructed, provided for that. It was a reasonable point and I accept it. It is important that we consider that in the context of this debate.

However, the amendment does not provide for that. It would allow the accused to veto a summary trial in the District Court and to insist on a jury trial even in the case of the most minor offence. I acknowledge Senator Ó Donnghaile has put his hand up and I welcome the support for measures that might take the pressure off the higher courts for numerous reasons, all of which will be familiar to Senators and, in particular, the proposer of the amendment. The Bill can achieve that insofar as it allows summary prosecutions to be heard in certain circumstances in the District Court. Were I to accept the amendment, that process would be stymied by allowing the accused at every remove to reject a summary trial in a lower court.

The hybrid offences I have set out in the Bill would be much more common on the Statute Book in recent years and they are entirely appropriate. Providing a veto for an accused over which court a case might be heard in is not necessarily required and I do not accept that there is a right to a jury trial in all cases. I refer to offences that can be regarded on our Statute Book

and by our courts as minor offences. Giving an accused an option to insist on a jury trial for a most minor offence could have adverse consequences for the prosecution even proceeding, much less being a success. The benefits of securing a conviction for a minor offence would have to be balanced against all of the resource implications that are consequent on a jury trial. The accused has such a veto in the theft and fraud offences legislation. If the amendment is accepted, there is a risk that a person accused of a minor offence could exercise a tactic to opt for jury trial in the hope that the State might turn around and say this is too onerous a task and too great a burden, and this it puts a greater obligation on the State than in the circumstances might be warranted. We would have the consequence of the prosecution of many minor offences in one of the higher courts. Where the accused is up for trial by jury and the State proceeds, this adds another layer to the court process and may frustrate the expeditious conclusion of many otherwise minor cases that would be dealt with summarily by the District Court under the jurisdiction of a District Court judge.

I remind Senators that Article 38.2 of the Constitution provides: “Minor offences may be tried by courts of summary jurisdiction.” This should be read in conjunction with Article 38.5 of the Constitution, which recognises that “save in the case of the trial of offences under section 2, section 3 or section 4 of this Article no person shall be tried on any criminal charge without a jury”. As such, it is clearly recognised that minor offences are an exception to the constitutional provision for a right to trial by jury. In a recent case in 2015, *DF v. Commissioner of An Garda Síochána* in 2015, the court held that the only right to trial by jury is in respect of a non-minor criminal offence; in other words, a serious or major criminal offence.

There are essentially two styles of prosecution here, and both are referenced in the general 2001 guidelines for prosecutors of the Director of Public Prosecutions. The first style is as set out in this Bill, creating hybrid offences that may be tried summarily or on indictment. The DPP decides, based on the gravity of the offence and whether it should be heard in the District Court or in a higher court. Should the prosecutor decide to prosecute summarily, that decision will be subject to the District Court judge being satisfied that the offence is really a minor offence, a less serious offence.

This approach has been widely used in the Statute Book, and I invite Senator McDowell to agree with me. More than any of us, he has the practical experience here. He will acknowledge that this is the widely used norm as far as the Statute Book is concerned, particularly over the last decade. The second style is the one that is broadly set out in the amendment. I am assuming it is the intention of the Senators to follow the Criminal Justice Act 1951, and the Criminal Justice (Theft and Fraud Offences) Act of 2001. All offences are created as scheduled or indictable offences. Some, in certain circumstances, may be heard summarily in the District Court. The key difference here is that those provisions relate to offences that are specified in the various pieces of legislation to be triable on indictment only. The provision therefore gives jurisdiction to the District Court to try summarily what would otherwise have been an indictable offence. Where the District Court is nominated in the case of a minor offence the accused, as I said earlier, would enjoy a veto, and may opt for a trial by jury, which would have the consequences that I referred to earlier.

In drafting this Bill I have given due consideration to the construction of the offences, and I am strongly of the view that the hybrid approach chosen is the optimal one. Indeed, I refer to the 2007 Supreme Court case of *Reade v. Reilly*, which expressed a clear view that an election by the Director of Public Prosecutions to try a case summarily does not bind the District Court to do so. The court explained that this was in order to ensure that the rights of the accused to a

trial by jury for a non-minor offence would not in any way be adversely interfered with. As I mentioned previously, the provisions in section 2 of the 1951 act and in section 53 of the 2001 act relate to indictable offences only.

Even if I accepted that these two Acts provided the only path to follow, I would have to point out that the wording of the amendment is somewhat flawed, and is not consistent with the 1951 Act or the 2001 Act. For a start, a body corporate is a legal person, and does not require to be listed separately from “person”. More important, the amendment states: “The District Court may try summarily a person or body corporate charged with a summary or indictable offence under this Act.” The two earlier Acts, the 1951 Act and the 2001 Act, do not offer a right of election in the event of either a summary or indictable offence. They simply allow for indictable offences to be heard summarily in certain circumstances that I have gone into. The Senators seem to be accepting the concept of summary offences under this Bill by proposing the amendment in the way that they have done. I will conclude by saying that it could well be that Senator McDowell wishes to find a form of wording that would fit into section 17 of this Bill, but the legal advice available to me is that the section would have to be amended further to create only indictable offences, and would require a further provision to allow for the summary prosecution of those indictable offences in certain circumstances.

I acknowledge this reality and invite Senators to agree with me, in particular Senator McDowell because of his experience on a day-to-day basis outside of this House. He will acknowledge that for a corruption case to proceed through the Irish courts is a rare event. Even though the cases are few and far between, the vast majority of them will in no circumstances be considered minor offences. That is the difference between a corruption offence and a bar of chocolate, which was the analogy used earlier in support of the amendment. I would say that it is in very limited circumstances that the District Court would be used in any event.

I am not in a position to accept the amendment for reasons of consistency, and also for reasons of sound legal construct. I must take into account the Law Reform Commission, previous statutes of a broadly similar nature and the need to ensure that in the event of a minor offence, a very minor offence or a largely minor offence where an accepted procedure and practice is raised for having the matter dealt with summarily in the District Court, which I believe in the circumstances to be in order.

Senator Michael McDowell: I wish to inquire of the Acting Chairman what the Order of Business provides for today.

Acting Chairman (Senator Gerry Horkan): It provides for the debate to conclude at 7 p.m. and for any business that has not been dealt with to be dealt with at 7 p.m., without debate.

Senator Michael McDowell: It is not a guillotine motion then.

Senator David Norris: It is.

Acting Chairman (Senator Gerry Horkan): The debate is guillotined.

Senator Michael McDowell: The debate on the Bill will conclude-----

Acting Chairman (Senator Gerry Horkan): The debate will be concluded at 7 p.m., guillotined or otherwise.

Senator David Norris: I suggest that account should be taken of the fact that there was a

delay of 15 minutes while we were waiting for the Minister, because the decision of the House was to provide one hour for the debate.

Senator Martin Conway: The Minister for Children and Youth Affairs, Deputy Katherine Zappone, is coming before the House and there are extremely important statements afterwards, so I do not think we are in a position to accept that.

Senator Michael McDowell: There is a guillotine procedure, which involves the Order of Business stating that all of the issues are to be determined by one single vote at a certain time. There is another procedure, and that is that the debate on Report Stage should conclude at 7 p.m., but there is not provision for all of the votes to be taken on one single vote. Therefore, there is not a guillotine on this debate. Is that not so?

Acting Chairman (Senator Gerry Horkan): What I am being told is that there is a guillotine on the debate at 7 p.m., or, it could be argued, within an hour. I think the Leader of the House is conscious of the issues that are being dealt with now, but equally conscious that the Minister is constrained at the far end of the next item.

Senator Michael McDowell: I do not want to keep the Minister waiting at all, but by the same token, these are two very substantial amendments and we will not have any time to debate the second one at all.

Acting Chairman (Senator Gerry Horkan): It is a matter for the Leader to amend the Order of Business. He may do so, and may bring in a proposal that the House can deal with it. I can only deal with the Order of Business, which states we must conclude at 7 p.m.

Deputy Charles Flanagan: I am not sure that the Standing Orders of the Seanad permit me to make a point of order.

Acting Chairman (Senator Gerry Horkan): I will allow the Minister to do so anyway.

Deputy Charles Flanagan: I thank the Acting Chairman. I would like to find some pathway to accommodate Senators. I would be happy to go along with whatever device is used to allow for a greater level of debate, having regard to the importance of the amendments. In the event of a change in the Order of Business, I ask the Acting Chairman to count me in.

Acting Chairman (Senator Gerry Horkan): I will ask the Leader to take that into account.

Deputy Charles Flanagan: My second point of order is in response to Senator Norris. The Minister was not late.

Senator Victor Boyhan: Nobody thinks that.

Acting Chairman (Senator Gerry Horkan): That was not a point of order but I thank the Minister for making it anyway.

Deputy Charles Flanagan: No problem.

Senator Michael McDowell: The Minister was not late.

Senator Diarmuid Wilson: Can I comment?

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Acting Chairman (Senator Gerry Horkan): Senator Wilson, without interruption.

Senator Niall Ó Donnghaile: There was a vote in the House.

Senator David Norris: The Minister was not here so the debate did not start.

Senator Martin Conway: The Minister was here.

Deputy Charles Flanagan: Yes, I was here.

Senator Martin Conway: The Minister waited in the ante-room.

Deputy Charles Flanagan: I was outside in the ante-room.

Senator David Norris: I know but the Minister was not in this room.

Deputy Charles Flanagan: I was.

Senator Martin Conway: The Minister waited in the ante-room.

Acting Chairman (Senator Gerry Horkan): The Minister has made the point that he was not late-----

Senator Martin Conway: That is not what he said.

Acting Chairman (Senator Gerry Horkan): -----and that is a valid point.

Deputy Charles Flanagan: Almost every time I come in here Senator Norris makes an allegation and usually disappears. I was not late. I was here but I waited outside in the ante-room because there was a vote.

Senator Martin Conway: That should be withdrawn.

Deputy Charles Flanagan: I was here for the debate.

Senator Martin Conway: Senator Norris's claim should be withdrawn because the Minister was in the ante-room. Is the ante-room not part of the Seanad?

Senator David Norris: No, of course not.

Senator Martin Conway: Well then-----

Acting Chairman (Senator Gerry Horkan): I do not want to get involved in semantics.

Senator Martin Conway: The Minister waited outside in the ante-room.

Senator David Norris: So I can go and speak from the ante-room then, can I?

Senator Martin Conway: No, the Senator has been around here a lot longer than me-----

Senator Gerard P. Craughwell: The Minister waited outside.

Senator Martin Conway: -----so Senator Norris should not come in here to lecture us.

Senator Gerard P. Craughwell: May I comment?

Acting Chairman (Senator Gerry Horkan): I ask Senator Craughwell to wait and I ask Senator Conway to please resume his seat.

Senator Martin Conway: No.

Acting Chairman (Senator Gerry Horkan): I take the point.

Senator Martin Conway: On numerous occasions since I came in here I have heard side comments thrown by Senator Norris towards the Minister about him being late. The Minister waited to be brought into this Chamber.

Senator David Norris: That is utter, absolute and total rubbish. This is the first time that I have ever said anything about this Minister being late.

Senator Martin Conway: It is not.

Acting Chairman (Senator Gerry Horkan): These exchanges are unproductive.

Senator Martin Conway: This is not the first time.

Acting Chairman (Senator Gerry Horkan): These exchanges are detracting from the debate.

Senator Martin Conway: No, it is not the first time that Senator Norris has said so.

Senator David Norris: It is.

Senator Martin Conway: Is the Senator calling me a liar?

Senator David Norris: Yes.

Senator Martin Conway: I am not a liar.

Senator David Norris: The Senator is mistaken.

Acting Chairman (Senator Gerry Horkan): I ask Senator Conway to resume his seat. I call Senator Wilson, without interruption.

Senator Martin Conway: It is time that the Acting Chairman took control.

Senator Diarmuid Wilson: I wish to be helpful as the Fianna Fáil Whip in this House. My colleague, Senator Clifford-Lee, has no difficulty with the debate adjourning because it is quite obvious that it will not finish in an appropriate manner this evening. The order of the House is that the debate must finish at 7 p.m. Senator Conway is a reasonable person. I propose, in light of what the Minister, who is also a reasonable person, has said that we adjourn at 7 p.m. and resume on another date with an appropriate amount of time given to this matter.

Senator David Norris: Yes.

Acting Chairman (Senator Gerry Horkan): I thank Senator Wilson for his helpful contribution. Everyone in this room has tried to facilitate the debate in an orderly fashion, with the odd interjection that might not be as helpful. The Leader, and not the Acting Leader, is the only person who can change the Order of Business.

Senator Martin Conway: I might give an instruction.

Acting Chairman (Senator Gerry Horkan): The Leader is conscious of the situation and we await a development in that regard. I ask Senator McDowell, on his particular item, to conclude his response to the debate on amendment No. 1 while we wait for the Leader to enlighten us further.

Senator Michael McDowell: I will comply with the Acting Chairman's request. We are debating an important issue and I want to spend a little time replying to the points that the Minister has made. I ask Senator Conway to make sure that something is being done from the point of view of getting the Leader here.

Senator Martin Conway: I will see what we can do.

Acting Chairman (Senator Gerry Horkan): The Leader has arrived.

Senator Michael McDowell: Here is the Leader.

Acting Chairman (Senator Gerry Horkan): The Leader is welcome. Does he wish to address the House?

Senator Jerry Buttimer: The debate on the Bill was late starting by ten minutes. To be fair, the Minister for Children and Youth Affairs, Deputy Katherine Zappone, is due here at 7 p.m. As she has a meeting at 8.30 p.m., she must leave here by 8.20 p.m. I have no problem extending this debate by the ten minutes required and then to facilitate the Minister for Children and Youth Affairs who must leave by 8.20 p.m.

Senator Michael McDowell: I suggest that the Leader simply adjourn proceedings at 7 p.m.

Senator Jerry Buttimer: This matter is debatable afterwards and we will be back here in two weeks' time.

Senator Michael McDowell: No. I suggest that the Leader adjourn the discussion of this Bill at 7 p.m.

Senator Niall Ó Donnghaile: I suggest we resume the debate on another date.

Senator Michael McDowell: Yes, resume on another date.

Senator Jerry Buttimer: No. We should complete this debate tonight and have it done. This debate was scheduled, which we agreed at a group meeting.

Senator Michael McDowell: The Minister for Justice and Equality was agreeable to my suggestion. I wonder whether we can adjourn.

Senator Jerry Buttimer: I know that there are many leaders, potential leaders, wannabe leaders and future leaders.

Acting Chairman (Senator Gerry Horkan): There is still only one Chair at a given time.

Senator Jerry Buttimer: Yes, we agreed at the group meeting the amount of time that would be allocated for this debate tonight. I am happy to continue until 7.20 p.m. when the Minister for Children and Youth Affairs will arrive.

Acting Chairman (Senator Gerry Horkan): I am not sure a finish time of 7.20 p.m. would be sufficient time for this debate but I am guided by the proposers.

Senator Jerry Buttimer: To be fair, the Minister for Justice and Equality has indicated that he wants to complete this debate tonight.

Deputy Charles Flanagan: I am available.

Acting Chairman (Senator Gerry Horkan): A vote, if proposed, will take 20 minutes.

Senator David Norris: Then hurry things up.

Senator Jerry Buttimer: Yes. I am prepared, if we can, to reconvene after we take statements with the Minister for Children and Youth Affairs in attendance.

Acting Chairman (Senator Gerry Horkan): That is not the problem here though.

Senator Martin Conway: The Minister for Justice and Equality is unavailable.

Acting Chairman (Senator Gerry Horkan): Senator McDowell, please.

Senator Michael McDowell: As the Acting Chairman would clearly know there would have to be a series of votes on the amendments. We would lose half an hour if we do things that way.

Acting Chairman (Senator Gerry Horkan): Exactly.

Senator Jerry Buttimer: Of course.

Senator Michael McDowell: In fairness, the Minister for Children and Youth Affairs is due to come here to discuss important business and I do not want to delay her.

Senator Jerry Buttimer: That was requested by the House.

Acting Chairman (Senator Gerry Horkan): I will call the Vote in a second.

Senator Michael McDowell: The Minister for Justice and Equality was agreeable to adjourning the debate at 7 p.m. and continuing it on another day.

Senator Jerry Buttimer: He was not.

Senator Martin Conway: The Minister for Justice and Equality might clarify his availability.

Senator Michael McDowell: The Minister for Justice and Equality said so.

Deputy Charles Flanagan: I made it clear that I was anxious to accommodate Senators. In the light of what Senator Norris has said about the debate not being given sufficient time, I am happy to continue. We have two amendments and we have dealt with one. We are on Report Stage. We have one more amendment to go and I suggest that it will take another 20 to 25 minutes, for which I certainly would be available.

Acting Chairman (Senator Gerry Horkan): The difficulty is that, realistically, each vote takes about 20 minutes between voting and everything else.

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Deputy Charles Flanagan: If the amendments are withdrawn, there will be no necessity for votes.

Senator Jerry Buttimer: That is a fair point.

Acting Chairman (Senator Gerry Horkan): That is a valid point but it may not be the chosen course of action.

Senator Martin Conway: Perhaps Senator McDowell can withdraw his amendment.

Senator Gerard P. Craughwell: The Minister would be good if he accepted the amendments.

Acting Chairman (Senator Gerry Horkan): I call Senator Buttimer.

Senator Jerry Buttimer: I am happy to come back after statements with the Minister for Children and Youth Affairs, to be fair to her.

Acting Chairman (Senator Gerry Horkan): The Minister for Children and Youth Affairs is due here at 7 p.m.

Senator Lorraine Clifford-Lee: I will not be here for that.

Senator Martin Conway: Then just push through the legislation.

Senator Diarmuid Wilson: Earlier I made a proposal. Am I correct that there is no particular rush with this legislation and it does not have to be enacted by a certain date? I suggest that we conclude this debate in an amicable way, whether that results in votes or not, reconvene on another day and allocate an appropriate amount of time.

Senator Niall Ó Donnghaile: A sensible suggestion.

Senator Diarmuid Wilson: I acknowledge the difficulty faced by the Leader. If he allocates two hours for a debate and it only takes 20 minutes, that reflects badly on the Seanad to be suspended for the remaining time. A reasonable amount of time to conclude this debate on another date would be the appropriate action to take this evening.

Senator Jerry Buttimer: Acceptance of the proposal requires the co-operation of the House. To be fair to the Minister, he has to return to the Dáil with the Bill. The Council of Europe is scheduled to meet on 13 and 20 June and the UN Convention against Corruption evaluation will take place at the end of June. It is important, therefore, that we complete this legislative business. I am happy to return here at 8.30 p.m., although I do not want to inconvenience the House. I am not trying to guillotine the debate.

Senator Victor Boyhan: Just call a vote on amendment No. 1.

Senator Michael McDowell: I wish to give a brief reply to the Minister. I made a submission to the LRC in 1992. In 2001, the then Minister for Justice, Equality and Law Reform, Mr. John O'Donoghue, brought the Criminal Justice (Theft and Fraud Offences) Bill through the House. He took the view, on the advice of the then Attorney General, as I understand it-----

Acting Chairman (Senator Gerry Horkan): Who might that have been?

Senator Michael McDowell: -----that it was inappropriate to attempt to impose a summary

jurisdiction against the wishes of an person accused of theft or fraud. That is the up-to-date position. The other position has not changed. A conviction for dishonesty of any form disqualifies one from holding at least 100 positions, according to statute law. I note the Minister's comment that a minor offence of corruption would be probably be rare. I do not know what a minor offence of corruption would be. It is hard to imagine that somebody could leave the District Court and say, "That was a minor matter and I have just been done for corruption." I cannot imagine that that could ever happen. That being the case, we will have a vote now.

Acting Chairman (Senator Gerry Horkan): Amendment No. 1 is in the names of Senators McDowell, Boyhan and Craughwell and arose from Committee proceedings.

Amendment put:

The Seanad divided: Tá, 13; Níl, 22.	
Tá	Níl
Black, Frances.	Ardagh, Catherine.
Boyhan, Victor.	Burke, Colm.
Conway-Walsh, Rose.	Burke, Paddy.
Craughwell, Gerard P.	Butler, Ray.
Devine, Máire.	Buttimer, Jerry.
Gavan, Paul.	Byrne, Maria.
Lawless, Billy.	Clifford-Lee, Lorraine.
Mac Lochlainn, Pádraig.	Coffey, Paudie.
McDowell, Michael.	Conway, Martin.
Norris, David.	Daly, Mark.
Ó Domhnaill, Brian.	Daly, Paul.
Ó Donnghaile, Niall.	Feighan, Frank.
Warfield, Fintan.	Gallagher, Robbie.
	Hopkins, Maura.
	Horkan, Gerry.
	Lawlor, Anthony.
	Leyden, Terry.
	Lombard, Tim.
	McFadden, Gabrielle.
	O'Mahony, John.
	Reilly, James.
	Wilson, Diarmuid.

Tellers: Tá, Senators Gerard P Craughwell and Michael McDowell; Níl, Senators Gabrielle McFadden and John O'Mahony..

Amendment declared lost.

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An Leas-Chathaoirleach: As it now past 7 p.m., in accordance with the order of the House, I call Senator Norris to move amendment No. 2 without debate.

Senator David Norris: I move amendment No. 2:

In page 18, lines 16 to 22, to delete all words from and including “official,” in line 16 down to and including line 22 and substitute “official”.

Senator Gerard P. Craughwell: I second the amendment.

Amendment put:

The Seanad divided: Tá, 15; Níl, 21.	
Tá	Níl
Ardagh, Catherine.	Black, Frances.
Boyhan, Victor.	Burke, Colm.
Clifford-Lee, Lorraine.	Burke, Paddy.
Craughwell, Gerard P.	Butler, Ray.
Daly, Mark.	Buttimer, Jerry.
Daly, Paul.	Byrne, Maria.
Gallagher, Robbie.	Coffey, Paudie.
Higgins, Alice-Mary.	Conway-Walsh, Rose.
Horkan, Gerry.	Conway, Martin.
Lawless, Billy.	Devine, Máire.
Leyden, Terry.	Feighan, Frank.
McDowell, Michael.	Gavan, Paul.
Norris, David.	Hopkins, Maura.
Ó Domhnaill, Brian.	Lawlor, Anthony.
Wilson, Diarmuid.	Lombard, Tim.
	Mac Lochlainn, Pádraig.
	McFadden, Gabrielle.
	O'Mahony, John.
	Ó Donnghaile, Niall.
	Reilly, James.
	Warfield, Fintan.

Tellers: Tá, Senators Victor Boyhan and David Norris; Níl, Senators Gabrielle McFadden and John O'Mahony..

Amendment declared lost.

Question put: “That the Bill be received for final consideration.”

The Seanad divided: Tá, 29; Níl, 6.	
Tá	Níl
Ardagh, Catherine.	Boyhan, Victor.
Black, Frances.	Craughwell, Gerard P.
Burke, Colm.	Lawless, Billy.
Burke, Paddy.	McDowell, Michael.
Butler, Ray.	Norris, David.
Buttimer, Jerry.	Ó Domhnaill, Brian.
Byrne, Maria.	
Clifford-Lee, Lorraine.	
Coffey, Paudie.	
Conway-Walsh, Rose.	
Conway, Martin.	
Daly, Mark.	
Daly, Paul.	
Devine, Máire.	
Feighan, Frank.	
Gallagher, Robbie.	
Gavan, Paul.	
Hopkins, Maura.	
Horkan, Gerry.	
Lawlor, Anthony.	
Leyden, Terry.	
Lombard, Tim.	
Mac Lochlainn, Pádraig.	
McFadden, Gabrielle.	
O'Mahony, John.	
Ó Donnghaile, Niall.	
Reilly, James.	
Warfield, Fintan.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Michael McDowell and David Norris.

Question declared carried.

Question, "That the Bill do now pass", put and declared carried.

30 May 2018

Incorrect Birth Registrations: Statements

An Leas-Chathaoirleach: I have pleasure in calling on the Minister, Deputy Zappone, to let Members know what she has in mind.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank the Members for the opportunity to address this very important subject. Senators will be aware of my announcement in regard to evidence of incorrect birth registrations. These come from the records of a former adoption society, St. Patrick's Guild, SPG. Tusla has identified 126 individuals in 13,500 records whose births were incorrectly registered between 1946 and 1969.

I am grateful for the opportunity to make a statement in Seanad Éireann, which will give me the chance to brief Members in more detail on the issue. Senators have always acknowledged that the issue of identity is highly sensitive, with very personal and far-reaching implications. That has been explored in this House in debates on Second Stage of the Adoption (Information and Tracing) Bill 2016. We have women and men who will find out that those they always knew as their parents are not their birth parents. We have women who gave birth and were under the impression that they were giving their babies up for adoption, and the "registered" parents raised these children as their own. We know that babies were registered to parents who were not their birth parents. There is no adoption order and so no record with the Adoption Authority of Ireland.

The practice of registering a child with false details is, and was at the time in question, an offence. While there has been widespread commentary and discussion about the practice of incorrect registrations for many years, it has been extremely difficult to uncover clear evidence because of the deliberate failure by those involved to keep the records.

On 25 May 2016, the records of St. Patrick's Guild transferred to Tusla - the Child and Family Agency. Since then, Tusla has established a dedicated information and tracing service for relevant persons adopted or boarded out through St. Patrick's Guild. It has completed a request for tender and awarded a contract to scan the entire SPG holding. It has also catalogued the records, which is an ongoing process.

It was during the course of that work, and in particular the scanning of the records, that the issue of incorrect birth registrations was identified. There was clear evidence of this practice recorded on index cards created and maintained by St. Patrick's Guild.

On foot of this discovery, Tusla informed An Garda Síochána, the Mother and Baby Homes Commission of Investigation and my Department. Tusla validated the information against Adoption Authority of Ireland and General Register Office, GRO, records. This resulted in the identification of 126 cases where a birth had been incorrectly registered.

I moved immediately to inform the Cabinet, and to announce that a process has been put in place by Tusla to deal with these cases. This is being led by experienced information and tracing social workers. As this information is life-changing, the State has a responsibility to reach a high level of certainty. This threshold has now been reached in the case of the 126 SPG files, and I have acted accordingly.

I am extremely conscious that people who have reached middle age and older will have their lives turned upside down. Of the 126 cases, 79 may be entirely unaware of the true circumstances of their birth as they have never had contact with St. Patrick's Guild or with Tusla. A

further 31 have had contact and therefore may know or suspect. The relatives of 14 people who were incorrectly registered have been in contact at some point, but we do not know if these relatives told the person who was the subject of the incorrect registration. Two people were legally adopted but had been the subject of an incorrect registration initially.

In addition to these 126 cases, Tusla continues to examine a further 16 cases where, at this point in time, there is not enough evidence to determine whether an incorrect registration took place. If such evidence emerges, those cases will be added to those currently being addressed.

I would like to remind Senators that these numbers will change as Tusla and the Adoption Authority of Ireland continue to examine various records.

For the purposes of clarity, I would like to emphasise that our current information is that a person is not affected by this issue if he or she has an adoption order or if he or she was born before 1946 or after 1969. If a person was born between 1946 and 1969 and was placed by St. Patrick's Guild and does not have an adoption order, he or she may be affected.

For the individuals concerned, in addition to possible psychological issues of identity, there are also potentially serious issues relating to the correction of birth records and inheritance.

As Minister responsible for both Tusla and the Adoption Authority of Ireland, let me be clear that we are not out to destroy, split or upset families. We are here to provide information and support. I stand over my assessment that, as Minister, I had a responsibility, once there was clear evidence of incorrect birth registrations, to attempt to share that information with the persons whose information it is.

Tusla is leading on this process. Each of the 126 cases has been allocated a social worker. As an immediate step, Tusla has put in place a helpline, which started yesterday. It operates from 10 a.m. to 4 p.m. each day, Monday to Friday. It has also put significant information on its website. Between the opening of the helpline yesterday afternoon and lunchtime today, Tusla responded to 85 calls. Some of the calls lasted up to an hour.

It is important to remember that we have limited information. Each file and each record is different in terms of what it contains. Most of the records are more than 50 years old. Tusla's first task is to identify the individuals affected and their current addresses. The process will be measured and sensitive and will proceed at the pace of the individual concerned. There will be no sudden phone calls or unannounced visits to people's doors. Tusla is offering contact with and support for those affected. This will be handled very carefully and will take account of the people's requirements. I assure the House I am confident, having had a number of detailed briefings and meetings, that it will be a very humane and sensitive process. It will take some time. The process will be respectful if those who have been illegally registered choose not to engage. That is their right.

In view of what has been found in the St. Patrick's Guild records, we need to know whether there may be similar evidence of incorrect registrations in other adoption societies. I have asked an independent reviewer to oversee a targeted sampling process of relevant records held by Tusla and the Adoption Authority of Ireland in the first instance. Marion Reynolds is a former deputy director of social services in Northern Ireland. I am asking her to report to me within four months of the work commencing. There are 150,000 records at issue, 100,000 of which are currently in the custody of Tusla and the Adoption Authority of Ireland. I hope to be in a position to finalise the terms of reference for the sampling exercise and to publish them

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within the coming days. However, we must first judge the likely incidence of cases that can actually be identified and the scale of them through this sampling exercise. Then we will be able to judge the next steps that may be required.

The mother and baby homes commission is required to examine the interaction of mother and baby homes with other institutions, organisations and individuals involved in the entry and exit of children from these institutions. This allows for an examination of the practices and policies within adoption societies. It is reasonable to anticipate that this examination will provide an insight into institutional practices and any potential irregularities involved. The commission has stated that it is very conscious of the issue of illegality or irregularity in the adoption process. It has committed to investigating any such cases it comes across in its analysis of the records of the mother and baby homes. Tusla has shared the SPG files with the commission to assist it in its work.

Senators will be aware that the Adoption (Information and Tracing) Bill 2016 passed Second Stage here. I assure my colleagues in the Seanad that the Bill remains a priority for me. As we are all well aware following our Second Stage debate, the Bill seeks to balance competing rights to identity and privacy. Getting the balance right is proving challenging, particularly as it relates to our Constitution. I am conscious of Senators' interest in this important issue and their desire - and mine - to move things forward as the Bill places the information and tracing service on a statutory footing for the first time. The Bill is of relevance to persons who have been subject to incorrect registration as well as to adopted persons. My intention is that, with the House's support, the Bill will be enacted by the end of the year. My office has today emailed Senators and Deputies who have been engaged with this legislation asking them to meet me in order to progress enactment as soon as possible.

I spoke yesterday about the women and men at the centre of this: the people who were lied to about who they were and who now, in their 70s, 60s, 50s or 40s, may not get the answers and explanations they want and need or the choice or opportunity to meet their birth parents. Those responsible were generally private adoption societies and private individuals who knowingly concealed the truth. The State had safeguards in place, including legislation enacted in 1952 to regulate adoption in the interests of children and their birth parents. However, as I stated yesterday and wish to reiterate today, it is a matter of profound regret to me that these safeguards were circumvented by certain individuals. I have expressed my sorrow to those who lost their true identities and to the birth mothers who placed their children in good faith, thinking they would be legally adopted. My responsibility as Minister is now to oversee a sensitive, humane process which seeks to give them finally the information withheld from them all these years. I very much look forward to Senators' contributions to the debate.

Business of Seanad

Senator Jerry Buttimer: I apologise to the House for interrupting. I propose, notwithstanding the order of the House today, that in respect of this item, No. 4a, the contributions of group spokespersons shall not exceed five minutes, time may be shared and the proceedings shall be brought to a conclusion at 8.20 p.m.

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

Incorrect Birth Registrations: Statements (Resumed)

Senator Lorraine Clifford-Lee: I wish to give one minute of my time to Senator Norris.

It is with great horror and distress that we are here once again to discuss another shameful chapter in our nation's history. This chapter involves women and their children and how they were treated. This just goes further to demonstrate the esteem in which unmarried mothers and their children were held in this country. Let me be clear when I say that they were held in very low esteem and were treated shabbily by everyone with whom they came into contact. These children were just commodities to be exchanged and sold and the women were just vessels, facing forced pregnancies and made to give birth in shame and in horrific circumstances. The Minister made reference to these birth mothers placing their children in good faith with adoption agencies in the hope they would be adopted. From people to whom I have spoken, and from the testimonies of women who were in these mother and baby homes, often there was no consent. They left the building for an hour or two, came back and their babies were gone, traded for money, sent to America, given to God knows who. They did not find out what happened to their babies. These babies, who are now in their 40s, 50s, 60s, 70s and beyond, do not know where they came from. Women have been treated appallingly. I am afraid this scandal will probably stretch far further than 126 people.

I have evidence of one particular illegal adoption that I want to put on the record of the House. It does not relate to St. Patrick's Guild but rather to a mother and baby home located at 7 Cabra Park. The lady in question is Susan Corr. Susan-----

Acting Chairman (Senator Diarmuid Wilson): I ask Senator Clifford-Lee not to mention any names in the House.

Senator Lorraine Clifford-Lee: I will not mention any further names, but Susan asked me to raise this in the Chamber.

Acting Chairman (Senator Diarmuid Wilson): It is not appropriate to name people who are not Members in the House.

Senator Lorraine Clifford-Lee: I just want to demonstrate that illegal adoptions took place in other institutions. Susan was born at 7 Cabra Park. Individuals within that institution arranged for her to be taken from there and given to a very nice family. The parents of that family were registered as her birth parents and to this day she does not know where she came from or the circumstances of her birth family. She does not have access to her own identity or her medical records, which has very deep repercussions for her daughter, her husband and their family unit.

I am afraid this issue stretches far further than St. Patrick's Guild. I think we will be here again to discuss other institutions. I appreciate that the Minister has asked an independent reviewer to oversee a sampling exercise and will come back to us in that regard and I appreciate that the process has been given strict time limits, but people need to know. There are people out there who do not know. As the Minister pointed out, this has very wide-ranging implications for inheritance, medical records and such matters. I appeal to her to put every resource available into supporting these families because this has absolutely devastating consequences for them, their wider families and their communities.

Acting Chairman (Senator Diarmuid Wilson): Senators Clifford-Lee and Colm Burke

have each offered Senator David Norris a minute, so he has two minutes.

Senator David Norris: I thank Senators Clifford-Lee and Colm Burke for their generosity.

This situation has been known about for some time, particularly due to the excellent investigative reporting of the *Irish Examiner* newspaper. We have known this was in the offing but no one did anything about it. For this reason, I compliment the Minister on going into action and actually doing something in respect of this matter. It is a devastating situation when people were registered dishonestly as the birth children of parents who were, in fact, adopting them. It creates a devastating situation for the child because he or she does not know his or her identity. That strikes at the very core of the human being. There are also other practical matters, such as the question of medical records, hereditary diseases and genetic disorders. In the past, people may have provided incorrect information. They may have said that their mother or father had six heart attacks or an egregious disposition to cancer, but the information was wrong. These are criminal acts. Dishonestly forging birth certificates in the knowledge that these children were not the birth children of the parents is, I believe, a criminal matter.

I heard of a tragic situation on the wireless. A woman was told that her daughter had died, but she was actually given to another family and the adoptive parents registered her as their birth child. The mother discovered this but the daughter does not believe her and is angry with her. She thinks the mother callously gave her away. It is a harrowing case.

These were the very people who were in the “No” camp in the recent referendum. There are a kaleidoscope of issues in Irish society. It is harrowing and dreadful. I sincerely hope this is the last of these ghastly scandals that we will have to confront. At least we are cleaning out the Augean stables. Once again, I compliment the Minister on taking on this onerous job.

Senator Victor Boyhan: I welcome the Minister and congratulate her. We are lucky to have her leading this particular portfolio at this time. Earlier, I told the House I was reared in an institution all of my life, which many described as a clearing house for children. A number of people, including ushers and people working in catering, stopped me when I left the Seanad earlier to talk about my story. It is interesting that it resonates right across the Houses. I count my blessings that I was a lucky one.

When people leave care, they always say that one day they will tell their story and will be believed. It is very important and empowering to be believed. I am very happy that I am standing in Seanad Éireann, having been through many loops and survived many a battle. I am now playing some sort of role in the democracy of which we can be so proud. That is a personal achievement for me. Not everyone is totally destroyed by the process of institutional care. As I said earlier, it is important to say that many people have had good experiences.

The Minister referred to balancing rights. I am not convinced about balancing rights any more. The more I think about this, the more I feel that in regard to the Adoption (Information and Tracing) Bill we have to start talking about absolute rights for adoptees. People who have been adopted have an absolute right to know their forename, surname, the time and date of their birth, the place where they were born and the forename and surname of their birth mothers and fathers, which is not always possible. More applicable than that is the date and place of baptisms or other ceremonies. People need to have that information because they talk about their heritage, background and tradition. They need to know the name of the body which arranged their adoptions. That is all included in the Bill.

I appeared in a “Prime Time” documentary on this very subject some years ago. The next day, as I walked through Dún Laoghaire, I was stopped by an air hostess who told me I did not know her but she knew me because I was a local county councillor. Her husband was with her and she started to cry. She told me that three times a week she went to an institution in Temple Hill in Blackrock and brought children on flights to Boston. She said they thought they were playing dollies with lovely little babies. She brought three babies at a time to Boston and was met by the nuns in a van at the concourse in the airport in Boston and off they went. The air hostess thought they were doing a really good day’s work. I told her to do me a favour and go to her nearest Garda station to talk about it because it is an important link to somebody. We know the approximate dates. People sent children from institutions to America. I lived with children with whom I played in the morning but who were gone in the afternoon. Nice people came and took them away. Maybe they were nice.

Only yesterday, I spoke to a very distressed man who came to my home. His mother went away and left him in care. She arrived back three years later having married a successful businessman to collect what they thought was their little boy. They were told at the door to go away, that the child had been adopted and given a chance and that there was no need to come back. The child never left the institution and was behind the door. People received capitation fees to run such institutions. At one stage, there were 100 children receiving State support in the institution to which I refer.

We know of the induction and proselytising of children who were adopted. We know children were sent to unionist families, particularly Protestant ones, in Northern Ireland. I came from a Protestant background and tradition. Children were farmed out to Northern Ireland and Britain. It is a sad, sad history, but we need to go on. I congratulate the Minister. We are very lucky to have her at the helm at this time. I ask her to keep the House informed about this important work on a regular basis and wish her well.

Senator Colm Burke: I thank the Minister for coming to the House and for the work she has done. This is a very complicated matter and we need to be upfront and truthful with people. I do not believe that this issue is confined to adoption societies. I know of at least two cases where hospitals were involved. It was a very simple procedure. If Ms X went to have
8 o’clock a baby and was advised beforehand that Ms Y was going to adopt her baby, she was advised to check in under the name of Ms Y. The registration and all other documentation was done within hospital. I know of cases where people who adopted children understood that everything was done above board and were not in the loop in respect of what was being done in an illegal manner. I stand open to correction, but I understand that even today the identification process in maternity hospitals is still not foolproof. There is nothing preventing what occurred 20, 25 or 30 years ago from happening today.

The Minister may be surprised by what I am saying and I will speak to her after the debate about where I am coming from. I dealt in a legal capacity for four days in the High Court with a particular case where this issue arose. The same happened in other places around the country, including Dublin. It was quite common in cases where pregnant people did not want to keep their babies and were aware of people who might be interested in adopting.

All the authorities turned a blind eye to it. Even people in medical and nursing professions were aware of it. This problem is not confined to the adoption societies. It is a broader matter we need to consider. We can go back over hospital records and in particular where people were admitted to hospitals from care facilities such as the Bessborough home in Cork, where young

pregnant girls were looked after and admitted to hospital for the delivery of the child. What was the process thereafter? We need to look at those records as well. It is a bigger picture but we are not just talking about adoption societies so we must take that into account.

Senator Alice-Mary Higgins: I thank the Minister for coming to the House. Yet again we find ourselves in a discussion involving the deep, damaging culture of secrecy that has permeated in Ireland for so many years. There was, in some cases, a culture of criminal obfuscation. We know the damage done at the time by all these acts lingers because those who are affected are still with us. They have continued to face major obstacles as they try to seek justice or even information in respect of their own lives and origins.

I recognise the Minister's response and we are speaking about 126 cases today. We all know there are many more cases. I join Senator Norris in praising Mr. Conall Ó Fátharta, the journalist at the *Irish Examiner* who has written clearly about this for years. We know that in 2013, people from the Adoption Authority of Ireland met representatives of the Department of Children and Youth Affairs and flagged concerns about illegal adoptions from St. Patrick's Guild and other institutions, such as St. Rita's nursing home. We know it was mentioned and I recognise it was before the Minister's time in office. We need to listen to concerns as they arise and have an assumption of action. I recognise that this is a sampling and there still has not been an audit; this is only to see if we will have an audit. How quickly will that sampling take place and will we deliver an audit? An audit will be required so will it be delivered on the Minister's watch?

We know illegal adoption has taken place and, as the Minister correctly states, it was a crime at the time. Will there be criminal proceedings and what criminal inquiry or actions will be taken? The criminal acts have come to light but along with them is a set of other measures and policies. We heard just a sample of stories about forced adoption and adoption under duress, as well as obfuscation of information. All of that package of deceit must be addressed. Will there be an inquiry into adoption practices and the architecture of containment and, in some cases, exploitation and secrecy that has surrounded this practice in Ireland? We need to do this as well as addressing the immediate issue of sampling and audit.

People spoke about balancing of rights and we have had that discussion. There is now a question of trust and who we trust. Do we trust these adoption agencies, or others, who tell us women did not want to be contacted, for example? There is a question of assumptions around consent. We are constantly hearing stories about a lack of consent, duress and deceit. We will discuss this in the information and tracing Bill but perhaps we should not assume that people have given consent and did not want to be contacted, although we should certainly allow people to opt out of being contacted when appropriate. We should not make assumptions. There will be questions but we cannot take any more blanket assumptions or declarations from agencies. We need to listen to and trust women. It is the message that Ireland has been sending and we must listen to it. When individuals come forward we can discuss the balancing of rights and appropriate processes. That will be important.

I give some recognition today of Ms Kathy McMahon of the Voice of Irish First Mothers group, one of those who highlighted the matter of forced adoption but who, sadly, passed away without receiving the justice that she sought. There are also groups like the Adoption Rights Alliance. These are real people coming forward with their testimony and their voices. They can no longer be placed in the margins of any process and their testimony must be at the centre of this. We must ensure they are allowed to drive forward and set the terms of the process. I

thank the Minister for coming here and I know we will have a more detailed discussion. I acknowledge that we have started something we discussed in the adoption Bill, a process of review with respect to open adoption in Ireland. We need to address the culture of secrecy from the past and I hope we can change that culture of secrecy in future. I am sure we will have a chance to debate that as well.

Senator Rose Conway-Walsh: I thank the Minister for coming to the House as I appreciate it is a busy time for her. As has been said, I would appreciate it if she could come back on a fairly regular basis to report to us on this matter. I acknowledge and thank Senator Boyhan for sharing his personal experience with us. It was very powerful and I acknowledge what he brings to the House with his own experience.

Once again investigative journalists and campaign groups like the Voice of Irish First Mothers and the Adoption Rights Alliance have helped to highlight the issue. Much of the initial concern surrounding the records was raised many years ago in committees of the Oireachtas and correspondence to Ministers and other Members of this and the other House. A full investigation is now needed and a sampling exercise will not do. The investigation must ensure that no affected person is left behind. This is an all-island and international matter. I spoke on the Order of Business earlier about the trauma of being deprived of one's identity. We need guarantees that all institutions will be included in any review, as the revelations so far only relate to one such institution.

I thank the Minister as I know she is approaching this from a very sincere perspective. We need to get this right and ensure nobody is left behind.

Senator Fintan Warfield: I welcome the Minister to the House and commend her on her work. I also commend Tusla on identifying clear evidence of these illegal registrations, which took place from 1946 to 1969. It forwarded the information to An Garda Síochána. The Department was previously dismissive of any investigation, stating it would be "of limited benefit and would yield little useful information". It is extremely concerning that the Minister's predecessors were so quick to fob off substantiated claims made in 2001, as well as extensive claims made by the Adoption Rights Alliance seven years ago. I wonder why no action was taken until the current Minister, Deputy Zappone, began to investigate this.

The Adoption Authority of Ireland delegation told representatives of the Department of Children and Youth Affairs in June 2013 there were "at least 120 confirmed cases of illegal registrations made by St. Patrick's" so why has it taken five years for us to verify this? Why was it not taken seriously or seen as a priority for the Department? I welcome that the Minister has requested an independent investigation that would examine records of non-governmental agencies and other possible illegal registrations. Will the investigation look into why the Department failed in its duty to fully investigate 17-year-old claims?

Every person has a right to know his or her background and should have the freedom to access records if he or she so chooses. We know many people were adopted from St. Patrick's Guild and they faced great difficulties in accessing information from the adoption society. In many cases, they were frustrated and let down. It is worth reiterating the comment of the Minister that it has been extremely difficult to uncover clear evidence because of the deliberate failure by those involved to keep records. The Adoption Rights Alliance has also noted the lack of information forthcoming from St. Patrick's Guild.

I wish the independent investigation well. Does the Minister accept that these adoptions were illegal? Will all agencies, individuals and homes involved in adoption in this State be included within the investigation? Will the estimated 2,000 babies who were illegally sent to the United States be included? Senator Victor Boyhan painted an emotional and tragic picture for us in that respect, and I thank him for doing so.

Senator Máire Devine: Saturday was a momentous day for mná na hÉireann, but it was unfortunately followed quickly by sadness due to the confirmation in the last two days that at least 126 individuals have been affected by this scandal. I have met Kathy from First Mothers. She was so anxious that mothers be linked to their stolen babies. Ar dheis Dé go raibh a anam.

I am a bit unclear about a few things. What role does An Garda Síochána have now? I am aware that an inquiry has been called for, but I would like to see criminal prosecutions, if that is possible, because what happened was illegal. It might have been part of a hidden culture, but it was illegal. I imagine that many of the people involved in the selling or procuring of these babies may well be deceased, but some of them were attached to institutions. They were not just individuals but went under the name of either a religious institution or a home of some description. Can An Garda Síochána issue criminal proceedings? An inquiry may take a long time and there may be very few people left who were involved directly. Perhaps we should look at investigating the institutions.

Why are the dates, 1946 to 1969, so clearly indicated? Why does the issue not arise before or after these dates? Do these dates apply only to St. Patrick's Guild? Will we find that dates before and after those indicated will apply to other homes or institutions?

Some 150,000 individuals are involved in this, and Tusla has custody of 100,000 case files. Are the other 50,000 going to be found and put into the custody of Tusla as well? The people who will be contacted and sensitively informed about this face a devastating, painful journey. Their lives will never be the same again.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I will do my best to answer the questions raised. I acknowledge the very heartfelt and profound contributions made by Members of this House. I have heard some things in a way I have not heard before, which often happens in the Seanad, and I want to acknowledge that. That is true especially in the way Senators tell their own stories or the stories of others. We know - not just because of what happened at the weekend - that substantial changes in our country happen because people are willing to share their stories. It forms such a significant part of impelling the change. Even the telling of the story is part of that change. I thank the Senators for that.

A couple of Members asked about An Garda Síochána. It has approximately ten of the cases, which is what it asked for. It is going through those cases. The cases are very difficult and complicated because the events in question happened over 50 years ago when there were different ways of recording the information. We know that people were trying to conceal as well as reveal. An Garda Síochána is going through it, and it will then go through the processes it goes through in every case it investigates, in terms of looking for the evidence and making the decision as to whether or not certain cases will go to the Director of Public Prosecutions, DPP. That has already begun, as is right and proper.

The terms of reference for the investigation are almost finalised. We had a final conversation with our independent reviewer a while ago, so the terms of reference will be released as

soon as they are ready, which will certainly be before the end of this week. The shape of the review investigation will include targeted sampling of the societies the State has records of, which makes up the 100,000. The State does not currently have the other 50,000 in its possession. That is not to say that we could not ultimately try to find some of them, but they are in attics, hospitals or nursing homes. They could be anywhere. I am not saying that they cannot be found, but I am acknowledging that they are not in the possession of the State at the moment. If they were they would be included in the sampling.

Senator Máire Devine: How was the figure of 150,000 reached?

Deputy Katherine Zappone: The Senator has asked a good question. It is an estimation based on nursing homes in particular places, as I understand it, but I can get further information on that. The main point is that they are not in the possession of the State at the moment.

Many Senators have mentioned people within civil society and journalists. I have met Conall Ó Fátharta and made sure he was informed about the announcement we were going to make. I acknowledged the contribution of the Adoption Rights Alliance and have met with it. They are key actors in this, along with other individuals who are telling their stories. We need to listen to the perspectives they have and the truth they bring to this matter. I assure the Members that I am doing that.

I note Senator Colm Burke's points about particular hospitals and cases. If anyone has any information about anything that he or she wants to share with the Department, please do. I appreciate some of the commentary about Tusla. It has stepped up to the plate very quickly on this issue; it was the agency that discovered the evidence we are speaking about, and then went through a very forensic process to establish it as hard evidence which has brought us to where we are now. It has found resources from within the resources it has been provided with to do that work. My primary responsibility now is to ensure that those who have been identified have the resources, and they will be supported in terms of the sharing of the information if and when we find them.

I am aware that people have called for a fuller audit. Of course I am aware of that, and that is very important. I am not at all against that. However, I do believe the most appropriate first steps are to look at a sampling of the different records we do have with a well-defined methodology which will be seen when the terms of reference are published. Every record that is investigated has to be scanned. There is a large amount of administrative work that has to be done, although we do believe it can be done within a four-month period.

Targeted sampling gives an initial sense of the situation. If there is any formulation of words or phrases used, or an indication of the way the file was developed by similar people over a period of time, we will then be able to say that we have evidence of an incorrect registration. If that appears in the targeted sampling it would of course be reasonable to make a decision to continue to go through all of the other cases. Is it reasonable to go through them all? If we do not have that, it is something we will have to debate and consider. It will require considerable time and work. I have seen one of the files and it will also require judgment by experienced people. I am not ruling it out; I am just trying to indicate why we decided on the methodology of sampling. We wanted to see whether we should examine forensically every page in the society in question and spend our time and resources doing that, at least initially. It was individuals who did this and maybe people in other societies would not have considered doing it. As Senators have said, though, it happened in a culture in which we had a very different understanding

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of women giving birth from our current understanding. Thank goodness for that.

In answer to Senator Clifford-Lee, I did not mean to imply that all birth mothers gave their consent. Many did, however, and they expected their children to be properly placed and registered. Even the fact they felt they had to do that is remarkable in the circumstances. The commission of investigation into mother and baby homes is putting together the social history module, a study of the time when the mother and baby homes operated, and we will learn a great deal from that when it is finally published. It will help us interpret the records and the evidence around adoption, and maybe other settings in which mothers and children were left. The years from 1946 to 1969 is the period for which we have index cards. It does not mean it did not happen in St. Patrick's Guild before or after that.

I am aware of the strength of views on the information and tracing Bill and the struggles we have had. I want to get this right. I have some very strong personal views on how we could fashion the Bill but, so far, it has involved trying to balance privacy with the right to identity. Senator Boyhan knows that very few rights are absolute. The question is whether there is a better way to achieve a balance than what we have come up with so far. We have to do it in the context of our Constitution and that has been stopping us until now. Every option we have provided to the Attorney General has been declared unconstitutional. If Members want me, as Minister, to bring forward something that is unconstitutional the Bill will ultimately fall. We cannot enact something perceived as unconstitutional by the Attorney General. They are the parameters in which we work and it is what happened to the Bill a number of years ago. The legislation is, however, a key priority for me.

Acting Chairman (Senator Gerry Horkan): I thank the Minister for her very comprehensive response to the issues.

The Seanad adjourned at 8.25 p.m. until 2.30 p.m. on Tuesday, 12 June 2018.