



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 27 Meitheamh 2018

Wednesday, 27 June 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 Victor Boyhan that on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Housing, Planning and Local Government to consider allocating additional funding under the local infrastructure housing activation fund scheme, LIHAF, directly to local authorities which have identified key sites capable of delivering significant housing projects.

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

The need for the Minister for Justice and Equality to outline how the specific needs of LGBT+ individuals who are currently living within direct provision are being met.

I have also received notice from Senator Lorraine Clifford-Lee of the following matter:

The need for the Minister for Health to consider allocating additional public health nurses to the Dublin north area of the HSE.

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 unit project at Roscommon University Hospital.

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

The need for the Minister for Transport, Tourism and Sport to consider the need for dedicated transport police on the DART service.

I have also received notice from Senator Niall Ó Donnghaile of the following matter:

The need for the Minister for Housing, Planning and Local Government to provide an

update on preparations for a referendum on voting rights in presidential elections for Irish citizens outside the State.

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

The need for the Minister for Employment Affairs and Social Protection to consider automatically extending free travel to all individuals who travel significant distances for hospital treatment for cancer, dialysis and other illnesses.

Of the matters raised by the Senators which are suitable for discussion, I have selected those raised by Senators Boyhan, Devine, Clifford-Lee and Feighan and they will be taken now. I regret that I have had to rule out of order the matter submitted by Senator Humphreys on the ground that it is a repeat of a Commencement matter raised on 19 June 2018. The other Senators may give notice on another day of the matters they wish to raise.

Commencement Matters

Local Infrastructure Housing Activation Fund

An Leas-Chathaoirleach: The Minister of State, Deputy English, is very welcome. He is a very faithful attender of the Seanad. He is very good.

Senator Victor Boyhan: I am grateful to the Leas-Chathaoirleach for the selection of this Commencement matter. I warmly welcome the Minister of State, Deputy Damien English, to the House. He is always very welcome and it is always good to see him. I thank him for taking up my invitation to make a statement on the possible further expansion of the local infrastructure housing activation fund, or LIHAF, scheme. It would be hard to have learned much about the scheme as it has not kicked in to any great extent yet. However, LIHAF was rightly identified by the then Minister, Deputy Simon Coveney, the Minister of State, Deputy English, and their officials as a way to address, as part of Rebuilding Ireland, the shortage of critical infrastructure necessary and bring on large sites that could deliver significant housing capacity.

We all know we have a housing crisis and we do not need to rehearse that discussion. All of the experts suggest we need to build approximately 30,000 houses, which is an ambitious but necessary target to achieve through mixed delivery of housing. It is a real need. LIHAF was introduced to develop infrastructure and the Government announced its support for the scheme. When the package was initially rolled out under Rebuilding Ireland, the Government's press release referred to funding of €226 million for strategic infrastructure through LIHAF, the delivery of 23,000 houses by 2021 and 34 high impact delivery projects across 15 local authorities.

The major concern being expressed now, in particular in the feedback from the 15 local authorities, is about affordability. That will always present a problem. In the area in which I live in south County Dublin, Cherrywood received the largest tranche of funding under the LIHAF scheme. Most of the units that will be provided there will be build-to-let. As such, the real con-

cern is about how we can ensure a decent return and value for the expenditure of Government money on critical infrastructure. How can we assure people and give them the confidence that this contribution will feed into affordable housing? Every day, I meet couples who are working professionals but who cannot secure funding or affordability in housing.

There is a possibility under tranche 2 of the scheme, which the Minister of State has previously indicated that he was considering. I would like the Minister of State to consider with his colleagues in the coming weeks the opportunity which may arise to ensure that the next block of LIHAF funding is directed to local authority or State lands. National inventories and audits are being carried out of State-owned lands held by the HSE, the OPW and other agencies. There are vast banks of public land owned by local authorities, which they tell me they cannot bring into use. We should direct the next tranche of LIHAF funding to State lands to bring about conditional affordable housing.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): It is good to have the opportunity to come in here to discuss this. I thank Senator Boyhan for the invitation to discuss the possibility of further funding under the local infrastructure housing activation fund and the option of channelling the LIHAF funding from round 2 directly to local authorities which have identified key sites within their own landbank capable of delivering significant housing projects. That is exactly what we want to do. We want to make local authorities able to develop their own land bank. We have worked closely with them over the past year or two to bring forward their sites, get them organised and bring forward their plans to deliver social, private and affordable housing on their landbank and to utilise that landbank as quickly as they possibly can. With what we want to achieve, we are on the same page here.

As Senator Boyhan will be aware, the aim of the local infrastructure housing activation fund is to increase housing supply through enabling infrastructure such as roads, bridges and parks. It is doing that through public funding of almost €200 million across 30 public infrastructure projects in 14 local authorities, with an associated housing delivery of approximately 20,000 units over the coming years from these strategic sites.

The key part, when LIHAF was launched, was to activate these sites. There were no plans to activate these sites and the key aim of LIHAF was to use public funds to step in with key infrastructure requirements to deliver the housing over three or four years following on from 2016. Two years ago, there was little activity and there was no sign of these sites coming on line. The aim was to activate; it was an activation measure.

Additional funding of €50 million over the period to 2021 was signalled in budget 2018 for a second call for proposals under the local infrastructure housing activation fund. However, as part of the roll-out of targeted serviced sites funding as well as infrastructure supports under the national planning framework, there are now a number of funding streams operating in that space.

For example, significantly increased funding over the course of the ten-year national development plan will be available for enabling infrastructure and regeneration projects through the new €2 billion urban regeneration and development fund and the €1 billion rural regeneration and development fund, announced in February under Project Ireland 2040.

Local authorities will also shortly be able to apply to the new serviced sites fund which will

provide Exchequer funding to support delivery of both off-site and on-site infrastructure which can unlock local authority-owned lands in order to deliver affordable homes.

Activation of housing developments at scale is a priority under Pillar 3 of Rebuilding Ireland and LIHAF is a powerful tool in addressing the challenge of housing supply. That was its aim - addressing the supply issue as an activation measure, as the Senator clearly understands. However, the Government is also committed to the delivery of affordable homes by local authorities, and to the regeneration and development of our towns, cities and rural communities.

As the Minister indicated in the Dáil last week, given the crossover between the two regeneration funds and LIHAF, and in consultation with the Minister for Finance and Public Expenditure and Reform, he has concluded that it would be unnecessary duplication to have separate calls under separate funds for the same types of infrastructure projects. In addition, both he and I are eager to give further support to local authorities to bring forward and service publicly-owned sites to provide affordable housing under the recently commenced affordable purchase scheme, which is exactly what the Senator has been raising here. In what we are trying to do, we are on the same page.

Accordingly, the Government has agreed that the €50 million in funds that had been originally allocated for the second call under LIHAF will be amalgamated with the new serviced sites fund to increase the Exchequer funding available from €25 million to €75 million over the period 2018 to 2021. This will be matched with at least €25 million from local authorities towards land servicing costs, bringing the total fund available to €100 million. This funding will help to speed up the development of affordable housing from publicly-owned sites and I expect that the call for proposals under the fund will issue later this week.

Senator Victor Boyhan: I thank the Minister of State for that comprehensive report. I welcome the fact that the call for the funding will be issued later this week. From what the Minister of State stated, I am not quite sure it will be exclusively to fund State lands or public lands. Let us not get caught up on whose they are. They are public lands.

The real controversy is that we have vast tracts of State lands and we have thousands and thousands of people without homes. There is a focus on the private sector and I accept that there is a logic in some of that. I do not have any ideological hang-up with who - public, private or whatever - builds houses but the time has come where we need to put in place supports to get these landbanks into action for houses for our people. That is the key, particularly with local authorities.

The Minister of State did not touch on the land aggregation scheme today but he might be mindful of it. The Department would have rejected many submissions for the land aggregation scheme and local authorities are stuck paying vast interest on lands as well.

The key focus must be on telling people that we will use State lands - the people's assets, the taxpayers' assets - and funds to get people into houses. These are our people who want to purchase affordable accommodation to provide homes for themselves and their families.

I thank the Minister of State for the comprehensive response.

Deputy Damien English: I thank Senator Boyhan for bringing a focus to this issue. It is exactly what we were trying to achieve here. We are able to use the State-owned landbank to deliver housing across the three categories of social, affordable and private.

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We have asked local authorities to bring forward all their plans on how to activate and develop those sites. They have been doing that and we have been working through those plans with them over the past couple of months. Our housing delivery team - I and the Minister, Deputy Eoghan Murphy, and an officer in the Department, Mr. Peter Gavican - has been visiting all the local authorities and going through all their options, sites and landbanks, trying to work out solutions on how to activate that land. This funding will be concentrated on publicly owned lands and on local authority-backed projects to deliver affordable housing and other projects of housing, such as activation measures. We are clear what the funding is for.

Even at the start, LIHAF was for activating land. Land was not being activated and houses were not being built.

The additional tranche of funding of LIHAF is working and is bringing forward projects. The new funding will bring forward more projects with a greater focus on State-owned land.

Already, we have 13,500 going through the process of a pipeline of social housing projections on 820 sites but there is enough land ideally placed in State ownership to deliver 30,000 houses. We will concentrate on that as well as working on additional lands for more housing projects as well. We want to activate our land.

I hear commentary that there are 120,000 sites belonging to the State. That is an exaggerated number. We do not own the lands that NAMA has. We are in control of the loan book, through NAMA, but the State does not own the land and is not in control of what happens that land. Naturally, through NAMA, we are in control of what happens its loans and work through that as well. I want to be clear on that. When I hear this figure of 120,000 sites, often the land includes parkland and every other kind of land. However, we are concentrating on land for housing that we own and we will bring that forward.

We are in this space and the fund will be open for calls next week. Prior to that, local authorities had been told, for the past year or year and a half, to work with the Department to bring forward proposals on these lands anyway. These proposals are at an advanced stage. We will match the funding as well.

In relation to the last comment the Senator made about the aggregation scheme and sites that were not brought into it, we have been clear to local authorities that the best way to get their money back on those sites is to activate them - to build houses on them and draw down their funding on the housing projects. That is what we are trying to do here. Concentration on activity is how best to deal with that as well.

Direct Provision System

Senator Máire Devine: Cuirim fáilte roimh an Aire Stáit.

There are currently more than 5,000 people incarcerated in prisons for the innocent of Ireland today. It is direct provision I want talk about. My party believes it is the new eighth amendment. It is the new industrial schools that much shamed the State for many, many years. It is how we treated the most vulnerable. Do we not learn?

When one hears of the conditions at the centres, the idea of waiting indefinitely for such long periods is fairly chilling. A young woman from whom I heard recently referred to her

sentence, and it is a sentence until she receives a positive or negative decision. I recently heard from people living in direct provision who are members of the LGBTI community and who are having serious problems due to their gender or sexual identity. This is Pride week and I believe it is timely for the Minister to address the issues raised. The recommendations of the McMahon report about improving the lives of LGBTI people in direct provision and the three subsequent implementation reports stated that successive changes had been made. However, there seems to be a vast amount of evidence to the contrary. There are many outstanding issues that have never been addressed. I wish to seek clarity on these issues today.

Heartbreakingly, I have heard that some people need to remain closeted in direct provision because they are sharing a room with strangers and nobody is monitoring who is put with whom. There is evidence of bullying exacerbated by the cramped and stressful conditions in which they are living. In some cases, they are fleeing solely because of sexual identity yet they are put with people who will bully, intimidate and ridicule them. The same people cannot access LGBTI spaces easily because of financial and logistical reasons. Obviously, Dublin is the place for people to go but people in rural areas have nowhere to go. It might seem to be of little significance to me or the Minister of State but for those people who have been persecuted and abused for who they are, access to space that is safe and welcoming is vital for their physical and mental health.

Unlike fleeing prosecution because of one's ethnicity or political activism, it was highlighted that it is difficult and questionable ethically to "prove" one's LGBTI-ness. One individual told a story of being asked what was his favourite Madonna song as this was one of the criteria for passing a test of LGBTI-ness. It is dangerous and stereotypical, brings about stigma and has an impact on mental health. It is insensitive to say the least. It was stated in the third and final implementation report on foot of the McMahon recommendations that sensitivity training was under way. Can the Minister of State give me a detailed update about where this is?

Considering that asylum applicants are typically waiting around 20 months for their asylum interview at the International Protection Office, by the time they attend their substantive interview, many LGBT people experience added severe stress and mental health difficulties and their capacity to engage with the asylum procedure is significantly reduced. This is particularly problematic in the context of limited or no access to early legal advice.

The Irish Refugee Council, IRC, is doing phenomenal work on these issues. I will put some of its recommendations to the Minister of State and I implore him to take them seriously. In terms of the EU reception conditions directive, the establishment of a formal vulnerability assessment mechanism to identify special reception needs should go beyond acute medical vulnerability and take into account an individual's psychosocial, cultural and other accommodation needs, including the needs of LGBTI people. The IRC's concern is that the current basic health screening that asylum seekers may avail of does not capture the accommodation requirements of many applicants. I want to say "hello" to those listening from direct provision this morning who are hoping that the Minister of State will bring them good news.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I am here on behalf of the Minister for Justice and Equality who sends his apologies. I thank Senator Devine for raising this important issue. Direct provision is the system by which the Government offers support and services to persons seeking international protection in Ireland. Such persons are claiming protection on the basis that they are fleeing persecution - persecution on the basis of their religion, race and also persecution on the basis of their sexual orientation.

It is important to point out that a key element of the direct provision system is that services are provided to persons in that system directly by the responsible State Department or agency. I must reject out of hand words like “incarceration”, “prison” and “open prison”. They are not that. I would ask colleagues not to use those inflammatory statements and to visit the direct provision centres and see the work that is going on there.

On arrival in Ireland, each person seeking protection is offered full-board accommodation by the Department of Justice and Equality. While there is no obligation on any person to accept this offer, I want to state very strongly that the question of any person’s sexual orientation is not in any way a determining factor in whether the offer is made. The services offered to persons in the protection process and who are living in accommodation offered by the State are continually improving and this includes supports and services to those in the LGBTI+ community. The Department of Justice and Equality is currently concluding the development of a set of standards which will become an intrinsic part of all future contracts. These standards will place a requirement on managers and front-line staff to receive training across a wide range of areas, including specific training in respect of the possible needs of the lesbian, gay, bisexual, transgender and-or intersex persons residing in an accommodation centre. I must also point out that the Ombudsman and Ombudsman for Children also visit these centres and are available to listen to complaints from any people living there.

The draft standards also require that information, posters and confidential contact details are provided to target specific groups including the LGBTI community. In addition, talks and briefings are to be provided to staff and residents to promote dignity and respect to all residents, including any LGBTI residents. These standards have been developed in full consultation with the NGO community and derive from the excellent work carried out by Dr. Bryan McMahon and his team in the report to the Government on improvements to the direct provision system. On behalf of the Minister, I can assure the House that persons who are members of the LGBTI+ community will receive every support possible from managers, staff and State agencies operating with their accommodation centre. Members of the Reception and Integration Agency visit these centres on a regular basis and are available to anybody who wants to consult and meet with them to discuss issues. There are a number of areas where people can get help and support. I want to know about any issues with respect to the bullying mentioned by the Senator or anything else. Staff, officials and I want to know about these incidents, which will be dealt with if we are told about them. There are multiple ways in which residents of these centres can bring these matters to the attention of managers, the staff in the Reception and Integration Agency and the Department, the Ombudsman and the Ombudsman for Children so I ask that this would happen. These issues will be dealt with sensitively and appropriately once we know what they are.

Senator Máire Devine: I know the Minister of State cares about these issues. It is apt that we raise these issues during what we consider Pride week. There is nothing proud about direct provision. I will call it incarceration. I will not call it what the Minister of State would like me to call it, which would dilute what it really is. The Minister of State is asking LGBTI people in direct provision to become whistleblowers. We know what happens to whistleblowers in this country. We need to be much more proactive in seeking out the issues as opposed to asking vulnerable individuals to make statements. We are aware it goes on. We just need to respond to that very robustly. In this week of Pride, we need to take a radical approach to the great shame that is direct provision and to treat our most vulnerable with integrity and respect.

Deputy David Stanton: Again, I reject out of hand the terms “incarceration” or “open prison”. They are populist, inflammatory and wrong. I ask colleagues not to use those terms.

I have visited almost all direct provision centres in the country, some of them on a number of occasions, and I can say that the Senator's contention is completely wrong. I challenge colleagues to tell me what the alternative is. What would they like to see put in place? How would it work? The alternative would be that people would come here looking for asylum and could end up on the streets. That does not happen. Everybody who arrives here is offered accommodation and nobody who looks for asylum is left without a bed, food, security and safety. We are speeding up the process with respect to decisions.

Getting back to the main topic, there is no excuse for any person or society to treat any other person without dignity or respect. This is not an alternative to anything. It is a prerequisite as to how we ourselves would like to be treated. I have listened very carefully to the comments made. If anybody out there is aware of residents in centres who are being treated unfairly or wrongly, they should bring it to our attention. I am not just talking about people who might be the subject of such treatment but others who might know of such treatment, including the Senator.

11 o'clock

They should bring the details to our attention and we will look into it and deal with it.

While I cannot get into detailed and specific responses at this point, I can assure all Members of the House that I will ask the Minister to revert on any specific point raised. The points raised will be taken into account as the services provided to those in the LGBTI+ community improve. I can assure the House we will work with relevant State agencies to ensure that compliance criteria and standards are finalised for accommodation centres and will continue to be improved. We will also support measures to ensure that centres are inclusive of LGBTI+ young people, with particular consideration of transient gender issues, so that homophobic and transphobic allegations made by refugee asylum seekers and anyone else in these centres are properly investigated, and support is focused on those who may have experienced or who report homophobic or transphobic bullying or harassment in their country of origin.

A project plan is now in place for the development of a national LGBTI strategy for publication by the end of this year. I am chairing the strategy oversight committee and this will include full consideration of all relevant issues for persons living in accommodation centres. As we speak, officials from my Department are meeting with officials from all other Government Departments to progress this LGBTI strategy for the country, and this will include everybody.

I thank the Senator for her remarks. I take these issues very seriously indeed. I thank the Senator for bringing these issues to our attention and ask her to visit all the centres. If there are issues she is aware of, she can bring them to my attention.

Nursing Staff Recruitment

Senator Lorraine Clifford-Lee: I thank the Minister of State, Deputy Jim Daly, for coming to the Chamber to deal with the issue of public health nursing in north Dublin. The north Dublin area of the HSE covers areas, including Balbriggan, the Naul, Skerries, Garristown, Oldtown, Lusk, Rusk, Swords, Ballyboughal, Malahide and Portmarnock, as well as other areas such as Darndale, Baldoyle, Coolock, Raheny, Artane and Howth. This area covers a population of over 300,000. It is the most rapidly growing area in the country and, I believe, one of the most rapidly growing areas in Europe. As a consequence, it has a very young population. By way of a parliamentary question put down by one of my colleagues, I have learned there are just

64 public health nurses covering this area, which is wholly inadequate for the size of population and the fact it is a very young population. This is simply not good enough.

As the Minister of State knows, public health nurses play a vital role in our community. They liaise with GPs, practice nurses, hospices, hospitals and meals on wheels, and they make sure that citizens can access the health services in a timely and proper manner. They often keep a register in their offices of older people in the community and make periodic calls to their houses just to take care of the community. Vitaly, they visit mothers and their babies in their homes in the days and weeks following the birth of the child. This is vital for the health and well-being of mothers and their children. They distribute vital health and safety information in regard to sleeping arrangements, sterilisation, vaccinations and breast feeding, and check on the mental health of the mother, which is vital for the health of the child and the overall health of the family unit.

They also look out for signs of domestic violence in the home. We know from studies that the periods before birth and immediately after birth are the periods of most vulnerability for women who are in domestic violence situations. It is very important they are given support, and public health nurses are often the only persons from outside the family unit coming into the home who could see warning signs. However, if public health nurses are seriously over-worked and need to get to a number of different houses on that day, they do not have the time or resources to dedicate to getting to the bottom of very complex issues such as domestic violence.

I would very much worry for the public health nurses in north Dublin who are seriously over-worked. They are dedicated and offer a great front-line service but we do not have enough to service a population of more than 300,000. I would like the Minister of State to outline his plans and the Minister, Deputy Harris's plans in regard to the HSE plan to hire and assign more public health nurses for the north Dublin area. This needs to take into account the actual population and the projected population because much of the housing being built at the moment in Dublin is being built in north County Dublin, so the population is growing rapidly as well as being a very young population - the youngest in the State. If public health nurses calling to mothers in their homes are expected to do the best job they can, they need additional numbers. I would appreciate a response from the Minister of State.

Minister of State at the Department of Health (Deputy Jim Daly): I thank Senator Clifford-Lee for raising the issue of the number of public health nurses currently serving the Dublin north area. Both the Minister, Deputy Harris, and I understand and appreciate the excellent care these nurses provide to local communities and are anxious to ensure appropriate staffing levels across the country.

The Department of Health published Working Together for Health - a National Strategic Framework for Health and Social Care Workforce Planning in 2017. This document provides an integrated, dynamic and multidisciplinary approach to workforce planning at all levels of the health service, and the HSE is currently working to operationalise the framework across the health sector. The implementation will be guided by the relevant work streams of the Health Services People Strategy 2015-2018 and Government policy on public service numbers and costs more generally.

As part of this overall workforce planning process, there are a number of recruitment and retention initiatives that seek to bolster nursing capacity. These include offering permanent posts to graduate nurses, continuing the process of pay restoration and offering new oppor-

tunities for career development. Turning specifically to public health nurses, these staff are recruited through the public health nurse graduate programme. Each August, the HSE places qualified nurses on placement in the different community healthcare organisations following an interview process. These nurses are referred to as the public health nurse student intake, and alongside their placement in the community, they participate in an academic programme. The students graduate one year following their entry into the programme and then take up permanent positions following their formal registration.

In 2017, 140 public health nurse students participated in the programme and will graduate in August. These graduates will be offered permanent public health nurse contracts in CHO 9, as follows: Dublin north - 12 public health nurse graduates; Dublin north west - 16 public health nurse graduates; and Dublin north-central - nine public health nurse graduates. In addition, 27 public health nurse posts in CHO 9 that are vacant as a result of retirements, long-term sick leave or career breaks will be filled through the 2018 public health nurse intake programme. These students will graduate in 2019 and will be offered permanent contracts across the Dublin north region. Moreover, I am pleased to be able to inform the Senator that, in recognition of the needs of the Dublin north area, CHO 9 has been allocated seven new development posts for public health nurse nursing. These students will take up their placement in August 2018 and will graduate in August 2019, when they too will be offered permanent contracts. This increased allocation of public health nurse posts will ease the pressures currently being experienced in Dublin north and help to further improve and enhance the delivery of primary care services in the local area.

Senator Lorraine Clifford-Lee: I thank the Minister of State. I am glad to hear of those additional recruits but, to be honest, I think it will just be a drop in the ocean. I would like to know the intake numbers into the public health nurse graduate programme and whether the Government is going to increase the numbers rapidly to deal with the rapidly growing population. To have 12 public health nurses graduating and being allocated to Dublin north is, as I said, welcome but it is just a drop in the ocean. We are trying to play catch-up and we are not going to catch up quickly enough with these numbers, unfortunately.

Deputy Jim Daly: I note the Senator's concerns. It is a difficult balance to get all of these staffing challenges right. One cannot push too many nurses into the public health nurse programme without leaving the acute side short, so it is about getting the balance right and trying to manage the available resources, while trying to increase the overall intake of nurses. As I outlined, there is a workplace planning programme in place to try to address that infrastructural deficit at the base level. When we can increase that number, we can then increase the overall numbers. I have outlined some positive steps, which the Senator has acknowledged. I also appreciate the Senator's concern that it may not go far enough to resolve the issues. I am happy to pass on the additional information she sought.

Hospital Facilities

Senator Frank Feighan: I am grateful for the opportunity to discuss with the Minister of State an excellent project for Roscommon University Hospital and the western region. As I said before, the medical rehabilitation unit is one of three major capital developments planned at Roscommon University Hospital. The other two are an endoscopy unit which is open and extremely busy and a hospice care centre that will be funded by Mayo Roscommon Hospice

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Foundation. We have also agreed to fund the staffing of the unit. There is a clear demand for a medical rehabilitation facility in the west. Almost one quarter of patients treated at the National Rehabilitation Hospital in Dún Laoghaire normally reside in the HSE West region as there are no dedicated rehabilitation units in the western region. As it stands, the National Rehabilitation Hospital in Dún Laoghaire is the only comprehensive rehabilitation facility in the Republic of Ireland for patients with physical and cognitive impairments. As we all know, the demand for its services continues to rise. Clearly, there is a need to meet that demand. I am delighted that the National Rehabilitation Hospital has strongly endorsed the €7.85 million project planned for Roscommon University Hospital.

What we are looking at initially is the development of a ten-bed inpatient ward on a green-field site on the Roscommon University Hospital campus. Another ten beds are also expected to be delivered on a phased basis into the future. The unit will operate as a satellite centre under the auspices of the National Rehabilitation Hospital and relieve pressure on existing services. It will also allow patients to be treated in their own community. The need for the facility has never been so important and today I am raising some concerns that the project may not be moving as fast as we had hoped. My understanding last December was that the design team for the project would be appointed in the first quarter of this year. However, six months down the road, the tender documents to appoint a design team have not even been issued and I am wondering why there appears to be a delay in the process. My strong belief is the design team should be well in place by now in order to move this important project along to the planning stage. I look forward to the Minister of State shedding some light on my query.

Deputy Jim Daly: I thank the Senator for giving me the opportunity to update the House on this matter. A Programme for a Partnership Government places a particular focus on a number of key programmes and strategies, including publishing a plan for advancing neurorehabilitation services in the community. The national policy and strategy for the provision of neurorehabilitation services in Ireland for the period 2011 to 2015 made a number of recommendations for services for people with rehabilitation needs. The strategy also covered a range of supports, including clinical; therapeutic; social; vocational and community supports.

The redevelopment of the National Rehabilitation Hospital is well under way and it is expected to be operational in 2020. Funding for phases I and II of this major redevelopment project was included in the Government's Project Ireland 2040 policy initiative, as part of an overall €10.9 billion strategic investment in health services. It will be a significant enhancement of rehabilitation services and have a direct and significant impact on patient recovery by providing an optimal ward and therapeutic environment for patient treatment. This will enable staff to deliver optimal quality care and treatment in a facility which affords dignity, respect and privacy to all.

Roscommon University Hospital is a model 2 hospital within the Saolta University Health Care Group. It provides a significant range of hospital services for patients in the region, including extended day surgery, certain acute medicine services and local injuries services. It also provides a wide array of diagnostic services, including endoscopy, laboratory medicine, point of care testing and radiology, as well as specialist rehabilitation medicine and palliative care. It plays an essential role as part of the Saolta group of hospitals and will continue to do so in the future. We know that future growth in healthcare will be in the areas of chronic disease management and day surgery, diagnostics and rehabilitation. The activity levels of model 2 hospitals such as Roscommon University Hospital will continue to increase in the coming years as they specialise in providing these services to meet the needs of their local populations.

In 2016 the Minister for Health, Deputy Simon Harris, announced the development of a specialist rehabilitation unit at Roscommon University Hospital to design and planning stage, in association with the National Rehabilitation Hospital. The provision of the unit is included in the national development plan, published as part of the Ireland 2040 initiative earlier this year, and will deliver 20 beds and therapy suite accommodation on completion. The HSE has advised that the procurement process for the design team is at the final stage and that the appointment of a design team is imminent. It also advises that the hospital is experiencing traffic congestion and parking difficulties, for which solutions will need to be addressed as part of the planning application process.

Senator Frank Feighan: Apart from the employment which will be created during the construction phase, it is also important to say that once the rehabilitation unit becomes fully operational, it will create 25 jobs initially and up to 50 when all phases are complete. When all of these positions come onstream, more than 400 staff will be working in the hospital which is busier and safer than ever. However, I really believe we need to get the rehabilitation unit up and running. As the Minister of State said, the Minister for Health, Deputy Simon Harris, announced the development of a specialist rehabilitation unit in 2016, which had been agreed to in 2011 with the then Minister, Senator James Reilly. It is also included in the national development plan.

There is something fundamentally wrong in HSE Estates in Galway. I am sick and tired of coming here to find that everything planned for Roscommon is being held up in Galway. Is it that it does not have enough staff or is there a more serious matter, to the effect that it will do anything to stop development at Roscommon University Hospital? I want an investigation. I am in Sligo and have no problem with the HSE in the north west. I have had a problem with HSE Estates in Galway in respect of Roscommon University Hospital and will not put up with it any more. I want an investigation into why these things are being delayed. Two years ago the Minister announced that the project would get the go-ahead. We are still waiting on HSE Estates which is apart from the Department of Health. This has gone on too long. I know that the rehabilitation unit will go ahead in Roscommon, but I am concerned that we are not getting the attention we need and deserve.

Deputy Jim Daly: I appreciate the Senator's frustration and understand his commitment to Roscommon University Hospital, as the history books will verify. Any objective analysis would confirm his passion as a public representative about the future development of Roscommon University Hospital and the risks he took in his political and personal life for the betterment of the hospital and his belief in its future. That is not just commendable, it also gives him authority above and beyond the call of duty when it comes to public representations. The very least he deserves is the answers he is seeking. I appreciate that a word like "imminent" does not tell him, me or the House when exactly the design team will be appointed. I will certainly take it on myself, on the Senator's behalf, to make contact with HSE Estates in Galway to get a more detailed, comprehensive and realistic timeframe, understandable to all of us, for when exactly the design team will be appointed and the next steps thereafter. I will come back to the Senator on the matter.

Sitting suspended at 11.20 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Education (Digital Devices in Schools) Bill 2018 - Order for Second Stage and Second Stage, to be taken at 12.45 p.m., with the time allocated not to exceed two hours; No. 2, Mental Health (Amendment) Bill 2016 - Report and Final Stages, to be taken at 3.30 p.m. and to conclude not later than 4.15 p.m. if not previously concluded; No. 3, National Archives (Amendment) Bill 2017 - Committee Stage, to be taken at 4.15 p.m. and to adjourn at 5.40 p.m. if not previously concluded; No. 4, statements on the summer economic statement 2018, to be taken at 5.40 p.m. and to conclude not later than 7.10 p.m. if not previously concluded, with the time allocated to group spokespersons not to exceed eight minutes each, Members can share time and the Minister to be given not less than five minutes to reply to the debate, a change that is meant to facilitate the Minister, who will be at a meeting that will not end until 5.30 p.m.; and No. 5, Education (Admission to Schools) Bill 2016 - Committee Stage (resumed), to be taken at 7.10 p.m.

Senator Catherine Ardagh: I welcome the Government's move to take in 25 migrants from the *Lifeline*, the ship that is stranded off the coast of Malta. However, we should be taking in more. It is time for the House to have an open and honest debate about our immigration policies and our implementation of same. This is one of the greatest issues facing not just Ireland, but Europe, so it is incumbent on us to be proactive rather than reactive in terms of proposed immigration policies.

I welcome the extension of the work permit to migrants, but we need to do more. The House needs to have a debate so that Senators can express their views openly and honestly. We must ensure that a proper and constructive framework is in place to deal with issues facing migrants, including access to housing, education and work permits. This debate should be facilitated urgently.

I have raised the issue of housing every week in the Chamber. More than 85,000 households are awaiting social housing. Many of these are in receipt of the housing assistance payment, HAP. Nearly 10,000 people are in homelessness, including almost 4,000 children. Rent pressure zones and other rent support mechanisms are not working, given that rents are increasing rapidly and HAP cannot keep pace. There are large landbanks around this city, including those at St. Michael's Estate in Inchicore, which have been left idle for more than a decade and on which we are awaiting social housing and community amenities to be built.

We need to rethink our housing models. We must build social and affordable housing on State-owned lands, but this does not seem to be happening quickly enough. It needs to be made a priority. I call on the Minister to attend the House to tell us what he is doing about St. Michael's Estate and inform us of his general policies and plans for social and affordable housing in this city.

Senator Victor Boyhan: I had intended to speak on one matter, but I will first touch on the issue of housing raised by Senator Ardagh. When the Minister of State, Deputy English, took my Commencement matter on the local infrastructure housing activation fund, LIHAF, this morning, he stated that he would this week announce a second round. That is positive news and should be acknowledged. In conjunction with local authority funding, it will fund the building of affordable housing on State lands, be they owned by State agencies or one of the 31 local authorities. Once the second round is unveiled in the coming days, it might be a good time to have the Minister explain the situation in the House.

Listening to the commentary about Pope Francis's visit to Ireland, I have been disturbed by a small, but intolerant, group of people who have some difficulty with someone as superior as the Pope, who represents people. I respect Pope Francis as I respect Queen Elizabeth, the Dalai Lama or anybody else who represents people. As I was coming in here this morning, I asked myself what my purpose is. I would like to think that one of the purposes I have is to be an advocate and a conduit for people and that I can come in here and speak in our national Parliament. It is a sad day that we allow people to go on our airwaves and vent anger and hatred towards any leader. I respect that people have the right to hold their own views and that is fair enough. We live in a democracy but more importantly we live in a republic. We are proud of our Republic and we have a Constitution. The Pope has been invited by the Government and people of this country so I would like to think we would extend him a céad míle fáilte, many welcomes. It is about respect for diversity and difference. That is what this country is all about and we have celebrated our own history and conflicts many times. I could not let today go without saying that it is important that people have rights and that are entitled to be angry over issues that have affected them or their families but let us not lose sight of the bigger picture. We live in a republic and we welcome everyone, including dissenters, as guests of our nation and of our people. We should be mindful of that as advocates for democracy who are elected to Parliament in a republic.

Senator Rose Conway-Walsh: I tried to get tickets to see the Pope in Knock but unfortunately I could not get through. It is quite unlikely I will get them now.

Senator Jennifer Murnane O'Connor: It is sold out.

Senator Rose Conway-Walsh: It is sold out. I suppose all the people in Carlow will be coming up. I am not sure about my tickets for the Mayo-Kildare game on Sunday either.

Senator Jerry Buttimer: The match is to be held in Newbridge on Saturday night.

Senator Rose Conway-Walsh: Is it? We look forward to that and to the right result.

I raise the issue of the agency staff in hospitals, in particular those in Mayo University Hospital, and the fact €5.3 million was spent in 2017 on agency staff in that hospital. That is neither prudent nor sustainable when we have a situation where there are more than 700,000 people on waiting lists and there are so many other gaps to be filled. We know agency staff are more expensive. We also know that within a system, permanent sustainable teams are needed, teams who are used to working with each other and who know the run of the mill and the environment they are working in. We need consistency and that cannot happen in a situation where there is an over-dependence on agency staff.

This did not happen today or yesterday. It found its roots in the moratorium that was imposed on healthcare staff, which should never have been put in place. We should have protected our health service and staff above and beyond anything else. I talked yesterday about the National Pensions Reserve Fund being given to the bankers. We should have prioritised our health service and staff who do a wonderful job. The retention and recruitment crisis has never been fixed. Last year the State spent €105 million on agency doctors alone. That is not sustainable either. In Mayo, €1.6 million was spent on medical and dental staff. It is right across the board and those figures do not add up in a system where there are constant overruns and so many gaps that need to be filled.

We need a real examination of the education system in the area of the training of medical

staff and doctors. We have the health professions admission test, HPAT, now but my great fear is that there are wonderful young people who would make brilliant doctors and have a sense of social justice and righteousness but because their home lives are perhaps not conducive to excelling in their leaving certificates, they are barred from that for life. That should not be the case. Our education system should be re-examined in that regard because the problem of recruitment and retention will not go away. We need to address the issues of pay and conditions also. I ask the Minister to come into the House, specifically to deal with the issue of aligning the education system with the health service to see what improvements can be made there.

An Cathaoirleach: I call Senator Marie-Louise O'Donnell. It is such a lovely morning I am giving her priority.

Senator Marie-Louise O'Donnell: I thank the Cathaoirleach who caught me unawares, which is unusual for me. I propose an amendment to the Order of Business again today because I am anxious the Minister for Communications, Climate Action and Environment, Deputy Naughten, comes into the House to discuss community banking. I may be going on about this but there is not a Senator in this House or a Deputy in the Dáil who does not understand that we have created an Ireland with a "new poor" of people who earn between €25,000 to €60,000. These people have trained and educated themselves but they cannot afford to live and to stay in their own country. They are nurses, radiographers, occupational therapists, teachers and tradesmen. They cannot even afford the idea of saving for a house or apartment. We seem to consistently capitulate in this country. The universities did it to the pillar banks.

There was a Private Members' motion in the Dáil on community banking, that is, the Sparkasse bank in Germany, the Kiwibank, or a combination with aspects of all of them. I want the Minister to come in here and tell me where he is in these negotiations and what is going on because the tentacles of his Department move right out into the society I am talking about. Senators are seeing it on the ground every day, as are Deputies. I am not getting answers on this.

We have one of the best post office networks in Europe and these community banks could live well and the interest rates could be competitive with the pillar banks which do what they like. Now we cannot even find a human being in the bank branch and still the interest rates go up. Young people cannot save the €20,000 and they do not have a mammy and daddy to give it to them, as the Taoiseach said. I cannot afford to give it to my son and neither can many parents. It is a disgraceful down payment from any pillar bank. Some 95% of banks in Ireland are commercial but only 12% in Germany are. What does that tell us? We are afraid of the banks and competition. It is an area for post offices because they have tentacles going out to the people. It is a perfect place to put it but I want an argument on it and I want us to decide if it is a good or a bad thing and look at how we could do it. How is it that New Zealand did it and all of the money went back into the communities? There is plenty of profit for everybody.

There was not one person on the radio recently, after Mr. Drumm was incarcerated, who said they would put money in the pillar banks. If I had £20 I would not go near them. I would rather give it to the Society of St. Vincent de Paul. This is a bit of a rant but it is a real one in that I want the Minister to come in here and argue about the community banks. A Private Members' motion on them was passed in the Dáil. I want us to talk about them and see if the Seanad could do something to create a channel for this and not have the pillar banks dictating the lives, hopes and expectations of every young person, educated or uneducated, who is trying to build a life in Ireland.

An Cathaoirleach: Is the Senator moving the same amendment as she moved yesterday?

Senator Marie-Louise O'Donnell: Absolutely.

An Cathaoirleach: Someone will have to second that.

Senator Marie-Louise O'Donnell: Senator Norris will.

Senator Kieran O'Donnell: On a positive note and in the theme of what has come up so far, I was watching the test game between Ireland and Australia last Saturday morning. It appeared that the bulk of the people attending the match were Irish. A large number of our highly-skilled young people are living abroad. We are reaching full employment here now and it is time to have a debate in the House, with the Minister for the diaspora and the Minister for Employment Affairs and Social Protection present, on how we can encourage people to come home.

Senator Marie-Louise O'Donnell: Keep them in our country.

Senator Kieran O'Donnell: I want to look at the issue in a positive way. I agree with Senator O'Donnell that we have an issue around affordability but in terms of the sustainability of our economy, I would like to see our diaspora returning here.

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

Senator Kieran O'Donnell: We need to have an informed debate on the issue, which is multi-layered. It is about housing, the employment element, affordability and the ingredients we need to encourage people to return here. In a ten-year period that lost generation found themselves in a position where they had to emigrate. We are facing issues here in terms of skill sets for building houses and so on. Many of those with the necessary skills are now living abroad. I would like to see them return here. I ask the Leader and the Cathaoirleach to facilitate a debate on the young diaspora living in Australia, America, Canada and the United Kingdom who might look to return to Ireland. That would include issues such as the diaspora, housing, employment and education. We need to have that debate because we are reaching full employment here.

On another aspect of this issue and going back to the point made by Senator O'Donnell, because we are nearing full employment those who were long-term unemployed are now getting jobs, many of which are unskilled. We need to examine a model whereby the people get back into employment but upskill while they are in that employment. They will then be re-established in the workforce but they can look up the value chain, so to speak, in terms of jobs. We are in a different sphere now. Ireland is doing well and we have full employment, but that brings its own issues. We are not talking about jobs but about people being able to afford their own homes.

Senator Marie-Louise O'Donnell: I was not talking about jobs.

Senator Kieran O'Donnell: I know. I am saying we are not talking about them.

Senator Marie-Louise O'Donnell: I was talking about greed and the banks.

Senator Kieran O'Donnell: I am referring to the first item the Senator raised. I cannot get through all the ones she raised.

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Senator Marie-Louise O'Donnell: I was talking about greed and the banks.

An Cathaoirleach: Please, Senator O'Donnell.

Senator Kieran O'Donnell: I am calling for a debate in the House on the diaspora.

Senator Jennifer Murnane O'Connor: The concern I raise is similar. Many of the matters raised are similar but it is important that we learn a valuable lesson from leaving certificate students. We cannot have next year's examinations being brought into question because we are not paying teachers properly.

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

Senator Jennifer Murnane O'Connor: This year, people who were qualified in their field were asked to correct examinations but they were not qualified teachers. The shortage of available qualified teachers this year forced the hiring of individuals outside the sector to correct examinations. That brought the correction process into question and filled many students with fear and confusion.

A 30% increase on existing State Examinations Commission, SEC, pay rates is not a massive ask, given the years of austerity cuts the sector has endured. This is the Senator's issue. Teachers qualified since 2011 have not got a pay increase. That is a major issue.

Senator Jerry Buttimer: That is incorrect.

Senator Jennifer Murnane O'Connor: We need to keep our belts tight but not so tight that we are busting at the seams. Teachers do a great deal of work for our future generations. We need to address the poor compensation they receive for correcting examination papers.

That problem is symptomatic of the wider issue of the shortage of teachers because the pay is not of a high grade when compared with the same positions internationally. The State Examinations Commission has stated that remuneration rates are increased in line with teachers' pay rates, which lead to an increase of 1% in examiner fee rates for 2018. That will increase for 2019 examinations in line with the pay restoration measures outlined in the Public Service Stability Agreement 2018-2020.

If we are to stop the haemorrhaging of young qualified teachers abroad we need to examine this issue and ensure that in some way we can restore correct pay to a sector that is vital to our future.

Senator Jerry Buttimer: The Senator's party drove a wedge through it.

Senator Jennifer Murnane O'Connor: These are the issues.

Senator Jerry Buttimer: The Senator's party drove them away.

Senator Jennifer Murnane O'Connor: We are not paying teachers enough.

Senator Jerry Buttimer: Her party cut their pay.

Senator Jennifer Murnane O'Connor: We need to make sure they do not go abroad to work. In 2011, massive changes were introduced. I ask that we have a debate on this issue and that whether it is teachers, nurses or apprentices, we keep them here in Ireland. We are sending

them abroad.

Senator Jerry Buttimer: The Senator's party made a mess of the economy. She has some cheek.

Senator Jennifer Murnane O'Connor: It is the truth.

Senator Anthony Lawlor: In 2006 and 2007, the Senator's party wrecked the economy.

Senator David Norris: I second Senator Marie Louise O'Donnell's proposal.

I raise the question of the Pope's visit. I was disturbed to hear on the wireless over the weekend about groups of people who are each buying blocks of 660 tickets and then deciding not to use them in order to reduce the numbers at this event and prevent other decent people who want to go from being allowed to attend. That is extremely mean minded. I do not agree with it at all. I have issues with the Vatican but the way to deal with that is in a dignified way and not this kind of attempt to wreck the visit. I appeal to those with these large numbers of tickets to release them so that decent, ordinary Irish Catholics can go to see the Pope.

I refer to the presidential election. I notice Fianna Fáil has now thrown its weight in behind Michael D. Higgins. It has also instructed Members of the Oireachtas and members of local authorities not to support any other candidate except Michael D. That is very dangerous, and I am quite sure Fine Gael will follow suit. I was blocked during the 2011 election. I was not allowed even to speak to Galway County Council as a result of the operations of Deputy Hildegarde Naughton, who was then the Mayor of Galway. She put a ban on that. This is quite wrong. On the previous occasion, until I entered the race there was going to be no race. The political parties were hugger-muggering. They were moving towards selecting an agreed candidate because the parties do not like having presidential races. They have absolute contempt for the Office of the President in political terms. They could not be bothered running anybody.

I know they say Michael D. is an excellent candidate, which he is, and he has been a very good President, but in a general election, if candidate Kelly from Fine Gael was an excellent candidate would Fianna Fáil stand back and say, "Ah no. We wouldn't go up against Deputy Kelly. He's an excellent candidate."?

Senator Aidan Davitt: They would not.

Senator David Norris: Of course they would not because they take it seriously. They do not take seriously-----

(Interruptions).

Senator David Norris: I know that but that is no reason to block other people. The Senator's party is blocking other people. That is what I am objecting to. You can suck up to Michael D. as much as you like.

Senator Aidan Davitt: The Senator had a free run the last time.

Senator David Norris: Everything is rigged in favour of the political parties.

Senator Jerry Buttimer: It is not.

An Cathaoirleach: Ciúnas.

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Senator David Norris: It certainly is. The nomination process is heavily rigged in favour of the political parties. The parties do not have to go through any process. They just decide to plonk somebody in.

An Cathaoirleach: Thank you. Time, Senator.

Senator David Norris: Okay, but there were quite a few interruptions. In addition, the finance is totally skewed to massively favour the parties. At the Constitutional Convention I put forward a motion that would amend that. It was passed by 98% of the people present. It was by far the highest percentage and nothing has ever been done about it. We must look at the office of the presidency in terms of the way in which it is regulated, the method of nomination and the method of financing to ensure we have a level playing field to allow people go for election.

Finally, I am fed up listening to people saying, “Oh, I would go only for Michael D.” Why do they not have the courage to go anyway?

Senator Jerry Buttimer: Hear, hear.

Senator David Norris: I ran. Michael D. ran. I was a great friend and colleague of Michael D. and I said to him that if I was not running myself, I would be out on a bus canvassing for him. That is how highly I felt about him, but it did not stop me because I wanted to run. We should encourage that kind of attitude in people because with the best will in the world, do we want a President who will be 85 in the last year?

Senator Kieran O’Donnell: Steady.

(Interruptions).

Senator David Norris: Forget about saying “ageism”. It is the truth.

An Cathaoirleach: The Senator is bending the rules. He is well over the time.

Senator Kieran O’Donnell: He has been doing it for years.

Senator David Norris: I will defer to the Cathaoirleach as long as we recognise that the political parties are bending the rules in running for the Presidency.

Senator Jerry Buttimer: They are not.

Senator David Norris: They are.

An Cathaoirleach: I seek clarification on two issues. First, is the Senator suggesting he is running?

Senator David Norris: No.

Senator Jerry Buttimer: Here we go.

Senator David Norris: Regrettably, since my cancer operation, I have not had the energy or the strength. I would also be too old.

(Interruptions).

An Cathaoirleach: Second, on a more serious point, Senator David Norris referred to Deputy Hildegarde Naughton. I would prefer if he did not, as I am not sure whether she acted on her own on the issue. I would prefer Members of the Lower House not to be mentioned in the context of issues that are of an historical nature.

Senator David Norris: I see.

An Cathaoirleach: I thank the Senator.

Senator Diarmuid Wilson: I will drive Senator David Norris around the country if he decides to run.

Senator Jerry Buttimer: Is the Senator running?

Senator Diarmuid Wilson: No, but I will drive Senator David Norris around.

Senator David Norris: What will the Senator do?

Senator Diarmuid Wilson: If the Senator puts his name forward, I will drive him around the country if he is not able to do so himself.

Senator David Norris: As that is an offer I can hardly refuse, I will have to consider it.

Senator Diarmuid Wilson: Please do.

Senator Anthony Lawlor: I agree with Senator Kieran O'Donnell about upskilling people who are returning to work. Training programmes are designed for people who are unemployed, but there is now virtually full employment. As such, the regime needs to be flipped around and we need to start training people who are in work for a changing economy.

I welcome the GAA's decision to fulfil the fixture between Kildare and Mayo in Newbridge. It is a great decision. Getting a home venue in the draw was good for Kildare in the first instance, but the GAA administrators made a mess of it. They have eventually found their common sense, read their own rule book and decided that the fixture should go ahead in Newbridge on Saturday. I will welcome everyone from Mayo to Kildare where most Mayo supporters are living not only for the GAA match at 7 p.m. but also the Irish Derby at the Curragh earlier in the afternoon.

Senator Aidan Davitt: I wish to raise a simple issue which the Leader might note and pass on to the Minister for Education and Skills. A request has been made for an ASD unit at a secondary school, Columba College, in Killucan which was refused previously. Some of the kids in the area must travel more than 50 miles to be accommodated in an adequate second level ASD unit. Many representations have been made. On the ground, the county mayor, Mr. Jonathan Shaw, as well as Deputies Robert Troy and Peter Burke, have been raising the matter, on which there is cross-party unity. The school has a new principal, Mr. Dermot Brady, who is doing great work. If the Leader could mention the request to the Minister, I would be delighted to hear the response.

An Cathaoirleach: I thank the Senator for his brevity.

Senator Aodhán Ó Ríordáin: I join the calls for a debate on education, in particular, teacher shortages and pay equalisation. I understand there is an ongoing conversation between the teacher unions and the Minister for Education and Skills and the Department. To refresh the

memories of some Members in this Chamber who may have forgotten, pay inequality started on 1 January 2011, prior to the 2011 general election. It is high time the House had a conversation about teacher shortages and pay inequality and the associated issue of correcting examination papers. As there is low morale in the teaching profession as matters stand, this House needs to show leadership by finding solutions. It comes down to pay and respect.

I encourage all Senators to advise their constituents or people with whom they have connections that the Department of Health has an ongoing consultation process this month on the possession of illegal drugs for personal use. It is a welcome survey which can be completed quickly. It feeds into the national conversation about the potential for the decriminalisation of drug use. Having held a public meeting last night in Donnycarney with Fr. Peter McVerry, Senator Lynn Ruane and Ms Anna Quigley of CityWide, the public is interested in changing our approach. The change in approach in Portugal 15 years ago has led to a 50% reduction in the number of people involved in heroin addiction programmes and a 75% reduction in the number of deaths by fatal overdose. Were that to happen in Ireland, there would be a major change in the addiction problem. We have significant addiction issues, with the third highest fatal overdose rate in Europe.

If the Cathaoirleach will permit me to do so, I congratulate the GAA on its decision this morning to hold the game between Kildare and Mayo in Newbridge on Saturday night. Some may criticise Senators for raising GAA matters in the House, but the GAA is an important organisation in the country. The decision that Kildare will play the game in Newbridge on Saturday night is a very good one. I congratulate Kildare, in particular, for taking a stand and winning out. One never knows - that level of enthusiasm and motivation might continue with Kildare's efforts on the field. As a Dub, we will beat whoever comes out of the game.

Senator Kieran O'Donnell: There is such a thing as false modesty.

An Cathaoirleach: Tá na Ciarraígh ag teacht.

Senator Jerry Buttimer: That is the worry.

Senator Frank Feighan: I agree with Senator Marie-Louise O'Donnell in her view on the Sparkasse banking model, for which Ireland is waiting. From speaking to people at the German embassy, I know that it has been a major success. It is a local bank and a people's bank. We need to do more in that regard. It would help the Irish banking system.

I agree with Senators Victor Boyhan and David Norris. We are in a very dangerous situation. Recently I read an interesting article written by Fr. Gerard Moloney in *The Irish Times* which was headed, "Beware the new Ireland does not become as oppressive as the old". He wrote:

A healthy church does not require the state to enforce its moral code for it, as the Irish church did. A strong state does not abandon the care of its most vulnerable citizens to private religious institutions, as the Irish State did.

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

Senator Frank Feighan: I listened to people on radio recently. What is happening is petty and cynical and denying people the right to see the Pope or their spiritual leader. We talk about celebrating diversity and encouraging difference, but what is happening does not do that. I ap-

peal to those who are using this situation. What is happening is petty and wrong and they do not have the support of the vast majority of people in the State. I listened to a vox pop on radio when people were asked whether they had obtained tickets to see the Pope in Knock or Dublin. Most of those leaving mass were elderly and did not have the wherewithal to apply online, but they were not complaining. They have been the backbone not just of the Catholic Church but also of the State; therefore, I would be disappointed if they were left out of a unique, significant and joyous occasion. I hope the church and the organisers have some mechanism in place to ensure elderly people - the ones interviewed were committed churchgoers - will receive tickets.

Senator Jerry Buttimer: Well said.

Senator Frank Feighan: Unfortunately, with everything being done online, they are being left out.

Senator Robbie Gallagher: I would like to say a few sentences about last Sunday's Ulster football finals in Clones which I had the pleasure of attending. I congratulate Donegal on winning the senior championship and Derry on its success in the U20 championship. As the House knows, the senior match was attended by the leader of the DUP, Ms Arlene Foster. It was a positive and welcome development. From speaking to GAA personnel at the game, the visit went well; she was gracefully received and enjoyed the day out. She was duly accompanied by the Minister for Business, Enterprise and Innovation, Deputy Heather Humphreys. I look forward to seeing both attending many more GAA matches in the days and years ahead.

I wish to discuss Clones as a venue. The GAA is considering building a new stadium in Casement Park in Belfast. That is to be welcomed, but I ask the Leader to use his good offices and intervene with the Minister for Transport, Tourism and Sport. The carnival atmosphere in Clones last Sunday was something to behold. The sun was high in the sky. One can imagine a crowd of more than 30,000 assembled in a small rural town such as Clones, with a population of fewer than 2,000 people. The good people of Clones opened their arms, as they do every year, to all the visitors who came for the final. The atmosphere was marvellous and could not be replicated anywhere else in the country.

Another issue is the economic benefit such a crowd brings to a town like Clones. We all speak of trying to sustain rural Ireland. The difference an Ulster final makes to a town like Clones is the difference between businesses being able to keep their doors open and having to close their doors. That is the reality, as business owners will tell us. Holding an Ulster final in Belfast would be no big deal for the city because its population is so large and it hosts different events every day of the week. However, for a town like Clones, hosting the Ulster final is the difference between businesses being able to keep their doors open and closing down. I ask the Leader to raise this issue with the Minister of State with responsibility for sport and perhaps liaise with the GAA, which has roots in every parish in rural and urban Ireland, to have it consider retaining the Ulster final in its true birthplace of Clones.

An Cathaoirleach: The Senator is in injury time.

Senator Aodhán Ó Ríordáin: We need video assisted refereeing.

Senator Jerry Buttimer: I am probably in stoppage time at this stage. I certainly hope we will not have VAR in the House after the soccer match the other night involving Iran and a penalty.

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I thank the 12 Members for their contributions. I begin with Senator Ardagh's comments on the important and welcome decision of the Government to take in 25 immigrants. I congratulate the Tánaiste and Minister for Foreign Affairs and Trade, the Minister for Justice and Equality and the Taoiseach on their decision. I agree with Senator Ardagh that a conversation is needed on immigration, not least because Ireland is an open nation that welcomes and embraces people. We should be a safe harbour for people and give them the reception we received in many parts of the world when we travelled abroad as emigrants.

We have made changes to the work permits scheme, although I accept that we have a road to travel on the issue of direct provision. The Government decided in 2015 to enter the European system of relocation and we are very much committed to that mechanism. The evidence of that is also seen in the bravery and heroic work of the Naval Service in the Mediterranean in saving lives and bringing people safely ashore. I would be happy to have the Tánaiste and Minister for Foreign Affairs and Trade come to the House to discuss the matter.

On the issue of housing, which was also raised by other Senators, the Government has taken action in this area. We have had planning reform and the launch of an affordable housing scheme, with further models of affordability set to be implemented. A new land development agency has been created and Home Building Finance Ireland, HBFI, has been launched. Policies take time. Some of the Senators opposite, who do not want history lessons and do not like to hear facts as opposed to fake news-----

Senator Catherine Ardagh: Fine Gael has been in power since 2011.

Senator Jerry Buttimer: I am very fond of Senator Ardagh but she should look at what we have done in seven years. We have almost full employment and we have turned the country around. The head of the International Monetary Fund, Christine Lagarde, was here this week. When she was last here, we had the men of the IMF coming in with their suitcases on dark, grey nights.

Senator Jennifer Murnane O'Connor: We have people leaving the country.

Senator Jerry Buttimer: The bailiffs were at the door, people were emigrating in their droves, the construction sector was gone, the banking model had collapsed and the country was on its knees.

(Interruptions).

Senator Jerry Buttimer: All I hear from the Members opposite is "ochón agus ochón agus ochón."

Senator Jennifer Murnane O'Connor: There are 10,000 people homeless in 2018.

Senator Jerry Buttimer: The Senators have a brass neck coming in here and lamenting the fact that we have the greatest number of people at work in the history of the State. We are near full employment. Under Fianna Fáil's watch, we had 15.8% unemployment.

(Interruptions).

Senator Robbie Gallagher: Governments do not create jobs; businesses do.

Senator Jerry Buttimer: The Fianna Fáil Government wrecked the country and Senator

Gallagher should be ashamed of it.

Senator Robbie Gallagher: If the Leader thinks the recovery is down to the brilliance of Fine Gael, which oversaw the farce that was Irish Water, he has another thing coming.

An Cathaoirleach: I think the Senators are saying we have not reached utopia yet.

Senator Jerry Buttimer: Recent statistics show a 45.7% increase in construction activity. I assure the Senators opposite that the Government is bringing the same determination to housing as it brought to the Action Plan for Jobs. I accept the frustration of Members with regard to housing but we should put the issue in perspective. I mean this genuinely. Our construction sector was decimated and our banking system had collapsed. We are now starting to see activity recommence. Policies take time. I agree with Senator Ardagh's point on the need for greater use of State land and for compellability regarding the use of land for social and affordable housing.

Senators Boyhan, Norris, Feighan and Conway-Walsh raised the visit of Pope Francis in August. I share the views expressed by Members that the attempts by some to use the online booking system to deny people the opportunity to go and see Pope Francis is pathetic and wrong. We live in a republic and the essence of a republic is that we can celebrate diversity and people can also choose whether to celebrate or not celebrate religion, as the case may be. It is incumbent on all of us to ensure that everyone, whether he or she is a Christian, atheist, Muslim or Jew, is allowed to celebrate the visit of the head of the Catholic Church, Pope Francis, to our country in August. Like Senator Norris, I have certain views about how the church has changed. I spent five years in a seminary with my good friend, Senator Wilson, and the model of church I would like to see is not one that represses people but one that embraces and welcomes people. That is why I believe it is important that when the Pope visits at the end of August, as many as possible of those who wish to celebrate his visit are able to do so. I also hope family, in its diversity and in all its forms, will be celebrated, not just the nuclear family in which some people exclusively believe.

Senator Feighan rightly quoted an article from Fr. Gerard Moloney. We must be careful that in a new modern Ireland, we do not return to the days of repressing people because they are in a minority or certain category. We should be able to have an opinion and voice and articulate it. We should do so in a manner that is free and safe and where we do not have trolls on social media or some of the know-alls in the commentariat taking us all down with their different viewpoints.

I very much welcome the visit of Pope Francis. I hope those people who wish to join him while he is here will be able to do so in a manner that is respectful and safe and that we will herald his visit. This will be the second time a Pope has visited our country and it is a good day for the country when he can come. I wish everybody involved in the organisation of World Family Day and its associated events every success.

Senator Boyhan also referred to housing. Senator Conway-Walsh raised the issue of agency staff, on which I spoke yesterday when Senator Devine raised the matter. A discussion is needed on agency staff and their employment and use in the HSE. We spend vast amounts of money on them and while they are obviously required in some cases owing to the nature of work, sickness and temporary replacements, the model for the use of agency staff needs to be changed.

Senators Marie-Louise O'Donnell, Kieran O'Donnell and Frank Feighan raised the issue of

community banking. In response to Senator Marie-Louise O'Donnell, whose right to move an amendment to the Order of Business I fully respect, I understand her passion about the importance of community banking and the need for competition for our pillar banks. The Minister for Communications, Climate Action and Environment is not the Minister with responsibility for community banking. The report referred to by the Senator was presented to Cabinet on 22 May. It has not been published. In a reply to a parliamentary question last week, the Minister for Rural and Community Development indicated the report had been completed. It has been submitted to Government and will be published shortly. I will further say to Senator Marie-Louise O'Donnell that the ongoing consultation on the publication of the report is important. I make an assurance to her that, upon the publication of the report by Government, which I believe is imminent, we will debate it in the House. We cannot debate a report that has not been published. The points raised by and linked with Senator Marie-Louise O'Donnell about community banking are very important. I believe that affordable housing is an issue on which we need to see absolute urgency and expedition in Government policy. It is critical. As Senator O'Donnell said, we want to see people come home to Ireland to live, work, rear their families and be contributors to our society and economy. We are close to full employment. I accept the premise of Senator O'Donnell's argument that we need competition. We also need a functioning pillar bank system.

Senator Marie-Louise O'Donnell: Please.

Senator Jerry Buttimer: We need competition and-----

Senator Marie-Louise O'Donnell: We do not have competition.

Senator Jerry Buttimer: I agree with the Senator, if she will do me the courtesy of listening to me. I am not against her but for her.

Senator Marie-Louise O'Donnell: The Senator sounds as if he is.

Senator Jerry Buttimer: I am not.

Senator A: That is because the Senator is not listening.

Senator Marie-Louise O'Donnell: I am listening.

Senator Jerry Buttimer: I am saying that-----

Senator Marie-Louise O'Donnell: There is no competition.

Senator Jerry Buttimer: There must be competition.

Senator Marie-Louise O'Donnell: That is philosophy. I am into the reality now.

Senator Jerry Buttimer: There are two parts to the argument and that is the bottom line.

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

An Cathaoirleach: Is the Leader accepting the amendment to the Order of Business?

Senator Jerry Buttimer: I am not. We cannot debate a report that has not been published. I gave a commitment in my response that as soon as the report is published, I will have a debate on the issue in the House. I cannot debate a report that is not published. To be fair to the House,

I think it would agree with that. I am not trying to stop the debate.

Senator Marie-Louise O'Donnell: It is obfuscation.

Senator Diarmuid Wilson: Will Senator Buttimer indicate when it will be?

Senator Jerry Buttimer: I do not have that. I have the reply from a parliamentary question on 14 June. I made inquiries with the Minister's private secretary and all I can do is act as an honest broker. I do not come in here to obfuscate or deny debate. I have come here to give the facts as I have had them presented to me. I will endeavour to get a date. I will give an assurance to the House that as soon as the report is published, we will have the debate in the House.

Senator Marie-Louise O'Donnell: A point of order.

An Cathaoirleach: A point of clarification.

Senator Marie-Louise O'Donnell: If the Leader listened to what I said, I was talking about bringing the Minister, Deputy Naughten, in to start the debate on community banking.

Senator Jerry Buttimer: He is not responsible for it.

Senator Marie-Louise O'Donnell: This is fantastic stuff. He is in charge of the post offices.

Senator Jerry Buttimer: He is not in charge of-----

Senator Marie-Louise O'Donnell: We are speaking about community banking because it was going to be channelled through the post offices and we were not going to build little tin huts around the country where they could find a place. The idea that he is now not in charge of something is complete obfuscation.

(Interruptions).

Senator Marie-Louise O'Donnell: No. This is like-----

An Cathaoirleach: There is one way out of this.

Senator Jerry Buttimer: Can I just clarify-----

An Cathaoirleach: Senator O'Donnell can press her amendment.

Senator Jerry Buttimer: That is her prerogative. I inform the House as a matter of courtesy so that it understands-----

Senator Marie-Louise O'Donnell: I understand obfuscation when I hear it.

Senator Jerry Buttimer: Let me bring clarity to the Members so that we can understand where I am coming from. The Minister for Rural and Community Development-----

Senator Marie-Louise O'Donnell: He used to be in charge of post offices and then ran away from them.

Senator Jerry Buttimer: -----and the Department of Finance have been working together to investigate the feasibility of a new model of community banking for our country. That in-

cludes the German Sparkassen model for the development of local public banks. The Department has engaged in a process of public consultation to seek views about the concept of the community banking model. The report has been completed. The Minister for Finance, Deputy Paschal Donohoe, and the Minister for Rural and Community Development, Deputy Michael Ring, have submitted the report to Government for consideration. The Minister, in a reply to a parliamentary question on 14 June, said he anticipates the report will be published very shortly. The Minister, Deputy Naughten, is not responsible for community banking-----

Senator Marie-Louise O'Donnell: He is.

Senator Jerry Buttimer: It is the Minister, Deputy Ring, in consultation with the Minister for Finance, who has responsibility. Historically, the Minister, Deputy Naughten, would have been responsible but that is not the case now. I will keep going with the reply to the Order of Business.

Senator Marie-Louise O'Donnell: I-----

An Cathaoirleach: I cannot allow-----

Senator Marie-Louise O'Donnell: Can I finish on this? I have asked for-----

An Cathaoirleach: The Senator can press her amendment.

Senator Marie-Louise O'Donnell: The Senator should stop it. He was watching his phone anyway and not even listening.

Senator Jerry Buttimer: I was.

Senator Marie-Louise O'Donnell: The Senator was not listening. He never listens. He only listens to his own voice and then goes on his phone.

(Interruptions).

An Cathaoirleach: I cannot allow people to come back in.

Senator Marie-Louise O'Donnell: I do not bring technological advantage into this House. I use my own brain and voice and listen to what other Senators have to say, which is something the Labour Party does not do.

An Cathaoirleach: Do not make disparaging remarks.

Senator Marie-Louise O'Donnell: He should not make them at me.

An Cathaoirleach: The Senator has a very simple solution. If she is not happy with his response, she can press the amendment. She is quite entitled to.

Senator Jerry Buttimer: I will reiterate my cast iron guarantee to Senator Marie-Louise O'Donnell. As soon as the report is published, I give a commitment to the House that we will debate the report in this Chamber. I cannot publish the report. I cannot have a debate until the Government publishes it. The Minister will come in to talk about nothing until the report is published. I agree with the Senator that we need to have competition. I am not against her. I am supportive of what she wants to achieve. Please understand that I do not have the power and this House does not have the power to compel the Government to publish a report and to

have a debate on a report that has not been published would be complete folly. I want to see the Senator achieve her result and will work with her to do that if she will allow me to. I am not against her at all.

Senator Kieran O'Donnell raised the issue of the diaspora. It is an important issue that we should have a debate on. I join with him in congratulating the Irish rugby team on its tremendous test result in Australia last weekend. It was fantastic to see the success of the Irish team on the field. As Senator O'Donnell said, they had a 16th man with the Irish supporters. That was heartening. We must encourage people to come home and we must ensure that our young people return here. We have had too many in a lost generation who were forced to emigrate. Now that our country is recovering, I hope they will come back and become net contributors to our economy.

Senator Murnane O'Connor raised the issue of exams. To be fair, there has been a lot of commentary about the State Examinations Commission and who can correct exams. It has become a bit of a political football now. There have always been people correcting exam papers who are not teachers. I have been a teacher for 16 or 17 years and I want to see the integrity of the exam system and process upheld. To come in here and say that a small portion of examiners who are qualified in a subject area are not good enough sends the wrong message.

Senator Jennifer Murnane O'Connor: No. A point of correction-----

An Cathaoirleach: Please, Senator Murnane O'Connor-----

Senator Jennifer Murnane O'Connor: No, no, that is totally wrong.

An Cathaoirleach: Listen to the Chair, please. Sit down.

Senator Jennifer Murnane O'Connor: That is absolutely, totally wrong.

An Cathaoirleach: Please, sit down.

Senator Jerry Buttimer: I have every confidence-----

Senator Jennifer Murnane O'Connor: I said there has been confusion. I never said anything about anyone correcting them.

An Cathaoirleach: Please sit down.

Senator Jerry Buttimer: I have every confidence-----

An Cathaoirleach: Can I make the point that when the Leader is responding-----

Senator Jerry Buttimer: I have every confidence-----

Senator Jennifer Murnane O'Connor: He was wrong.

An Cathaoirleach: Please listen to me for a second. I am the Chair. It is most abnormal and unusual that anyone would come in when the Leader is responding. I allowed Senator O'Donnell on a point of clarification.

Senator Jennifer Murnane O'Connor: I had a point of clarification.

An Cathaoirleach: I cannot allow people to hop up and hop down and interrupt the busi-

ness.

Senator Jennifer Murnane O'Connor: On a point of clarification, he was wrong.

An Cathaoirleach: The Senator can clarify tomorrow.

Senator Jerry Buttimer: The State Examinations Commission is an independent body which operates and is responsible for the running of our State exams. It appoints examiners to correct junior certificate and leaving certificate papers. It behoves all of us as public representatives to uphold the integrity and not to create fear or scaremonger about the process and outcome of the leaving certificate results. The exam papers have always been and will always be corrected properly because there are checks and balances, conferences, meetings and a way in which we do it. Please let us not cause fear for the young people who have just finished their exams.

Senator Jennifer Murnane O'Connor: I did not say that.

Senator Jerry Buttimer: I am not saying the Senator said that but she is inferring that by her commentary. Let us make it quite clear that a rigorous examiner process is gone through. Their work is monitored by examiners who are experienced supervisors and by senior members of the examination team who go through sample papers and check the exam scripts during every week that the exam correction season is on. This is not just people coming into their back gardens on a sunny day, throwing the papers up in the air and ticking the boxes.

Senator Jennifer Murnane O'Connor: No one said that.

Senator Jerry Buttimer: I heard what the Senator said.

Senator Jennifer Murnane O'Connor: I said there was confusion.

Senator Jerry Buttimer: The confusion-----

An Cathaoirleach: Please respect the Chair.

Senator Jennifer Murnane O'Connor: I think the Leader is confused. He is very confused.

Senator Jerry Buttimer: I think the sunstroke is not on this side of the Chamber.

Senator Norris referred to the presidential election. My best contribution to the presidential election is to stay out of it.

Senator Marie-Louise O'Donnell: Or stand yourself, Senator.

Senator Jerry Buttimer: Perhaps if I got the 20 nominations I could run. I am sure Fianna Fáil would sign my papers in the morning to get rid of me.

An Cathaoirleach: The Senator would be an ideal candidate.

Senator Jerry Buttimer: I thank the Cathaoirleach.

Senator Kieran O'Donnell: We have agreement at long last.

Senator Jerry Buttimer: We will await the decision of An tUachtarán on his position

before we have a debate on the presidential election. I think that Senator Norris saying the political parties are rigging the system is incorrect. It is not rigged. The Constitution makes provision for 20 Members of the Oireachtas and four county or city councils to nominate a candidate. That is open to all people. It is not fair to say it is rigged. Again, the words we use are important.

I concur with Senator Lawlor's views on upskilling people. I too join Senators Ó Ríordáin and Lawlor in congratulating the Kildare county board on its wonderful first leg and the result that the match will be played in Newbridge. Common sense prevailed. I know it was raised yesterday on the Order of Business but to be fair it is a good day for Cumann Lúthchleas Gael that it has allowed the match to be played in St. Conleth's Park. I want to wish both Mayo and Kildare every success on Saturday night.

On Saturday, 30 June, we have the greatest sporting day in the Irish horse racing calendar, the Irish Derby in the Curragh. It is the showcase for what is best about Irish racing. Horse racing is a significant, positive and a world class event. We are world leaders in horse racing and thoroughbred breeding. I wish every success to those at the Derby on Saturday.

Senator Davitt raised the issue of the Killucan ASD unit. Would he consider raising it as a Commencement matter? I will certainly pass the matter on to the Minister.

Senator Ó Ríordáin raised the issue of pay equalisation. The discussion is ongoing between the Minister, the Departments and the unions. I think we all want to see pay equalisation restored and see the pay of our teachers restored, in particular for young teachers. I think the point he made about the Department of Health consultation around personal use of illegal drugs is one we should all support because it will lead to positive outcomes, as his statistics have shown.

Senator Feighan raised the issue of the visit of Pope Francis, which I discussed.

Senator Gallagher painted a wonderful picture of Clones. The one sporting event that I would love to go to is the Ulster final in Clones. Growing up we had the imagery of Michael O'Hehir and Mícheál Ó Muircheartaigh on the radio broadcasting from Clones. The Senator is right that it is an electric venue, with the amphitheatre that is the Clones pitch in addition to the wonderful town. An Ulster final brings economic benefits to Clones. An Cumann Lúthchleas Gael brings economic benefits to our cities and towns and Senator Ó Ríordáin referred to the importance of An Cumann Lúthchleas Gael. I was in Páirc Uí Chaoimh last Sunday night and in spite of the result, the atmosphere and the economic benefit to Cork city afterwards was tangible. Next Sunday we will be in Thurles for the Munster Hurling Final, the greatest sporting event in the world. These sporting events bind us all together. I agree with the Senator that I would not like to see Clones not being the headquarters for An Cumann Lúthchleas Gael in Ulster. I do not want to tell them what to do, but I think there are plans to develop Casement Park.

I am happy to share Senator Gallagher's view on the importance of Clones with the Minister. The presence of Arlene Foster with the Minister for Business, Enterprise and Innovation, Deputy Heather Humphreys, and the Minister of State, Deputy Joe McHugh, in Clones last Sunday was a positive. As I said yesterday, 25 years ago one would not see a DUP politician outside the ground never mind inside it. I hope it will be a catalyst for the return of government in Stormont. The importance of that event cannot be underestimated.

I cannot accept the amendment by Senator Marie-Louise O'Donnell because the report has not been published. The Minister for Communications, Climate Action and Environment, Dep-

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uty Denis Naughten, is not the Minister with responsibility for community banking, but I would be happy to work with Senator O'Donnell to have that debate when the report is published.

An Cathaoirleach: Before another row erupts I would like at this juncture to welcome a group of visitors in the Gallery from God's own country the parish of Muintir Bhaire, Durrus and Durrus Men's Shed.

Up to four months ago, I was somewhat oblivious and ignorant of the tremendous work that men's sheds do until they invited me to one of their meetings. It was an eye opener for me. I think they do tremendous work. They should be applauded for their camaraderie. I am not sure how they found their way up in this fine weather. I crossed the Goats Path, Cosan an Gahair, yesterday morning at 10.30 a.m. and I thought I was already in heaven, but I found out that I was not dead. The group are most welcome and I hope they enjoy their visit.

Senator Jerry Buttimer: As a proud Cork man, may I welcome my fellow Corkonians to the Gallery.

Senator Kieran O'Donnell: Cork South-Central.

Senator Jerry Buttimer: In keeping with the sporting theme, I know west Cork is supposed to be the home of football but if we have a couple of footballers in the Gallery we could do with them on Sunday week. The group is very welcome.

Senator Gerard P. Craughwell: I am very disappointed that the Leader did not recognise fellow Corkmen.

An Cathaoirleach: Senator Marie-Louise O'Donnell has moved an amendment to the Order of Business: "That a debate with the Minister for Communications, Climate Action and Environment on the publication of a report on the introduction of community banking be taken today." Is the amendment being pressed?

Senator Marie-Louise O'Donnell: May I ask the Leader if it would be possible, since a precedent was set by the then Senator Averil Power in the last Seanad, that when the report is published we might be able to arrange that both the Minister for Finance, Deputy Paschal Donohoe, and the Minister for Rural and Community Development or the Minister for Communications, Climate Action and Environment come to the Chamber?

Senator Jerry Buttimer: In the spirit of compromise and partnership that we have a rolling debate-----

Senator Marie-Louise O'Donnell: Love and affection.

Senator Jerry Buttimer: -----that we would have one Minister for one part of the debate and the next day we would have a second Minister. I am not against the Senator. I am trying to help her out.

Senator Marie-Louise O'Donnell: I would be well able for both of them.

An Cathaoirleach: Is the amendment being pressed?

Senator Marie-Louise O'Donnell: No.

Amendment, by leave, withdrawn.

Order of Business agreed to.

Sitting suspended at 12.40 p.m. and resumed at 12.50 p.m.

Education (Digital Devices in Schools) Bill 2018: Order for Second Stage

Bill entitled an Act to regulate the use of digital devices in primary and secondary schools subject to the discretionary educational uses provided for in the Act and to put in place a code of behaviour on digital device usage implemented by the board of management and teachers by which student possession of digital devices will be prohibited during school hours for the purposes of reducing the harmful impact on academic performance and the social and emotional well-being of children.

Senator Gerard P. Craughwell: I move: “That Second Stage be taken now.”

Question put and agreed to.

Education (Digital Devices in Schools) Bill 2018: Second Stage

Senator Gerard P. Craughwell: I move: “That the Bill be now read a Second Time.”

The Minister is very welcome and I thank him for giving us the opportunity to present this Bill. I also thank Senators Victor Boyhan and Billy Lawless for co-sponsoring it.

While the Bill has been many months in the making, the issue of digital device usage in schools has been brought into closer focus in recent weeks. The Minister will be aware of the 11-week pilot scheme introduced by Mr. Terry O’Sullivan, principal of Blennerville national school in County Kerry. The pilot scheme was introduced in conjunction with parents. Under it the use of smart phones and digital devices by sixth class students was banned outside the school. Students were already forbidden from using them in the school under school policy. Anecdotal evidence already indicates some significant results. Children are interacting more face to face, playing more and the problems that had arisen owing to social media usage no longer arise. The pilot scheme was so successful that the ban has been extended to the whole school. What is exciting about the project is that the effects were almost immediate and entirely positive. To put the Bill in context, we know from research conducted by the Educational Research Centre that by the age of 12 years nine out of ten pupils have smart phones. There is also evidence that the increase had coincided with class disruption on an unprecedented scale in classrooms. A recent teacher survey carried out by Studyclix of 1,000 secondary school teachers found that 60% favoured a ban on the use of mobile phones in schools. A further 43% said classroom discipline was worse than it was five years ago as a result of smart phone usage.

In terms of learning outcomes, the most recent study in an Irish context based on the 2014 data was carried out by the Educational Research Centre which looked at 8,000 primary pupils in 150 schools across the country. Among the findings was that pupils who did not have a smart phone had higher reading and mathematics scores compared to their classroom mates.

The impact of mobile phone usage on academic performance was further confirmed by the findings of the London School of Economics, my alma mater, in surveying schools in four English cities on their mobile phone policy and combining them with administrative data. The investigation concluded that student performance in high stakes examinations significantly increased post the ban. Moreover, a number of studies suggest the distraction caused by mobile phones not only impacts on academic performance but also on social well-being.

Central to the Bill is an acknowledgment of the massive contribution of digital technology to classroom learning. I know this from first-hand experience, having been an information and communications technology, ICT, teacher for many years in the further education sector. I introduced electronic learning into my curriculum in 1995. Therefore, I am totally and utterly convinced of the benefits of the use of ICT in the classroom.

The Bill is not about eliminating technology from the classroom. It seeks to provide a regulatory framework to preserve the educational quality of digital education where sanctioned by the school, while harnessing the attention of school children in a learning environment. Currently, the regulation of the usage of digital devices in both primary and post-primary schools is left to the decision making of the board of management.

In preparing for the Bill I obtained an overview of as many second level school policies as I could. It indicated a wide disparity on mobile phone usage policy in the classroom. For example, certain schools adopt an outright ban on mobile phone usage, while others require them to be turned off and handed up to the class teacher at the start of the school day. Others allow the possession of mobile phones in the school provided children keep them in their school bags and they are switched off on entering the school grounds. While this is entirely in keeping with the provisions of the Educational Welfare Act 2000 under which the board of management agrees the code of behaviour for a school, it allows for an inconsistency in policy across schools. What I am proposing in the Bill is a regulatory framework. I ask the Minister to ensure the introduction of a standardised code of behaviour for students' use of digital devices in all primary and post-primary schools which will contain the standards of behaviour proposed in sections 6 to 8, inclusive, of this Bill.

Section 5 of the Bill requires a board of management to implement a code of behaviour, in addition to any other protective standard the school deems necessary to reduce unauthorised access to digital devices. This is important as it allows an element of discretion on subsidiary considerations that may arise in a unique school setting, independent of the principal prohibiting mobile phone usage. Subsections (3) and (4) also require the school to outline the policy on the use of digital devices in order that both parents and students will be given notice of the code of behaviour operating in the school. Subsection (5) provides that the code of conduct will have to be compliant with section 23(2)(a) and (b) and (3) of the Educational Welfare Act 2000 which sets out the procedural requirement for codes of conduct introduced by the board of management.

Section 6 sets out the manner in which the code of behaviour for digital devices will operate in primary schools. The proposed law requires digital devices in the possession of a student to be labelled and handed in at the commencement and returned at the conclusion of each school day.

Section 7 further provides that students will be deemed to have breached the standards when they are identified as being in possession of a digital device during school hours. The deeming

provision reduces the necessity for teachers to engage in an investigative exercise to determine whether a student has breached the provision which would result in less class time. The provisions are purposely simplistic so as to avoid confusion or lack of effectiveness.

Section 8 sets out the three strikes approach to breaches of the prohibition on mobile phone usage and is drawn from an evaluation of the policies of a number of secondary school currently in place. It is accepted that the section is likely to see more application in a post-primary school context. A first offence will attract the confiscation of the device for the duration of the school day. A second offence will attract its confiscation for the duration of the school week and require a parent to retrieve it from the school office. A third offence will involve the confiscation of the device for the duration of the school term and it being retrieved by a parent from the school office. In the situations outlined in subsections (1)(b) and (c) correspondence will issue from the school notifying the parents that the mobile phone has been confiscated and that it can be collected by them from the school office. The section reflects the accepted view that digital education is a necessary tool in a learning environment. It provides discretion for the board of management by which a student will not be prevented from accessing digital devices where such use serves an educational purpose, sanctioned by the teacher as defined in the code of behaviour, or where a parent has made representations accepted by the board that the digital device is necessary to ensure the health and safety or well-being of the child. The latter exception reflects the view that certain children may, for health reasons, require to use a mobile device or for other reasons related to their safety and well-being.

Section 10 has an express provision which requires schools to have in place within the code of behaviour for the use of digital devices in schools a prohibition on cyber bullying, harassment or intimidation and the code shall reflect the internal discipline process which is akin to the existing protocols in place on bullying and harassment within the school as they apply to a non-virtual setting. The section acknowledges that the code of conduct will have to be compliant with section 23(2)(a) and (b) and (3) of the Educational Welfare Act 2000 which sets out the procedural requirement for codes of conduct introduced by the board of management.

Section 11 relates to the provision of educational information.

The code of behaviour will require the board of management to provide educational information from experts to pupils, parents and staff. The code will endeavour to keep pupils and parents educated on the risks associated with digital devices, tablets or Internet-enabled devices such as cyberbullying, social media security and content management. This reflects the widely accepted view that in addition to regulation of phone usage are the equally beneficial and positive effects of educating parents and children as to the risks connected with inappropriate phone usage. The final section of the Bill envisages that the Minister for Education and Skills would prepare a report on the operation of the Act.

I wish to acknowledge the recently launched digital action plan for schools, which provides for a circular to be issued to schools on the usage of smartphones and tablet devices. I agree with the Minister that whole-of-school engagement, which includes parents, students and teachers, is the best way to formulate policy. I hope that when formulated, a standardised policy will be issued to every school. Clear and unambiguous procedures, such as those outlined in this Bill, will facilitate the use of digital devices in schools for learning while eliminating the possibility of less desirable and possibly harmful consequences.

I am deeply committed to the use of digital devices. I want children to access digital learn-

ing and for e-learning to be developed all the way through education and starting in primary school. I know that the Minister is deeply committed to delivering Ireland as the most modern place to educate one's child in Europe and I want to support him in every way that I can. I understand that he may have some difficulty with some of the sections of the Bill as it passes through the Oireachtas. I assure him that I am willing to work with him, his officials and with the trade unions that represent teachers to get the best possible statutory approach to the use of digital technology. I am sure we have all seen the negative side of digital technology. In my time as president of the Teachers' Union of Ireland I had to visit a school where two young children had committed suicide as a result of, or at least from what we understood to be, digital harassment. We constantly hear how the misuse of digital technology has negative effects on children. Indeed, anybody in the same profession as the Minister and I are used to seeing the effect of digital technology because some less regulated people hide behind silly names and attack us from cyberspace. I would be lying to him if I said that such remarks do not affect the mental health of an adult, let alone a child. I apologise to him for the short notice on the Bill. Again, I assure him that I want to work with him and his Department to ensure we get the safest environment in which children can use digital technology in this country. I support his aim to move Ireland forward as a digital economy and one that handles digital equipment and digital learning. I thank him for taking this Bill and hope that he is in a position to support same.

Senator Victor Boyhan: I support the legislation. I welcome the Minister to the House and acknowledge his work on digital technology. He has been very conscientious and vocal about same. I also acknowledge that he published a circular that requires all schools to consult parents, teachers and students on the use of smartphones and tablet devices in schools, which is important. We need to have a tripartite conversation on digital technology that involves parents and guardians, schools in the form of teachers and boards of management, and pupils.

The primary aim of the Education (Digital Devices in Schools) Bill is safety, well-being, mental health and the protection of students. I would not have put my name to a Bill that wanted to reduce the use of technology because I firmly believe we must embrace technology. However, we must educate people about digital technology and how to use it responsibly. As time progresses we will see, just as we have seen in Europe, a greater use of IT systems, platforms and tablets in schools. There has been a shift to using technology and I believe that is positive. Our generation did not learn IT skills but the younger generation has embraced technology. That is a positive move and our usage should be on a par with that everywhere else in Europe.

This Bill outlines a code of behaviour, conduct, protocol or understanding about the best way to use digital devices, phones and netbooks. I own an iPhone and, as I have said before, it has the potential to be a very dangerous weapon when used by the wrong person. On another occasion in the Seanad I shared the experience of two sisters who attended a private school but were bullied, intimidated and suffered harassment of a sexual nature while travelling on a bus. When they approached the school's authorities and told of their ordeal they were informed that the matter had nothing to do with them. Other students who attended the school suffered similar abuse when they were on another school trip and wearing the school's uniform. What did those parents do that night? A mother confronted her daughter because she had been concerned about her well-being for some time. The girl told her mother that she had been intimidated for many months and begged her mother not to approach the school because she would be further harassed. Subsequently, the girl developed major mental health issues and problems. She did not find a welcome at the door of the school. Needless to say, her parents drove to the private school and confronted the teacher concerned and the parents of the other girl but, unfortunately,

they did not get a good reception. One can understand that the school felt, and I think wrongly, that it could not get involved or did not want to get involved because the incident occurred outside of school hours. Who was there for that young girl? It was only her parents who confronted their daughter and spoke to her. Intimidation and bullying is a real issue and damages one's mental health, and sometimes the perpetrator or perpetrators are known. Sometimes other children do not see the danger but we, as adults, must educate and understand the potential danger posed by powerful technology and how it impacts on young people's lives.

This legislation seeks to strike a balance. It is important that we strike a balance between the benefits of using technology for educational purposes and the negative effects of unsupervised use of devices within schools. I reiterate that an outright ban on devices is not the right way to go. I have mentioned technologies such as netbooks, etc. I do not support us having a nanny state and people at the top telling people what they cannot do. I suggest we educate, support and help people to understand the processes and involve boards of management and teachers, parents and guardians of children, and students.

I am sure the Minister will tell us in a minute that the Government does not oppose the Bill at this Stage, which is welcome. I acknowledge the enormous amount of work that he has done to encourage a conversation on digital technology. I note that the UK Secretary of State for Digital, Culture, Media and Sport, Matt Hancock, recently called for teachers to completely ban the use of phones and mobile phones in schools. I also note that the French President, Emmanuel Macron, has decided to ban the use of mobile phones by children under the age of 15 years. I am not sure that a ban is the right way to go. I would prefer if we educated people and had a conversation because people need to know about the dangers and negative impacts caused when technology is abused and misused. The Bill attempts to develop a clear understanding and protocol - not all policies suit everybody - specific to a particular school where the parties involved sign up to a protocol. That is the best way to proceed.

I thank Senator Craughwell for the enormous amount of work he has done to prepare this legislation. It is good legislation and the fact we are having this debate is very positive. Again, I thank the Minister and acknowledge that he is ahead on this matter and it is clear he wants to listen to all sides of the debate.

Senator Maria Byrne: I welcome the Minister to the House. I congratulate Senator Craughwell on bringing forward this legislation. I know he has put a lot of work into his Bill and wish him well. I am involved with a school that is the only Apple accredited school in Ireland so I know that the students use iPads on a daily basis. People can download books and use technology to learn. The pupils only use their iPads when supervised in their classrooms. A number of the publishers have condensed their schoolbooks to allow them to be downloaded. The initiative has helped students to reduce the weight of their schoolbags and they can also use the Internet for research purposes. Certainly, the school has been progressive. It started off with transition year students and introduced the iPad on a gradual basis, and now every child in the school has one.

While I accept that the smartphone operates on the same principle as the iPad, I am not 100% convinced that use of the smartphone as a learning tool is the way to go. Perhaps there has been more debate on the iPad and there is not as much temptation involved in its use. I have a concern that children would be on the phone, texting or whatever. While they use the iPad, they do not have the same accessibility if they have free use of it.

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I understand the sentiments of what Senator Craughwell is trying to achieve. I believe technology should be embraced in schools and it is a valuable tool. I have a reservation regarding a phone because they could be texting, using FaceTime or whatever. There are other things that they can do on the iPad but it is more or less within the supervised environment.

When we announced that we were introducing technology to the school, there was a process that we had to go through with the parents. We brought them in on an induction night and spoke to them about the uses. Some parents had their reservations but in time they have come around to it and have seen the successes with it.

I understand the sentiments of what the Senator is trying to achieve. While there are some aspects that may be right, there are others that I would question. As the Bill progresses, I am sure we will tease out all those issues.

I welcome that the Minister has said he would like engagement with the schools and that, in turn, the schools should engage with the parents and get their opinions. At the end of the day, the schools have the children while they are in the school but the parents must be happy with what is going on as well.

In terms of the iPad, parents have access to the account at all stages. They can log in and see what their children are doing. There is a portal where the parents can log in and their children's school reports, homework and whatever is all put up on the portal.

I believe that technology has its place and that it is important. It is something that will be rolled-out to schools. I am not knocking Senator Craughwell's Bill by any means and I understand the sentiments. I just have a reservation about phone usage.

Senator Robbie Gallagher: I welcome the Minister back to the House today. Deputy Bruton is a regular visitor here and he is always welcome.

I welcome also that through the introduction of this Bill by my colleague, Senator Craughwell, we are having a conversation in this country about digital devices and the harmful effects of the overuse of such devices, not only by children but by adults as well. While we all welcome the advances in technologies and must embrace them, including the use of iPhones or whatever, it is time that we as a society had a general conversation outside of what my colleague here has proposed today regarding the overuse of iPhones in Irish society from a work perspective.

A gentleman told me recently that there is no getting away from work and it is a 24-7 connection with work. If somebody cannot get a person on the phone, they text him or her. If they cannot get the person by text, they email him or her. He had a case recently where a guy said, "I sent you an email there at 10 p.m. on Saturday and you never got back to me until Monday." This is the world we live in. It is in many ways a positive development due to the advances in technology but the invasion of one's private life and family life, and one's lack of time-out, is something that we need to be conscious of and probably need to have a conversation about. I was in a coffee shop a few weeks ago and I sat across from a family I know - a husband and wife and two young children. All four of them were on devices while they were there and there was no conversation. That is not unique to one family. I would say we could all hold our hand up and say something similar. That is something that we need to be conscious of. It is time that we pressed the pause button on where technology is going.

As to the subject matter here today, I compliment my colleague for bringing the Bill for-

ward. I acknowledge everyone who started this conversation about the overuse of digital devices in schools or, for that matter, anywhere. The *Daily Mail*, among others, has been running with a campaign on banning iPhones in schools. Senator Craughwell has done a great deal of work in this regard as well and I compliment him on it.

From my party's perspective, I am not overly convinced that legislation is the way to go. In many cases, because the world of technology moves so fast, with the best will in the world legislation will always lag behind and find it difficult, and maybe even impossible, to keep up with those advances. I am satisfied to a great extent that the school boards of management and parents' associations are dealing fairly well with this issue. They have taken a sensible approach to the use of digital devices and they have been flexible in that regard and responsive to their advantage.

As to whether there is a need for legislation, I am not closing the door to Senator Craughwell's proposals but I wonder whether it is really needed. We all will be aware that schools have policies on a wide raft of issues. I acknowledge that schools, through the good offices of the Minister, have policies on the use of Internet devices, school bullying and other issues. I have spoken to a number of school principals who, in consultation with parents and boards of management, have their own school policy on the use of technologies and it seems to be working out quite well.

I am certainly not closing the door to what Senator Craughwell proposes. He started a conversation and it is worthwhile that he did so. I look forward to the progression of the Bill. It is merely that some aspects of the Bill would concern me from the point of view of punishment, etc., if a child is found with a device on his or her person. When mobile phones came out at first they were almost the size of a concrete block and now, with advances in technology, they have reduced to the size of a matchbox. In a few years' time, they say, one could have a device on a watch or anywhere. I would have concerns for the future about how schools are meant to police something like this.

On the current system, perhaps a circular issued by the Minister would push matters along in that regard. Overall, schools are doing good work in this area. Senator Boyhan mentioned educating, not only children, but us adults as well, about the potential harmful effects of these devices. I compliment the Senators for bringing this forward. I look forward to the progression of the Bill. My party will have an input into it. I am not against the idea in principle. I feel we have to be conscious of the great deal of good work that is being done at the moment. It is possible that it needs to be tightened up, but I am not convinced that legislation is the only show in town for such purposes. I look forward to the progression of the Bill. I compliment those who have brought it to the House.

Senator Máire Devine: Cuirim fáilte roimh an Aire. I congratulate Senator Craughwell on the introduction of this thoughtful and considered legislation. Senator Gallagher has alluded to the size of mobile devices. I reckon that within a generation, children might be born with them chipped into their DNA. It seems to be going that way.

There is no doubt that technology is one of the most pressing child protection issues we face. I often use the term, "A terrible beauty is born". Over the course of just a few years, the use of the Internet has moved from desktop computers which we as parents could keep an eye on in family homes to smartphones which children keep in their pockets for their private use. Smartphones, tablets and Internet access have huge benefits for families and for society. The

potential downsides of the use of such technology are quite serious. They involve cyberbullying, the availability of harmful information online and the significant stunting of children's process of moving towards mature socialisation within their communities and within society. There has been a scary decline among children in reading that involves holding real books. Many children are becoming addicted to technology devices.

We know from the Oireachtas report on cybersecurity, in which I was involved as a member of the Joint Committee on Children and Youth Affairs in March of this year, that one in five children has experienced cyberbullying. We are aware that a growing body of work is pointing to the reality that many young children are manifesting signs of addiction to technology devices. The World Health Organization recently acknowledged gaming on devices as an addiction. One of the major recommendations of the joint committee's report on cyberbullying was that an office of digital safety commissioner should be established. Sinn Féin fully supports this recommendation and has been advocating for it for a long time. The establishment of such an office has also been called for by the Law Reform Commission and the Government's special rapporteur on child protection. We believe the introduction of an office of digital safety commissioner should be a priority for the State as it seeks to ensure the digital safety of our young people. Such an office would be a one-stop shop on which parents, young people, industry representatives and legislators could rely for advice on best practice. Such a significant step is required to deal with this complex issue.

The nuances of this issue mean we must be conscious of the consequences of introducing a blanket ban on digital devices in schools, which is what the Bill before the House seeks to achieve. Sinn Féin sympathises somewhat with the reasoning behind Senator Craughwell's legislation, but we do not believe the Bill as it is currently drafted represents an appropriate way forward. It is telling that such a ban was not among the 18 recommendations made by the Joint Committee on Children and Youth Affairs in its report. There are several reasons for this. If they wish, schools can introduce bans in collaboration with parents and school staff. We recently saw an example of this in a school in County Kerry. One of the main reasons for introducing a ban that was given by the principal of that school was to prevent students from using group messages to spread rumours or post unflattering photographs. This proposal does not solve the problem, however, because the same students can establish the same online groups outside school hours. This will allow the bullying to continue. The solution to this behaviour that is needed is an approach that involves educating young people and their parents on how to use social media. Schools and parents can ban whatever they like, but young people are way ahead of the curve. They know more about technology than their parents or teachers. They can find a way around any rule.

We need to deal with the issue of bullying rather than the medium through which it is delivered. We often talk about delivering education on technology. Such education needs to be included in the school curriculum. It needs to be taught in school. This is yet another recommendation from the cross-party report on cyberbullying. Sinn Féin is suggesting that rather than implementing binding legislation, we should allow our schools to remain flexible with regard to how technology is used responsibly in each school. We need schools to be able to decide what works best for them, their students and their parents.

In many circumstances, parents want their children to have phones for communication and safety purposes. It is important for many reasons for children to have access to smartphones while they are at school. Children who walk to school or have long bus journeys to school need to let their parents know they have got there safely, especially in bad weather. Indeed, their

parents want to know they got there safely. If a child has plans to meet a friend after school but those plans change or fall through, he or she will need to contact his or her parents to arrange a lift. Parents who work on zero-hour flexible contracts need to be able to contact their children to say they will be working late and alternative arrangements will need to be made. A child who is suffering from mental health issues or is having a bad day, or who is aware that his or her parent is going through a rough time, will want to be able to exchange texts with that parent so they can tell each other how they are doing.

Technology is not the issue. Smartphones and tablets can be very useful when they are used appropriately. If students and parents were educated to use such devices smartly, it would make life easier for everyone. For the reasons I have submitted, Sinn Féin cannot support this Bill, as it is currently drafted, on Second Stage. We believe the common-sense recommendations set out in the cross-party report build on the proposals made by the Internet Content Governance Advisory Group in 2014. We need an office of digital safety commissioner to be established as soon as possible because that is the way forward.

Senator Aodhán Ó Ríordáin: I welcome the Minister to the House again. I join other Members in congratulating Senator Craughwell on the introduction of this Bill, which has facilitated a conversation in this House on the nature of digital safety in the classroom and in schools. It is very easy to support this Bill because of the intent behind it. One hears stories from teachers and parents on the nature of cyberbullying, the pressures on young children, the prevalence of self-harm and suicide and the dehumanising bullying that takes place. It is quite terrifying that smartphones and other means of accessing the Internet are facilitating access to pornography and gambling, thereby causing all sorts of social problems and difficulties in young lives. We live in a country in which children are self-harming and killing themselves because of bullying. Before the smartphone was invented, bullying used to happen on the toilet wall in school, but now people have found a different mechanism to be hurtful. We do not deny that the emotions transmitted through smartphones and digital devices are causing pain, destruction and death. We need to consider how best to regulate the use of these devices and deal with the situation.

We should not be under any illusions regarding the powers and dangers of these devices. If someone awoke from a 30-year coma and walked around the streets of Dublin today, he or she might notice differences in fashion trends, cars and buildings, but the biggest difference he or she would notice after being unconscious for 30 years would be that people are walking around with things in their hands that they are unable to take their eyes off. I think that is the biggest single change that has happened in the last 30 years. It is not just young people who behave in this way. I have a new app on my phone that counts how many hours I am spending on the device each day. I freely admit that I was shocked to learn how often I flip it open and engage with it. As everyone in public life, including the Members of this House, will know, it is easy for people to send us negative or abusive messages in various ways. How do we protect our children from that? It is far too easy for policy makers to say schools are the answer to all our problems. Children do not live in schools. When I was in the classroom, I recoiled from the suggestion that the teacher or school was the answer to any social ill. There was an attitude that, whether the problem was teenage sex, drugs, alcohol, violence, video games or joyriding, if children were taught properly in school, everything would be fine.

In fairness to teachers, their job is to deliver a wide curriculum at primary and second levels. They do their best to care for their children but the children do not live in the schools. In my time in the classroom, we did our best to encourage children to make the right choices but once

they step outside the door of the school, it is a different reality and environment, the expectations on them are different and they respond differently to those around them. Children will say the right thing at the right time in the classroom but the reality on the street is very different. If the education system in Ireland really had that much influence over children's behaviour, mass attendance might be much bigger and the Irish language proficiency of Irish children might be much better. Teachers have a limited level of influence on children which should not be overstated. That does not mean schools should do nothing but if we are trying to solve a social ill, we cannot just say the school is the answer. It is part of the answer. The answer lies with the school and wider communities, parents, politics and the media. Any adult is part of the answer. It is wrong to simply state that the school is the one place where this can be rectified.

Is legislation the right way to go on this issue? I have tossed and turned and reflected on it and, while I absolutely understand the intent behind the Bill, I am interested to hear what the Minister has to say on the matter. Circulars are sent to schools in the Irish education system to guide them on how best to deal with situations and the children under their care. I am yet to be convinced that the introduction of legislation is the way to go. My party and I would be happy to support the Bill in terms of it facilitating this debate in the House but we are very interested to hear what the Minister has to say in response to the Bill because there is a balance to be struck between the ability of a school to run itself in the best way it sees fit and the responsibility of the State to protect children in conjunction with the school.

However, let us be clear that children spend most of their time outside school. This week, schools will break for the summer and children will have two months during which they will not come into any contact with their school but digital devices will be readily available to them at all hours of the day and night. There are significant responsibilities on the corporate sector and those selling these devices in terms of the age of persons to whom they are sold, the types of app available to children and the types of interaction children are allowed to have through various social media outlets. We have allowed the corporate sector to run riot without regulation in many respects and whenever we ask it to step in the response has been less than impressive. Members of this Oireachtas have received all sorts of death and rape threats but we have a facility to respond in the House and as adults. I can only imagine what a child would feel if such threats were communicated to him or her through his or her phone.

Senator Craughwell is to be congratulated for bringing his absolutely well-intentioned and well-meaning Bill to the Oireachtas. This is a very useful and healthy debate. Every parent in the country dreads their child reaching an age when he or she asks for a phone. We have yet to resolve the question of how best to empower the school community and parents to adequately deal with that. I am not yet convinced that the Bill is the way to do so but the motivations behind the Bill will go some way to resolving the issue. I am interested to hear the response of the Minister.

Senator Jerry Buttimer: I welcome the publication of the Bill and commend Senator Craughwell for facilitating this debate on digital safety. Some Members come at this debate from several perspectives, for example, as legislators and as former teachers, including Senators Craughwell and Ó Ríordáin and me. We are concerned as to whether we can balance the benefits that undoubtedly accrue from increasing digitalisation and technological advances with the negative consequences of modern technology.

I welcome the Minister. We are lucky to have a progressive Minister and that, while our approach may be cautious, child protection and child safety is at the forefront of our policy,

as it should be. Legislation and regulation are easy but monitoring or regulating the use of an iPad, an iPhone, Fitbit or any other device in a classroom or school community is a challenge. I recognise the intent and import of the Bill and, as I said, we must ensure the well-being of children is at the forefront of this issue.

The growth of cyberbullying among adults as well as young children is alarming. Senator Devine rightly commented on the socialisation of the child. I had a conversation this morning with my sister about whether teenagers today in modern Ireland are better off than when we were growing up. I was conscious that at this time of year when we were teenagers - the Minister will smile at this - we were farming, saving hay, on the bog and a million miles away from a smartphone or computer. We even had to drink tea out of an old bottle with a sock around it. I know I am digressing somewhat but we have changed-----

Senator Aodhán Ó Riordáin: Senator Buttimer can speak for himself.

Senator Jerry Buttimer: That is what we did in Knocknagree on the border of Cork and Kerry. However, today's world is far smaller. One can Facetime one's nephews or nieces and my father can Facetime his grandchildren and watch them performing tasks on the farm, which is extraordinary.

I wish to raise the issue of loot boxes in the gaming industry as part of this debate. It is a different issue but I wish to commend a friend of mine, Eoin Barry, who has extensive involvement in the gaming industry and enlightened me on the issue of loot boxes. The debate on loot boxes is taking place internationally and nationally. It is of importance because they are unregulated. The question of whether loot boxes allow and enable gambling should form part of this debate on digital safety. All Members wish to protect minors and that is the import of the Bill but loot boxes and the unlimited spending associated with them must be part of this discussion. Greater emphasis must be placed on parental controls because some parents do not know what such controls can be about or do not know how to put them in place. Parental controls may also be bypassed by some children or teenagers. I had the pleasure of meeting Dave Sweeney of the European Video Game Federation on this issue. It is a global conversation of which we must be a part. Many would argue that loot boxes are akin to gambling and are targeted at young people and minors. The issues of regulation and law are ones to which we must return. There is the potential for the normalisation of gambling behaviour in minors through video games. The World Health Organization, WHO, report on gaming addiction was published this week. I hope we can return to that issue. I compliment Eoin Barry on the work he has done with me in arranging meetings and engaging with the gaming industry. We need robust legislation on gaming and loot boxes in Ireland. Many countries are already having a discussion on this.

Notwithstanding some of the issues with the legislation, Senator Craughwell's Bill is an important one. We need to provide a learning benefit and tackle the negative effects of unsupervised use of digital technology. The Minister has been involved with schools through issuing circulars and engaging in communications. I commend the school in County Kerry on its proactivity on this issue. I saw the priest about whom we heard speaking on television last week. I am conscious of the Education (Parent and Student Charter) Bill, which will, by law, require all schools to consult parents, teachers and students on a charter of rights and entitlements.

I welcome that this Bill will proceed to Committee Stage. It is difficult to impose restrictions in the school community, as the Bill seeks to do. Smartphones, iPads and other devices can be of benefit to a school community and in the classroom. At the same time, we must recog-

nise difficulties with cyberbullying and also physical bullying in schools. It is important to have this conversation and it is one that we did not have when I was a student and teacher. At this stage, telephones were banned in schools and any pupils found with one was in trouble. Teachers also found themselves in trouble if we used mobile telephones but that is a different issue.

Digital technology is transforming our world. CoderDojo has been one of the best changes we have seen to the curriculum. I commend the Minister on the way he has pioneered many different types of change in the education curriculum. I do not say that in a patronising way but as somebody who does not believe education is about chalk and talk. It has moved far beyond that. I sound like an old man reminiscing. When I started teacher training the acetate sheet was revolutionary. Today, we have interactive whiteboards and various means of communicating and educating, which is brilliant. Digital technologies must be used in teaching and learning to enhance and improve the experience of the child. If the Bill can help achieve that, it will have been a worthwhile exercise.

I commend Senator Craughwell on his proactivity and thank the Minister for not opposing the Bill. We need to have a conversation to enable us to make progress on the issues that have been outlined. This is an important issue which will not go away. We need to continue to have this debate and conversation in partnership with all the stakeholders in the education sphere.

Minister for Education and Skills (Deputy Richard Bruton): I thank Senators Craughwell and Boyhan for sponsoring the Bill and all Senators who participated in the debate. Everyone agrees that this is an important debate. As previous speakers noted, I do not intend to oppose this Bill.

On the one hand, technology has phenomenal power and can be used to transform education. It is an area of great potential. On the other hand, like any powerful tool, technology can be abused. We see daily the problems created by abuse of technology, including bullying, harassment and sexting. All of these phenomena have elevated the pressure on young people. I understand that we need to have a well informed debate on how to harness technology, teach people to be discerning in its use, keep people safe and avoid the distractions to which many Senators adverted.

The Government is developing a whole-of-Government strategy on Internet safety. Four Ministers recently appeared together before the Joint Committee on Children and Youth Affairs to discuss this important issue because of its relevance to children, justice issues, communications and education. I do not recall any other meeting being attended by four Ministers and in that sense the meeting was historic. The Government will develop a strategy, to be published before the summer, which will address all of the issues we discussed and how we can better integrate services across government to recognise the various challenges, including gaps in legislation, regulation, offences, and international networks for overseeing powerful companies.

I issued a circular to all schools in the spring requiring that they consult parents on Internet safety and the appropriate use of mobile devices in schools. This is a comprehensive invitation to schools to sit down with parents and examine issues such as appropriate and inappropriate use, what restrictions should be in place, what rules should apply during break times and how to achieve a shared approach to what happens at home and in the school, such as that adopted in County Kerry. Senator Ó Ríordáin pointed out that much more time is spent in the home and school principals have told me there is no point in having a strong policy in the school if bullying or sexting continues unabashed as soon as pupils leave the school building. That is

why we believe in pursuing an approach of consulting from the ground up and asking schools to examine their policies in consultation with students and with parents.

Ireland applies good practice in this area. To take an international comparison, according to a survey of European Union countries, students in Ireland report that 89% of teachers actively offer guidance compared with an average figure of 69% in the rest of Europe. Moreover, students reported that parents offer guidance in 87% of cases compared with an average figure of 77% in the rest of Europe. Irish people are engaged with the issue of good practice and how it should be developed. The same survey showed that 87% of children reported no use of mobile phones in their school and the other 13% reported restricted use. As such, the survey did not find any cases of unrestricted use in Irish schools. That is not the policy being pursued.

The concept of bottom up discussion of this issue is a strong one. No one can expect officials in Marlborough Street or Members of the Oireachtas to have all the answers to designing the perfect regulation to be implemented at school level. It is important that we hear the voices of students in this debate. Looking around, all of us are probably above the age where we might be described as digital natives. We have to be careful when trying to prescribe practices for a generation who may see the world in a different light. It is important to take the opportunity to hear other voices in the consultation. The Department is sponsoring a parents and students charter and I hope the legislation giving effect to the charter will soon be published. It recognises the importance of partnership because if parents, students and teachers are involved there will be a much better policy as a result.

A great deal is happening in our schools already, as acknowledged by the Joint Committee on Children and Youth Affairs. All schools have policies on acceptable use and anti-bullying, including cyberbullying. We have a very good suite of Webwise programmes. I invite Senators to have a look at them because they make up a really impressive suite of programmes that are available in our schools and that deal with being in control. Some of them directly target the issue of sexual coercion and extortion on the Internet. Lockers is another programme that deals with non-consensual image sharing. The Up2Us Anti-Bullying Kit is an online kit. ThinkB4U-Click is a junior cycle resource. The list goes on. This is very active and available advice to teachers, parents, schools and students. What is really exciting is the fact that they are using student ambassadors to popularise the need to be conscious of safe use. It is not all top down. Although programmes are devised, they recognise that getting the engagement of students is probably the best way of rolling them out. All of our schools will also be introducing a well-being strategy so every school will be looking at its entire suite of policies to make sure it is supporting the resilience of students. Again, starting next September, every school will develop a digital learning framework. It is currently being piloted in 50 schools.

I am not for one minute saying that we have the last word in policies to support safe use of the Internet. I am sure we do not and we have a lot to learn. However, there is a lot of good practice there and we can evolve the codes, as Senator Craughwell is using, from some of this good practice. There are legal bases for doing that in other parts of the legislation in a way that is not quite as prescriptive as Senator Craughwell's suggestion.

The other thing that is important to say is that we should not undervalue the importance of digital technology. I think Senator Craughwell recognised that at the very beginning of his contribution. I had the opportunity to invite schools to participate in digital clusters. It was oversubscribed by three times. A total of 700 schools applied to become involved in digital clusters recognising the huge power of digital technology to enhance learning. While Senator

Craughwell is right to say that there are cases where this mindless and vacant use of a digital device can reduce someone's concentration and performance, it is equally true that properly harnessed, digital technology can promote creative thinking and constructive knowledge - students putting their own knowledge together, which gets much more embedded if they do that. It can promote exciting research, analysis and presentational skills at a level that is not available with traditional chalk-and-talk models or students handing up their copybooks at the end of the project. Some schools are using a bring-your-own device approach so they recognise that the devices that are there can be used and harnessed. Many of our schools avail of the blocking services we provide along with broadband so that if broadband is being used in the school, students simply cannot access certain websites. We have committed to investing €420 million in digital technology over our schools over the next decade. We recognise that there is this other side of it. In every single curricular area, we are asking the NCCA to look at how digital technology can enrich teaching, learning and assessment in that subject.

We must recognise that this is a balance. We have a very powerful educational tool. Young people must learn to be discerning in their use of this very powerful tool, which is the ultimate objective. We want it to empower people to know how they should use it, what is acceptable and appropriate and what its powers and dangers are. That is the ultimate journey we are trying to take.

While I am not opposing Senator Craughwell's Bill, I must sound a few warnings about it being so prescriptive in the way it has approached the issue. We all recognise that we need to have codes and to develop them in a flexible way. Senator Craughwell's Bill does envisage consultation but with consultation when there are also very prescriptive sections about labelling and surrendering phones, a prohibition on use with penalty clauses if students are found to be in possession and new obligations on boards, it will smack of a top-down approach. I find that nothing annoys principals as much as when they are told that Marlborough Street has put another obligation on them to do something. Yesterday, Senator Gallagher articulated some of the frustration from principals being told there is another thing they must do. Trying to get this to bubble up from the bottom is the best way to go but we must also have national standards. We must have this sort of debate here and develop a cross-Government policy. The Oireachtas must have a good understanding of what we are doing here and be in a position to recommend new policies.

That is the spirit in which I welcomed this debate. I think we saw the diversity of views. While the majority of Senators saw the need, the alternative view was offered by Sinn Féin. Misgivings regarding asking schools to do too much were expressed. Even Senator Boyhan said that he did not want the nanny state or a one-size-fits-all approach but he did recognise that the attitude of schools must be much more open. This can be achieved by a code. Senator Gallagher rightly pointed to the invasion of family life. Indeed, one of the contributory factors for one of my colleagues was the pressure that came from social media and how that can impact on people. In advancing this discussion, we need to be conscious, as Senator Gallagher said, of the pace of technological change and the danger that regulators always arrive breathless and late, as some have described. Regulators can often chase a problem that turns out to be yesterday's problem while tomorrow's problem has moved on.

We must approach this in a fairly flexible and open way paying tribute to a lot of the really good work that is happening in our schools. Perhaps people do not know enough about some of the stuff that is happening out there and the quality of teaching, learning and resource material being offered to students. I am content not to oppose this and to work with the Seanad and the

Lower House to get the best possible outcome. It will be very interesting when we see what is coming back from direct consultation with schools. Many of the practices are quite good but there is no doubt that many will have cause to improve. Apart from Webwise, there is a lot of work in supporting teachers in the digital area. I thank the Senators for their contributions.

Senator Gerard P. Craughwell: I thank the Minister for his pragmatic approach to the Bill. The Bill is a discussion originator. It will start the discussion. Along with the processes the Minister has put in place for consultation with parents, that will stimulate a national discussion. The Minister is 100% correct. Having worked in information technology for 25 years, I spent every summer of my teaching career bringing myself up to speed on the next latest, greatest technology. Technology is something we must embrace and not be afraid of. The one thing I will say about the Minister is that the moment he went into education, he embraced the notion of technology and bringing schools into the 21st century. This will start that discussion in the wider public area. Committee Stage of this Bill will probably see the Bill change quite drastically. I do not want to be prescriptive in any way. I want to give schools as much leeway as I can. I also want our children to grow up understanding technology.

However, I have personal experience of my granddaughter who has not been allowed near anything digital at this stage of her life. She is three and a half years of age. I get tremendous enjoyment out of that child's imagination, for example, where we travel regularly on the Luas without leaving her sitting room and where we engage in having coffee and cheesecake without leaving the sitting room, and we visit all sorts of restaurants and she acts as a waitress. It is all down to the fact that everything is learnt from storybooks. I do not want to take that away from children. I also want, when the time comes, for her to embrace the technology.

I welcome everything the Minister is doing. I want to work with him on this. I will support anything the Minister tries to do to make Ireland a safer place for young children. I do not want to see another child harm himself or herself or kill himself or herself as a result of what goes on. I do not want another teacher to suffer the indignity of having some child take an upskirt shot, which is the latest craic in schools. I do not want a young girl or boy to be bullied or harassed, to have the digital device taken off her or him, or worse still. I understand the worst form of bullying for a young girl today is not to get a comment when she puts a post up on her Facebook page. That, I believe, is more destructive than anything.

We will work together on this. I thank the Acting Chairman, Senator Ned O'Sullivan, for his time and I thank my colleagues for their contributions today.

Question put and agreed to.

Acting Chairman (Senator Ned O'Sullivan): When is it proposed to take Committee Stage?

Senator Gerard P. Craughwell: Next Tuesday.

Committee Stage ordered for Tuesday, 3 July 2018.

Sitting suspended at 2.02 p.m. and resumed at 3.30 p.m.

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Mental Health (Amendment) Bill 2016: Report and Final Stages

Bill received for final consideration.

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

Senator Joan Freeman: The Minister is very welcome. It was to my great disappointment that I was not here last night for the passage of the motion on Deputy James Browne's Mental Health (Amendment) Bill 2017. However, I am especially grateful to the Government that it has committed to not opposing this legislation. I will not go off script but I just want to congratulate Deputy Browne on the 2017 amendment to the Mental Health Act 2001 and to personally congratulate the Minister of State with responsibility for this area, Deputy Jim Daly, for supporting that legislation.

Deputy Browne's legislation has grown from strength to strength by safeguarding the autonomy of individuals, where they do not have capacity to consent to treatment, to now having two discreet sections, one with guiding principles for adults and the other with guiding treating principles for children. That has been recommended by Mental Health Reform for years and is most welcome. I hope, subject to the Minister of State's comments yesterday evening, that the Bill will be commenced as soon as possible, although whether the existing service can deliver the high standards required by the legislation is an entirely different question. However, that is not for today.

I am delighted that the Government has seen fit not to oppose my amendment and that, finally, it seems clear that there is a wholehearted commitment to end the practice of admitting children to adult units.

For today's purposes, I am especially interested in Senator Swanick's amendment, which somewhat overlaps with the principles I have sought to protect in my legislation today but does not go far enough. I will explain the reason.

Acting Chairman (Senator Gerry Horkan): The Senator realises there are no amendments before us today.

Senator Joan Freeman: No, last night.

Acting Chairman (Senator Gerry Horkan): The Senator is talking to last night's motion.

Senator Joan Freeman: I am talking about Senator Swanick's amendment to the 2017 Bill.

Acting Chairman (Senator Gerry Horkan): The Senator is talking about what happened last night as opposed to-----

Senator Joan Freeman: I am just combining the two-----

Acting Chairman (Senator Gerry Horkan): Perfect.

Senator Joan Freeman: -----so that people are clear about the difference between the two Bills.

Acting Chairman (Senator Gerry Horkan): Go ahead.

Senator Joan Freeman: Last night, the motion on Senator Swanick's amendment was passed and included in the 2017 Bill a section which provides that due regard shall also be given to the following principles, which are listed. The words used are "insofar as practicable". The point I am trying to make is that this is the difference between what the Minister of State is allowing to be passed today, for which I am terribly grateful, and what was spoken about last night. However, as I have made clear on numerous occasions, those principles do not go far enough when it comes to the practical and timely treatment of children in this country. Senator Swanick's words are flexible almost to the point of not being accountable and it is that lack of accountability and absence of anyone standing over the decision-making that results in substandard care for our children. We would not accept that standard of care for a physically unwell child. We would not accept that, insofar as practicable, they should be separated from adults and that an effort will only be made to provide a safe environment where that is possible. That is an important point. The Minister of State is encouraging people to see that there should be no difference in the treatment of children who are physically unwell and those who are mentally unwell. I thank him again for that.

I am delighted that, again, the Government is not opposing today's Bill and I want to briefly outline the history of the legislation to date. The Mental Health (Amendment) Bill 2016 was introduced by me in October 2016. At that stage, I worded the Bill to reflect a rigid standard whereby children simply would not be admitted to adult units. Having worked in this area for a long time, it was my view that this practice is no longer acceptable.

The Minister of State will remember that he and I spoke at great length. My suggestion was rigid and quite black and white and I thank him for involving me in the conversation about making it more flexible.

The code of practice relating to the admission of children states that the admission of a child to a unit in an approved centre providing care and treatment to adults is undesirable and may be detrimental to the child. I am trying to make this such an important case. Sometimes we have to weigh up whether it is more acceptable for a child to be put into an adult unit or the effect it could have on that child. The Minister of State and I have seen many cases recently where it has had a detrimental effect, but allowing the consultant psychiatrist to make a determined effort to get the best possible care for the child means that both the Minister and I will be able to sleep easier at night. That is what this Bill is about. It is about making our clinical teams accountable for ensuring that the child is in the best possible place.

I have about another 200 pages of notes which I will not read because the Acting Chairman proposed that the Bill do now pass so eloquently but I want to again thank the Minister of State and the Government. I would be delighted if the Minister of State could bring this Bill through the Dáil as part of his mandate and achievements in 2018.

Senator Frank Feighan: I thank Senators Freeman, Craughwell and Marie-Louise O'Donnell for their work on this important issue. Senator Freeman has led the way and she summed up the matter when she said this is what is in the best interests of children. The very thought of a child being detained in an adult ward is repugnant to all of us. The trauma experienced by a child placed in an adult psychiatric ward, and his or her family, must be horrific. We are trying to get the best possible outcomes and, working here today with the Government, the Opposition and every Member in this Chamber, we have reached a solution which is as good as we can get. Fifteen years ago, the Mental Health Commission issued guidelines and stated that by the end of that year there should be no more admissions of children under the age of 18

to adult units. Unfortunately, that is continuing, albeit to a lesser extent, but all of us agree that one child admission to an adult unit is one too many.

It is important to remind ourselves that the Mental Health Commission has a code of practice specifically covering the involuntary admission of children to adult units and all such admissions must be fully explained to the independent regulator. I am delighted the Government has not opposed this Bill and that we have worked together on it. We have a duty to safeguard our children and young people, especially our most vulnerable. I am delighted the Bill will be passed.

Senator Jerry Buttimer: I welcome the Minister of State's commitment to this House in his role as Minister of State in the Department of Health. I commend Senator Freeman for her work. It is important that we recognise we are in a time of reform in the health system. It is important also to put on record that under the stewardship of the current Minister, mental health has been a priority and at the heart of what he has been doing as a Minister. His approach has been about the person with mental health difficulties. If we are honest - I make this comment in a spirit of generosity - we need to increase resources for the budget and recruitment. We must ensure money is targeted to get the best results for the service user. It is the patient who is and must be at the heart of the mental health system. That is why the Minister's reference to a referral pathway to CAMHS is important, given that not everyone must see a psychiatrist. We should develop his approach and explore the option because his idea is not far wrong. Equally, his suggestion of a dedicated telephone line is one we should support.

Notwithstanding the fact that there are service level agreements with many organisations, I express my huge admiration for Cork Counselling Services located on Fr. Mathew Street in Cork city. The organisation is faoi bhrú or under pressure when it comes to funding and resources. I hope we can assist it because of the extraordinary number of people seen in the centre which it meets, engages with, helps and supports. One of its problems is that as it is not one of the larger organisations, it is less noticeable in terms of its visibility.

I also make the following point in a positive manner. Reform of the health system has led to mental health being spoken about more. I am a former Chairman of the Oireachtas Joint Committee on Health and Children which did a piece of work on the issue of mental health. Therefore, I know that it is important that advocates speak up and tell their story because talking helps. Unfortunately, many men are afraid to talk or do not want to engage for a variety of reasons, but we must continue to work to overcome such reticence. We need to explore further greater collaboration because there is a silo mentality in the health system when it comes to mental health. What I mean is people protect their own fiefdom and operate within a system. To counter this more collaboration is needed. My admiration for the Minister has grown during the years because he has challenged some aspects of the health system that were once considered to be sacred. To improve things further, we must challenge views and find ways to have meaningful and real reform. To be fair, Senator Joan Freeman has done such work in this Chamber. She did the same when she was part of the Seanad Public Consultation committee when she brought in various stakeholders and individuals to tell their stories, which is important.

I am glad that we have reached an important milestone in the history of the Oireachtas. This week two mental health Bills have been passed without a division, which proves we can work together. It reminds me of the old Irish maxim - ní neart go cur le chéile. At the end of the day, it is about the man or woman, the boy or girl and the teenager or adolescent who is challenged and struggling. For them to benefit from the health system, we must put them at its heart. I am

very happy that we have reached this milestone due to the work done by Senator Joan Freeman and the commitment made by the Minister of State, Deputy Jim Daly.

Senator Jennifer Murnane O'Connor: I welcome the Minister of State. It is important that we thank Senator Joan Freeman for all of the work she has done. She is Chairman of the Oireachtas Joint Committee on the Future of Mental Health Care, of which I am a member. I have seen how hard she works and know how dedicated she is in dealing with mental health issues. The committee has received many reports. Last week it heard a submission by the Mental Health Commission which confirmed that 82 children had been admitted to adult units in 2017, which is unacceptable. It is also unacceptable to them and their families. As Senator Joan Freeman said, it is not good for a child to be placed in an adult service.

I thank the Minister of State for his work on mental health issues, of which there are many. Recently I spoke about the fact that last November as many as 2,223 children and adolescents were on the waiting list for HSE child and adolescent mental health services. I ask the Minister of State to consider this important issue.

CAMHS was mentioned. Last week one of the biggest issues raised at the committee meeting was staffing. CAMHS teams are inadequately staffed.

I have discovered that the level of funding varies from region to region. I firmly believe every region deserves to receive proper funding. It is a major issue for everyone.

The lack of therapists was also mentioned at the committee meeting last week. Another issue raised was that the number of counsellors in schools had been reduced. I ask the Minister of State to commit to raising awareness of the needs of children aged four years and up among parents and families and teachers because such an initiative would make a difference in the long term.

I congratulate Senator Joan Freeman for bringing forward this legislation. As I said, I know how hard she works as Chairman of the Joint Committee on the Future of Mental Health Care, of which I am delighted to be a member. Improving mental health services is one of our biggest challenges. To that end, we need to ensure enough funding is provided. Following this debate I hope greater funding will be committed to tackling this issue. I know that the Minister of State is committed to improving the mental health service. I want us to ensure we will not be back here next year or the year after saying there are not enough beds and that funding is still an issue.

Minister of State at the Department of Health (Deputy Jim Daly) (Deputy Jim Daly): Gabhaim buíochas leis an gCathaoirleach Gníomhach as ucht an deis a bheith i measc na Seanadóirí ar an ócáid speisialta seo. I welcome the opportunity to contribute to this important discussion on the Mental Health (Amendment) Bill 2016 brought forward by Senator Joan Freeman as it concludes its journey through the Seanad before being taken to the Dáil. I am reminded of the fact that I spent five years on the back benches as a Deputy, during which time I published a number of Bills, one of which reached Committee Stage. Unfortunately, it never got as far as Senator Joan Freeman's in just two years. I congratulate her on doing so. There is no mystery to how she has managed to progress her Bill. Initially, she had very fixed ideas, but she and I had numerous discussions subsequently. We were ably assisted by the officials who worked in the mental health unit, including Mr. Gerry Steadman. They guided and enlightened us and the Senator had the capacity to be flexible. She also took on board suggestions and ac-

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knowledge difficulties as they arose. Perhaps that is what I lacked when I was a back bench Deputy.

As Senator Joan Freeman and other Senators will appreciate, the Bill proposes to amend section 4 of the Mental Health Act 2001. I was here yesterday for the passage of the Mental Health (Amendment) Bill 2017 tabled by Deputy James Browne. As Senators will be aware, that Bill radically amends and alters section 4 of the 2001 Act and the legislation is on its way to Áras an Uachtaráin to be signed by the President. Therefore, we are in a grey area in terms of where we can proceed, but I will bring forward some amendments to the Bill in the Dáil. I will continue to do what I have done to date, as I know the Senator will, and work with her in a spirit of co-operation and collaboration.

In dealing with mental health issues the good thing is that we all recognise no one has a monopoly of wisdom on how to resolve them or knows what is the right thing to do. Senator Joan Freeman has brought her Bill through the Upper House of the Oireachtas. However, her biggest achievement has been shining a light on a very difficult and challenging issue for many, be it patients, their anxious families and the clinicians who work on the front line to provide mental health care. Mental health issues are extraordinarily difficult to deal with and the first reaction of everybody was that one could not be black and white and legislate and tie people's hands behind their backs. The Senator readily agreed and accepted this as a truism, but she was not prepared to give up. In fact, she maintained her focus and established a new way by developing protocols, guidelines and best practice. At the same time she recognised that each case was individual and that clinicians needed a certain degree of autonomy when providing care. I congratulate her on two fronts. First, she shone a light on a difficult issue and brought it to the fore. Second, she ensured we kept a healthy tension or pull and drag between Departments, me and her and the system. In fact, we have managed to come up with this legislation which is an example of solution-led politics. This Dáil has been branded as the "do nothing Dáil" and people have made glib remarks, but this legislation proves that it is not a do nothing Dáil or Seanad. Collectively, we have made real and tangible progress following a lot of work. I again congratulate the Senator and thank her for her co-operation to date. I look forward to continuing to work with Senator Freeman to progress this Bill through the Houses as speedily and efficiently as we can to ensure we get to the place where we all want to be in the best interests of patients.

I would love to address the various issues raised by Senator Murnane O'Connor, but a Report Stage debate would not be the appropriate setting to do so. I suggest to the Senator and her colleagues on the Committee on the Future of Mental Health Care that a question and answer session would be a fluid way of dealing with some of these issues. During debates like this, we hear statements from the relevant Minister or Minister of State followed by comments from Senators and a concluding statement. A question and answer session at the committee or in this House would be helpful and I would be happy to proceed on that basis.

Question put and agreed to.

Sitting suspended at 3.51 p.m. and resumed at 4.18 p.m.

National Archives (Amendment) Bill 2017: Committee Stage

Acting Chairman (Senator Gerry Horkan): I welcome the Minister, Deputy Madigan,

to the House.

Section 1 agreed to.

SECTION 2

Acting Chairman (Senator Gerry Horkan): As amendments Nos. 1 and 3 are related, they may be discussed together.

Senator Fintan Warfield: I move amendment No. 1:

In page 3, between lines 14 and 15, to insert the following:

“ ‘Information Commissioner’ means the Office of the Information Commissioner as outlined in section 43 of the Freedom of Information Act 2014;”.

I welcome the Minister to the House. I am sorry I could not be here for the Second Stage debate. I commend the National Archives (Amendment) Bill 2017 and the objectives of the Minister in this regard. Along with my Sinn Féin colleagues, I am somewhat concerned that there could be political influence over what State records are deemed to be relevant records. Our concern is that the Minister will have an effective veto on such records. As far as I can see, no level of transparency around decision-making is evident in this Bill. When I read the transcripts of previous debates on this Bill, I noted the Minister’s remark that she does not consider the Information Commissioner to be the most appropriate person for dealing with these matters. While I accept that opinion, I ask the Minister to indicate the official whom she would deem to be the most appropriate person to provide the independent oversight that is needed in this area. I intend to withdraw this amendment, while reserving the right to return to it on Report Stage.

It would be helpful if the Minister were to propose independent oversight. Amendment No. 2 is in the same vein.

Acting Chairman (Senator Gerry Horkan): We are dealing with amendments Nos. 1 and 3.

Senator Fintan Warfield: Is amendment No. 2 not in the same group?

Acting Chairman (Senator Gerry Horkan): No, we are discussing only amendments Nos. 1 and 3.

Senator Fintan Warfield: I will reserve the right to return to amendment No. 3 on Report Stage.

Acting Chairman (Senator Gerry Horkan): Before we continue, I welcome back to the House former Cathaoirleach, Mr. Pat Moylan. I know Senators Buttimer and Ned O’Sullivan would also like to welcome Mr. Moylan back to the Chamber. He sat in this chair, albeit not in this Chamber, for many hours over many years. He is very welcome and it is good to see him looking so well.

Senator Jerry Buttimer: As Leader of the House, it is my pleasure to welcome back my former colleague and friend, the former Cathaoirleach and Senator, Mr. Pat Moylan, with whom I had the pleasure of serving. He was one of the fairest and most impartial Cathaoirligh and I know I tested his patience on many occasions. His many years of refereeing were put to good use. He is looking great and it is good to see him back here. I wish him well.

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Acting Chairman (Senator Gerry Horkan): I will not take the Leader's comments personally. I call Senator Ned O'Sullivan.

Senator Ned O'Sullivan: I thank the Acting Chairman for offering me this opportunity to welcome back a great friend and colleague, former Senator Pat Moylan who was Cathaoirleach from 2007 until 2011. Mr. Moylan was an excellent Cathaoirleach who was very popular and well respected in the House, as all our Cathaoirligh have been. We have been very fortunate. It is good to see him looking so well.

Acting Chairman (Senator Gerry Horkan): Does any other Member wish to contribute to amendments Nos. 1 and 3 before I call the Minister?

Senator Marie-Louise O'Donnell: No, but I would like to make a general comment. Should I do so after the Minister has spoken?

Acting Chairman (Senator Gerry Horkan): Does the Senator want to-----

Senator Marie-Louise O'Donnell: I have some great words of wisdom.

Acting Chairman (Senator Gerry Horkan): I do not doubt that but are they related to amendments Nos. 1 and 3? If not, the Senator may speak later.

Senator Marie-Louise O'Donnell: I would appreciate that.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan) (Deputy Josepha Madigan): I thank Senator Warfield for agreeing to withdraw his amendments. I will clarify for the Senator what a relevant record is. It is a record that is more than 30 years old, has historical or public interest significance and its transfer would facilitate balanced reporting between jurisdictions, especially the United Kingdom. I do not believe I need to comment further since the amendments are being withdrawn.

Acting Chairman (Senator Gerry Horkan): Is Senator Warfield withdrawing amendment No. 1?

Senator Fintan Warfield: Yes, but I reserve the right to resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Section 2 agreed to.

Section 3 agreed to.

SECTION 4

Senator Fintan Warfield: I move amendment No. 2:

In page 4, line 18, to delete "may" and substitute "shall".

This amendment is in the same vein as the previous amendment as it removes a discrepancy with respect to what may or may not be released by the Minister. No Minister who holds political office should have the powers provided for in this section as they are adverse to transparency. Independent oversight should be provided. I will withdraw the amendment and reserve the right to return to it on Report Stage. I encourage the Minister to add an oversight element to the legislation. I disagree with her interpretation of what are appropriate checks and balances. I

believe she and I want to achieve the same thing. As such, I hope she appreciates the sentiment in this amendment.

Amendment, by leave, withdrawn.

Amendment No. 3 not moved.

Section 4 agreed to.

Sections 5 and 6 agreed to.

SECTION 7

Acting Chairman (Senator Gerry Horkan): Amendment No. 4 has been ruled out of order as it would potentially impose a charge on the Exchequer.

Senator Fintan Warfield: May I speak to the amendment?

Acting Chairman (Senator Gerry Horkan): No, it has been ruled out of order.

Senator Fintan Warfield: I have drafted a Private Members' Bill which seeks to achieve the same objective as the amendment.

Acting Chairman (Senator Gerry Horkan): While I can give the Senator the reason the Cathaoirleach ruled the amendment out of order, I cannot allow him to speak to it.

Senator Fintan Warfield: I have read the reasoning. It is ridiculous that amendments and Private Members' Bills are subject to different rules. The Bill before us is amending legislation.

Acting Chairman (Senator Gerry Horkan): I will give the Senator the ruling on the amendment for the record. It is a note for the information of the Chair regarding an amendment that has been ruled out of order. Amendment No. 4 in the name of Senators Warfield, Conway-Walsh, Devine, Gavan, Mac Lochlainn and Ó Donnghaile seeks to amend section 35 of the Statistics Act 1993 so as to allow the 1926 census of the population data to be made available in advance of the standard 100 years, that is, ahead of the scheduled 2026 date. The proposal has the potential to impose a charge on the Revenue and, therefore, the amendment has been ruled out of order in accordance with Standing Order 41. That is the information I have been given. I am not allowed to permit the Senator to speak to the amendment. Senator O'Donnell may contribute in a moment.

Amendment No. 4 not moved.

Question proposed: "That section 7 stand part of the Bill."

Senator Marie-Louise O'Donnell: On a point of clarification, while I am aware that this is extremely important legislation, I am struck by the need to further amend the National Archives Act 1986. I have reasons for making that statement. Should I explain them now?

Acting Chairman (Senator Gerry Horkan): If the matter is not related to section 7, I will dispose of the section before calling the Senator.

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

Question put and agreed to.

TITLE

Question proposed: "That the Title be the Title to the Bill."

Acting Chairman (Senator Gerry Horkan): I invite Senator O'Donnell to make her point.

Senator Marie-Louise O'Donnell: I wish to make a general point. The Minister may be aware of this. We need to provide access to the records of institutional abuse held by the religious orders, private agencies and dioceses throughout the country. We need some truth-telling in that regard. Every day, the House hears about mother and baby homes, adoption agencies, Magdalen laundries and those who were incarcerated in industrial schools. The persons concerned want access to their records and they have a right to access them. Telling the truth is part of atonement. Apologies lose their power and meaning if they are not part of an effort by the State to hold to account the private institutions involved in these abuses and the State itself. Providing this information is the most important way of ensuring we have accountability.

I would like the National Archives Act 1986 to be further amended to bring within the remit of the National Archives the records of historical institutional abuse which are currently held by non-State entities. Religious orders, dioceses and other private entities hold information that is of great value. While I was not a member of what became known as the McAleese committee, I was a Senator at the time. When the committee interacted with the Magdalen laundries, the religious orders co-operated extremely well and provided access to their records and archives. However, the committee was required to send all of the records back at the end of its investigation and it did not keep copies. The Commission of Investigation into mother and baby homes is gathering records from all institutions and individuals that have information of value to the investigation. The records should be brought within the control of experienced teams at the National Archives - that is my essential point - in order that access can be provided to sensitive information, as it has been for decades in the National Archives. The Minister for Children and Youth Affairs, Deputy Zappone, is proposing, in the Adoption (Information and Tracing) Bill, to bring records previously held by adoption agencies within State control. This can be done, therefore, and I would like it to be done.

The Dean's lecture at the National University of Ireland Maynooth was given by the brilliant Dr. Catriona Crowe, who was the head of all special projects at the National Archives. Dr. Crowe called for the religious archives to be opened up to survivors of institutional abuse and scholars. I ask that amendments to this effect be brought forward. We should take up the challenge to finally provide accountability to people who have been gravely wronged and hurt. The records of those people should be part of the remit of the National Archives. I do not know whether this is the right time or place to make that point but-----

Acting Chairman (Senator Gerry Horkan): The Senator has said it, which is the main thing.

Senator Marie-Louise O'Donnell: I have said it. There are not many Senators present. It is a very good and tremendously important Bill. However, it is very important that those records come under the remit of the National Archives such that people have a right to that information, given its sensitive experiential aspect. It must not be held in institutions which are not prepared to open it up to inspection.

Deputy Josepha Madigan: To allay the fears of Senator Warfield that there could be political influence over the early release of documents, I draw his attention to section 8(4) of the principal Act, which prevents the making available to the public of records which “would or might cause distress or danger to living persons on the ground that they contain information about individuals, or would or might be likely to lead to an action for damages for defamation”. That might be of interest to the Senator.

I thank Senator Marie-Louise O’Donnell for her comments. I appreciate her concerns and the very important issues she raised. However, those issues are within the remit of the Department of Education and Skills, which is working towards dealing with them. It is not a matter to be dealt with in the Bill.

Senator Marie-Louise O’Donnell: I appreciate the Minister’s response but it is extremely important to have this on the record because, although I know that it cannot be inserted into the Bill, the records must come under the remit of the National Archives. It must be thought of in that way. There is an urgent need to bring it forward under the National Archives Act. I know it cannot be inserted into the Bill but I wished to put on record that there is an urgent need for this to be dealt with and that I will be raising the matter again. I will take the Minister’s advice in regard to the Department of Education and Skills but I also think it could be amended within the Bill.

Question put and agreed to.

Bill reported without amendment.

Acting Chairman (Senator Gerry Horkan): When is it proposed to take Report Stage?

Senator Tim Lombard: Next Tuesday.

Acting Chairman (Senator Gerry Horkan): Is that agreed? Agreed.

Sitting suspended at 4.35 p.m. and resumed at 5.40 p.m.

Summer Economic Statement: Statements

Acting Chairman (Senator Diarmuid Wilson): I welcome the Minister of State at the Department of Finance, Deputy Patrick O’Donovan.

Minister of State at the Department of Finance (Deputy Patrick O’Donovan): I welcome the opportunity to be in the Seanad. I was here so often it was said I could take up a bed in the Chamber.

Acting Chairman (Senator Diarmuid Wilson): Be careful what you wish for.

Senator Gerry Horkan: The Minister of State is always welcome.

Deputy Patrick O’Donovan: There are worse places one could be. I am here to discuss the summer economic statement which was agreed by the Government and discussed in Dáil Éireann last week. It sets out the key elements of the Government’s budgetary strategy. Broad-

ly, it revolves around five key areas, namely, ensuring steady and sustainable improvements in living standards; rebuilding fiscal capacity; the need for prioritisation and realism; the need to avoid pro-cyclical fiscal policies and ensuring budgetary policy will focus on ensuring fiscal sustainability.

On the macro-economic position, a suite of economic indicators confirm that the economy is growing at a healthy pace. The Department of Finance is forecasting GDP growth of 5.6 % this year and 4% next year. From 2020 onwards, GDP is expected to grow broadly in line with the potential growth rate of the economy, with positive contributions from both exports and domestic demand. Of course, economic growth is a means to an end, not an end in itself. It enables us to pursue our goals of advancing social progress, promoting inclusivity and providing high quality public services. Importantly, the strong growth performance is paying dividends in the labour market, in which there are now more people at work than ever before. In parallel, the unemployment rate has fallen, from a peak of 16% in early 2012 to 5.3% in May 2018. We are fast approaching full employment. In that context, it is crucial that budgetary policy be managed in a way that will not overheat the economy.

Against that positive backdrop, broadly, we plan to balance the books by running a very small deficit next year of 0.1% of GDP. This reflects the political choices we have made in Project Ireland 2040 and the national development plan to increase capital spending substantially by €1.5 billion or 25% next year, bringing expenditure to in excess of €7 billion. The Government will not adopt taxation and spending measures that will result in a larger deficit than this. It will accommodate a budgetary package of €3.4 billion, of which €2.6 billion has been pre-committed to expenditure measures, leaving €800 million for further allocation. Any unfunded taxation or expenditure measures that go beyond this figure would necessarily involve even more borrowing and result in a subsequent increase in the deficit.

The summer economic statement makes it clear that budgetary policy will be designed to ensure steady and sustainable improvements in living standards underpinned by stable and predictable tax revenue. Incremental and sustainable improvements in public services are always to be preferred over the feast or famine alternative. Expectations have increased, given the remarkable performance of the economy. However, I make it clear that not all demands can be met. In the first instance, expenditure continues to exceed revenue and we are still borrowing to meet the shortfall. If more resources are allocated, the deficit will be even larger. Excessive levels of expenditure in an economy with full employment would be unsustainable.

The Government will prioritise spending that mitigates risk, enhances the resilience of the economy and raises our growth capacity. In that context, it has set out its vision for Ireland in the medium term in Project Ireland 2040. It includes the national development plan and is the blueprint for Ireland's sustainable development – economically, socially and environmentally – in the future. The national development plan will improve public infrastructure to ensure all can benefit from the fruits of economic growth.

As the Minister for Finance and Public Expenditure and Reform, Deputy Paschal Donohoe, said, the provision of public services can also be enhanced within existing allocations by reforming the way public services are delivered. That is why the Government has prioritised public sector reforms. By improving management and raising efficiency, through training, technological progress and other means, we can better align inputs with outputs and ensure better value for taxpayers' money.

Each year central government spends more than €60 billion. I am convinced that scope remains to improve the efficiency with which this sum is allocated. The spending review which will be published in July will be crucial in that regard. It is also vital that we maintain a broad tax base that generates a sustainable revenue stream necessary to fund public services. We cannot build permanent expenditure commitments on revenues that may not be sustainable. That is why the Government is setting aside some of the historically high levels of corporation tax for the purpose of creating the rainy day fund. Our debt position continues to improve, with the general government debt-to-GDP ratio projected to be 66% for the year and declining to 63.5% in 2019. However, it must be acknowledged that the recent evolution of the debt-to-GDP ratio presents an overly benign view of public indebtedness. The debt-to-GDP ratio has decreased only because GDP has increased. Other measures, notably the ratio of debt to modified gross national income, or GNI*, show that while declining, public debt still remains high in Ireland. With a debt-to-GNI* ratio of 100% last year, the focus must be on balancing the books and reducing the nominal debt.

The legacies of the crisis persist, with the total stock of debt amounting to €206 billion this year. This represents approximately €42,000 worth of debt for every man, woman and child, one of the highest levels among OECD countries. It is essential that we start to reduce this burden of debt in order that the economy will be able to withstand adverse developments, if and when they occur.

The application of the fiscal rules has led to a focus on the total amount available, that is, the fiscal space. There are a number of reasons utilisation of the fiscal space is not appropriate in the current circumstances. First, applying the rules fully would involve the adoption of pro-cyclical policies which would not be remotely appropriate to our position in the economic cycle. Second, the elevated debt burden means that the focus must be on balancing the books and reducing nominal debt.

Risks to the global economy are increasingly tilted towards the downside. In that context, the priority must be to rebuild fiscal buffers in order that the economy can best absorb economic shocks, if and when they occur. The Government will frame budgetary policy on the basis of what is right for the economy to ensure continued, steady improvements in employment and living standards. That is why the Government is prioritising reducing public debt, establishing the rainy day fund, and avoiding pro-cyclical budgetary policies.

While the latest economic data all point to an economy with considerable momentum, a continuation of robust growth cannot be taken for granted given the increasingly uncertain external environment. The United Kingdom's imminent exit from the European Union, changes in the international corporate tax landscape, and the possibility of disruptions to the global trading system are some of the principal external risks currently facing the economy. The best way to improve the resilience of our small and open economy is to build up our fiscal capacity to respond to these challenges. That is what the summer economic statement sets out and what the Government will continue to do.

Acting Chairman (Senator Diarmuid Wilson): I call Senator Horkan. I remind colleagues that the order of the House is that spokespersons only may contribute. They have eight minutes each but time can be shared among groupings.

Senator Gerry Horkan: I thank the Minister of State for his comprehensive opening statement. I do not intend to repeat much of it if I can avoid it.

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I welcome the opportunity to contribute to the debate on the summer economic statement. It was released on Tuesday of last week and will form the basis for the 2019 budget, which it is hoped will be passed in October of this year.

The economic progress of recent years has been underpinned by the economic and political stability provided by the confidence and supply agreement between Fianna Fáil and Fine Gael and, while not ideal, Fianna Fáil has ensured that the previous two budgets have been progressive and prioritised improved services over further tax cuts.

We are now four months out from budget 2019 and it is important that in the lead-up to the budget we make the right decisions for the people who elected us and whom we represent. As it has done in the previous two budgets, Fianna Fáil will engage positively in discussions on the budget and will insist on tangible progress in the key areas of policy where the Government has thus far failed to make much of an impact.

According to the summer economic statement, €3.4 billion will be available for expenditure. Already, €2.6 billion has been pre-announced and committed to, leaving only €800 million for new budgetary measures. Last year, the Minister for Finance, Deputy Donohoe, said his utmost priority was to ensure there was a balanced budget. Unfortunately, that was not the case and the Government has failed to meet Ireland's medium-term objectives of a balanced budget in structural terms. That has impacted negatively on the resources available for 2019.

Fianna Fáil called for a rainy day fund and the proposal was very much part of the confidence and supply agreement. The fund will be allocated €500 million. It must be structured correctly and we look forward to engaging with the Government in respect of that. Unfortunately, Sinn Féin is not in favour of the rainy day fund and voted against the fiscal treaty. It is difficult, therefore, to listen to some of its Members speak on the issue. I am not referring to Senator Conway-Walsh, who is a fantastic committee colleague, but the outbursts of some of her party colleagues leave a lot to be desired. Sinn Féin argues that the European fiscal rules are sufficient to protect the economy and the State. However, by not investing in the rainy day fund and spending the money we would allocate to it, Sinn Féin would blow any chance of reaching or maintaining our medium-term objectives. Last year, it proposed €2 billion in extra taxes. It needs to explain how it would deal with a fall in tax revenues. Would it raise taxes or cut public services and public pay?

The confidence and supply agreement has ensured that the previous two budgets have been progressive and directed at those who needed it most. This marked a shift from the policies of the previous Government of Fine Gael and the Labour Party. The agreement includes a commitment to maintain our promise of meeting in full the domestic and European Union fiscal rules as enshrined in law. It also commits to address unmet needs and introduce budgets that will involve, at a minimum, a 2:1 split between investment in public spending and tax reductions and to maintain our 12.5% corporation tax rate, which is very important.

In 2018, the National Treatment Purchase Fund, NTPF, was allocated €55 million to tackle hospital waiting lists. We secured a 50 cent reduction in prescription charges for those aged under 70 and a reduction in the drug payment scheme threshold from €144 to €134. We also secured increases in personal assistance hours, home help hours and home care packages and agreed an additional €435 million for mental health services to achieve A Vision for Change service levels. All those measures need to be put on the record and remembered.

It is critical that budget 2019 continues to be progressive and delivers on tackling housing and health issues in particular. Despite healthy economic indicators, there are more than 3,500 children in emergency accommodation, rents are becoming increasingly unaffordable and the housing crisis is impacting negatively on our economy.

Waiting lists have never been as high, with 711,000 people on both inpatient and outpatient lists. Without the NTPF, those figures would be even higher. There is also an acute shortage of consultants and nurses. That must be addressed in 2019 to ensure services become available and accessible and are provided in a timely manner for those who need them. We need to improve and increase capacity in the public system but in the short term the Government must increase resources to the NTPF to make progress on waiting lists. At this stage it would not be unfair to describe them as out of control.

In the months ahead, we must have an honest and open discussion about where our priorities lie. We should examine resources in the context of the needs of the country and make the right decisions that speak to the priorities and issues facing people in their day-to-day lives.

Before anyone on the Government side becomes too annoyed with my contribution, it is important to acknowledge the many positive measures set out in the summer economic statement. Employment figures are up and unemployment figures are down but we need to address infrastructure. I said I would try not to repeat what the Minister of State said. As members of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, Senator Conway-Walsh, Senator Kieran O'Donnell and I examine the finances of the State in depth at meetings of the committee. The challenges the economy faces include the common consolidated corporate tax base, CCCTB, taxation of the digital economy, threats from Europe and, equally, our significant reliance on corporation tax, 80% of which is from foreign direct investment, FDI. Half of the FDI tax revenue comes from ten companies and while I hope all of these companies do very well, remain here permanently and pay increasing amounts of corporation tax, if one of them decided to leave Ireland or experienced a blip in its financial performance, the economy would be left exposed.

We need to invest in infrastructure while being careful not to overheat the economy, as the Minister of State acknowledged. It is very important that the rainy day fund is established for use when the economic position is less positive than now.

I congratulate and compliment the Minister of State on acknowledging that the debt-GDP ratio is falling, not because debt is declining but because the GDP figure is increasing so much. He acknowledged that GNI* is a better measure than GDP. When I raised that issue with the Minister for Public Expenditure and Reform, Deputy Donohoe, in the joint committee he told me he could not agree with me more.

Ireland is still one of the most heavily indebted nations in the world in terms of both public and private debt. We need to remember that when we make promises to the public because citizens will not thank us for spending money we do not have. We need to target the limited resources we have on housing, health, education and physical infrastructure to cope with the demands of our growing population.

I thank the Minister of State for coming into the House this evening to discuss the publication of the summer economic statement. I acknowledge the progress that has been made, much of which can be attributed to the role of my party in developing the confidence and supply

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agreement. Equally, there are challenges ahead and I and my party look forward to working with the Government in the coming months to deliver the next budget.

Senator Jerry Buttimer: On a point of order, there seems to be some confusion regarding the Order of Business. I understand the order was for group spokespersons to contribute but I am happy to amend that if Senators want other Members to be able to contribute.

Senator Victor Boyhan: We will work with the order as it stands.

Senator Jerry Buttimer: I am happy to do that if it is what Senators want.

Senator Gerry Horkan: I dealt with that issue. We can share time and each group has eight minutes.

Acting Chairman (Senator Diarmuid Wilson): The consensus is that there will be eight minutes per group.

Senator Victor Boyhan: With a little flexibility.

Acting Chairman (Senator Diarmuid Wilson): I call Senator Boyhan. Does the Senator wish to share time?

Senator Victor Boyhan: I do not want to cut in on the time but I will share with my colleague, Senator Marshall.

Acting Chairman (Senator Diarmuid Wilson): Is the time being shared equally?

Senator Victor Boyhan: Yes. The Acting Chairman might indicate when I have one minute left.

I welcome the Minister of State at the Department of Finance, Deputy Patrick O'Donovan, to the House to discuss the summer economic statement. I note the importance of maintaining a broad tax base which generates sustainable revenue streams necessary to fund public services. It is important to remember that we live in a society and not in an economy. That is a much bandied around expression but it is an important point to make, particularly as we are heading into a budget and discussing services.

6 o'clock

The Minister of State noted that the Government has decided to be prudent regarding the management of our public finances, which is the appropriate approach to take. While there are risks ahead, there are also opportunities, as the Minister of State also pointed out.

We have to acknowledge that our economy is improving and that we have virtually full employment. There are certain categories and areas where we do not have full employment and we need to address those. In particular, I am thinking of people with disabilities who do not have equal access to employment opportunities.

As I said, prudent financial decisions must be pursued. We must remember that we have to secure the hard-won gains achieved as a result of the many sacrifices made by the people, and not by politicians or banks or financial institutions. The people made many hard decisions over many years, which is something of which we have to be mindful at all times.

I understand the Government's intention to reduce the public debt, which is particularly welcome. The objective of improving living standards and public services is welcome. The

economic recovery is not solely about money in our pockets. It has to be about public services. I heard Senator Conway talking about the rainy day fund the other day. I am not going to leave a jar of money on the counter if I have a commitment or a debt, a medical bill or rent to pay. I have concerns about the rainy day fund. It is all very well when one has loads of money but we have people who have disabilities. We have institutions like the National Rehabilitation Hospital where six beds have been closed since 2017 and Minister after Minister have come in here and argued that there are not the resources or the money to open them. One cannot have rainy day money in a jar when one cannot provide basic services.

This Government will be judged on education, health and housing. These are three of the biggest issues and, as he knows well, I am not here to lecture the Minister of State. I want to flag a dedicated fund to reduce our hospital waiting lists because it is important. We need to invest in primary and community care, recruit more consultant doctors, midwives and therapists, provide faster access to mental health, reopen all rehabilitation hospital beds, dismantle the dysfunctional HSE, establish funds for community welfare and develop community welfare trusts. Many of these requirements are not mine but are those of the Taoiseach, Deputy Leo Varadkar. They are on Fine Gael's website, which I looked at today. That is Fine Gael policy on Fine Gael's website. They were put forward by our Taoiseach, who I have a lot of time for and who I respect, when he was Minister for Health. Perhaps the Minister of State and the Fine Gael Members might look at them.

Can the Minister of State tell me, not necessarily today, where the plan on universal health-care is because the nation wants to know? It is all over the Fine Gael election literature, which I have. There is a promise by Fine Gael that it will deliver on a universal healthcare plan.

I looked up Google today and saw wonderful photographs of Fine Gael Ministers at a train station with a big banner saying Fine Gael would abolish the USC. Has all of that changed? What is the story in the run up to the budget? We can talk all we like about a rainy day fund but we must address housing, health, education and infrastructure. We must bring into use State lands which are not being utilised and are not being built on because we have thousands of people waiting for houses.

Yesterday the Oireachtas disability group launched its budget submission. It is really good and I acknowledge what Senator Dolan has done. I ask everyone to look at it and to lobby the Government so that in the forthcoming budget, the key objectives set out in this infographic are considered and, hopefully, implemented.

Acting Chairman (Senator Diarmuid Wilson): I call Senator Marshall who has four minutes.

Senator Ian Marshall: I welcome the Minister of State, Deputy O'Donovan. It is good to confirm that the Irish economy is growing again at a healthy pace. That is encouraging. An effort is being made to balance the books. Comments have been made about labour. Even though the labour market is fairly buoyant again, it is not that long ago since the figures were alarming and everybody was concerned about where the labour market was.

When we look at the summer economic statement and the reference made to policy designed to ensure steady and sustainable growth, we need to be cognisant of the fact there is so much uncertainty, especially with reference to Brexit. There is a lot of uncertainty out there and people are still nervous. We probably have not had sustainable growth for a long enough period

to be reassured that we are back onto a steady track.

For me and for many of my colleagues, risk is a big component of this. It is about mitigation of risk and building resilience into the economy. Ultimately, we must take a strategic approach to what is sustainable and what a sustainable economy will look like and all the components of that.

When I look through the document, I see we are dealing with the legacies of a crisis, and those legacies persist. What concerns me is the €42,000 of debt for every man, woman and child in the country. It is alarming not just in the context of Ireland. When one looks to our neighbours and to trade, we really need to address this. How long will it take to address this and to get it down to a manageable level? What does a manageable level look like? Is it the top or bottom quartile of OECD countries? It is encouraging to see that the Government is prioritising the reduction of public debt and a rainy day fund is prudent for any economy. The avoidance of the pro-cyclical budgetary policy is also to the Government's credit.

Ultimately, this Government will be judged by what policy feels like for the man and woman in the street. Could it feel better? Credit must be given where credit is due. It is very much a case of steady as it goes but to quote Mr. Donald Rumsfeld, it is about the known knowns, the known unknowns and the unknown unknowns. Unfortunately, there are still a lot of unknown unknowns out there. Brexit has posed a lot of uncertainty with a knock-on effect or consequences for Europe. When I say steady as it goes, we need to chart a straight path through what are very choppy waters in the short term.

Acting Chairman (Senator Diarmuid Wilson): I thank Senator Marshall. If the Senator has time, he might give a tutorial to other Members on how to stick to time. He was right on the button and well done.

Is Senator O'Donnell sharing time?

Senator Kieran O'Donnell: I am sharing two minutes of my time with Senator Colm Burke. I welcome the Minister of State, Deputy O'Donovan.

This debate is about the summer economic statement. It is a time to reflect. This will feed into the budgetary process this year and in future years. Putting this in context, we are at full employment. Who would have thought a number of years ago that we would be at full employment? We are operating a very small deficit of 0.1% and I would like to see that balanced. We should not be running a deficit. We are nearly there and I note the Government has given a commitment that it will not go beyond 0.1% of current deficit. We are bringing down our debt-to-GDP ratio. We are roughly at 66%, going down to 62% and, if I am correct, we will be at 63% by 2019. That slightly disguises the fact we have €206 billion of national debt, which people forget.

We have had such extraordinary growth in recent years that it has slightly disguised the level of debt we are carrying as an economy and it is something we have to look at. The average debt for every man, woman and child in Ireland is €42,000. That is above the average industrial wage. There are a lot of positives but there is still a bit of lumber there with our national debt and we must get it down. It is probably the accountant in me coming out but that prompts me to look at what lies behind the figures. Our debt-to-GNI ratio is at 100% this year and takes multinationals into account.

Side by side with that, our capital budget was historically low, but is now increasing and will total €7 billion next year. In the mid-west, the M20 got the go-ahead and will make a significant difference in terms of infrastructure. We need to build on that. Due to the fact that the economy has recovered we are able to put money into capital projects, but we have to think about the risks. The major risk to our economy at the moment is Brexit, which is outside of our control. We do not know precisely what the UK will do. I see no upside to Brexit. People have said our major trading partner is the EU, and that is probably the case, but the major trading partner for the SME sector is the UK. Ireland and UK produce and consume most of the cheddar produced worldwide.

The rainy day fund is extremely important and I wish to put it in context. If the National Pensions Reserve Fund was not in place I am not convinced we would have been able to come through the crisis. It was established for a different reason, namely, to provide for pensions, but it became a rainy day fund. If it had not been in place, the question is whether we would have been able to bail out the banks, which is something people should bear in mind. It has now evolved into the Ireland Strategic Investment Fund. We need to prepare for a rainy day.

I was first elected to the Dáil in 2007 and proposed a rainy day fund in one of my first speeches because I always felt that we needed to be cautious. We have good growth, but we must make sure it is sustainable. A rate of 3% or 4% is sustainable. If the country is reaching very high peaks consistently that is worrying and means something is fuelling the economy which may not be sustainable in the long term. We have to ask those questions.

I wish to examine the economy on a sectoral basis. Tourism is going very well. Agriculture is going well, but has had difficulties in terms of fodder, milk prices and various other issues. It is an important element of our economy. Industry is going well. Over time the economy has to build on the SME sector. We have a very large and welcome multinational sector in terms of employment creation, but I would like the SME sector to become the future.

We have lagged behind in construction. There was a lost generation and we have lost skills. I spoke earlier today about the diaspora and putting the call out to people who have emigrated. When Ireland had a fantastic victory over Australia in the test rugby match many of us watched it in local pubs early in the morning rather than on television at home. The majority of people watching it in Australia were young. There is a skills deficit in the construction sector. Carpenters, electricians and plasterers need to come home from abroad and we need to upskill in that area. I very much look forward to the Government's publication on affordability in the housing sector. It is a missing piece of the jigsaw in the construction and housing sectors.

Funding of €2.6 million has already been committed and €3.4 million is available. We have to prioritise. The economy is functioning again and we have full employment, but we must ensure that we go gently because of Brexit. We must ensure that we steadily decrease our national debt figure of €200 billion.

Senator Colm Burke: I wish to allocate two minutes of my time to Senator Lawlor.

Senator Anthony Lawlor: I welcome the Minister of State to the House and will try to be as brief as possible. We are at a crossroads in our economy. People have major expectations, in particular after the past number of years where we went through difficult times. We are now coming out of the difficulties and people can see ahead. They expect what they got during the boom times. It is crucially important that we manage those expectations.

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The previous Dáil developed a broad tax base which we need to keep, irrespective of what people are shouting for such as the removal of property tax. Without a broad tax base one can be certain that what happened in the past will happen again, namely, boom and bust economics. We certainly do not want that.

I am glad we are putting a rainy day fund in place. The fund established by the former Minister, Charlie McCreevy, was used incorrectly. It should have been used for infrastructure within the economy rather than given to banks to allow them to pay off their debts and bail them out. The rainy day fund should be used when there is an economic downturn to assist those areas in the economy which are not performing in order to get them working again.

The Minister of State and I will have different viewpoints on our debt. The American economy grows its GDP rather than paying down debt and manages to run trillions of dollars of debt each year. It grows its GDP so that, as a percentage, the debt becomes smaller and smaller.

We need to have something in the budget for employed people who are returning to work and are availing of internal training. We are training people to get work, but because we are at full employment we need more in-service training. I thank Senator Burke for sharing time.

Senator Rose Conway-Walsh: This debate is a good opportunity to discuss what is happening in the real world. The Fine Gael Government is selling the core message of the summer economic statement with constant reference to the past. We are reminded that it has been ten years since the worst economic crisis in the State, yet there is little reference to the people and practices which caused the crisis. It is simply not good enough to say that as a State we have to ensure that if the same rotten practices are carried out we are able to deal with that.

The rationale for a rainy day fund is directed at those who continue to struggle in their daily lives. There is merit in having a rainy day fund if the most vulnerable people in society are looked after. We also have to remember what we did with the last rainy day fund - we gave it to the bankers. Is there an expectation that the same thing will happen?

Rather than investing in services which would improve the standard of living of our citizens, they are being told that they must hold off and we cannot be sure that there will not be a return to the bad old days. That does not fill people with confidence. Why is that the case? Surely now we have enough checks and balances in place to ensure that we do not see a repeat of the excesses, negligence and criminal activity which caused the last crisis. It seems that when Fine Gael is in government we can never be completely sure that white-collar crime and corruption will be dealt with. Therefore, it is little wonder that the idea of a rainy day fund is a hand-me-down from my friends on the left in Fianna Fáil.

Senator Gerry Horkan: We just sit on the left. We are not on the left.

Senator Rose Conway-Walsh: At the finance committee-----

Senator Kieran O'Donnell: You were-----

Acting Chairman (Senator Diarmuid Wilson): There should be no interruptions from any Senator.

Senator Rose Conway-Walsh: I ask the Senator not be so rude, please.

Acting Chairman (Senator Diarmuid Wilson): No interruptions, left, right or centre.

Senator Rose Conway-Walsh: They are all the same.

Senator Gerry Horkan: The Senator's time is being used up.

Senator Rose Conway-Walsh: It is an objective observation. At a recent finance committee we examined the heads of the Bill for legislation underpinning the rainy day fund. Contrary to what the Minister of State has claimed, there was no mention of corporation tax receipts. The fact is that there would be a legal obligation on the State to account for €500 million a year if there was a decrease in corporation tax receipts. Many families are only one unexpected bill away from being in serious financial difficulty. This could involve the car breaking down, an unexpected medical appointment or urgent repairs to the house. We have more than 700,000 still on the waiting lists and every day across the State there is on average 400 patients on trolleys in our hospitals. I know a man who has been waiting four years in excruciating pain and he cannot have the treatment that he needs because the resources are not there to do it. I have raised it with the Minister since the first day I came into the Seanad. That gentleman is not the only one. There are many such people. The concept of a rainy day fund is fine, but how can we leave people in that state and say, "Never mind, we have a rainy day fund and at the end of the day, you should be really happy because the debt-to-GDP ratio is projected at 66% for this year and declining to 63.5% in 2019"? It is as if one should continue waiting in pain for an urgent appointment and ought not to worry because the GDP is okay.

Vast areas of rural Ireland are still without reliable high-speed broadband connection, and even mobile phone coverage. The Western Development Commission was before the Joint Committee on Rural and Community Development two hours ago outlining all the infrastructure deficits in rural Ireland. These are all problems that need investment right now. The trouble is that investing in capital projects, whether it be in the development of the strategic zone around Knock Airport, the western rail corridor or Merlin Park hospital, is not a zero sum game. The multiplier effect of capital investment in such projects is what will protect us. That, not saying that we have stashed away so many millions of euro that we can give to the bankers when they mess up again, is the roof over our heads that will be there if we have another economic crisis. We know from the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach that nothing has changed in the culture of our banking system, auditing system etc. They will do the same all over again. The red carpet is rolled out for the vulture funds by Government and they get charitable status. There is charitable status for vulture funds - one could not make it up. All of those millions could be put into vital infrastructure.

As a party, we have shown how we can invest in these areas in rural Ireland, and by using the fiscal rules ensure that there would be a Government surplus in 2021. There is only 12 months difference between our target time of reaching this point and the Government's. This time and the fiscal space could be used to tackle those problems that leave people who are working every available hour finding that they are barely managing to get by.

This full employment preoccupation drives me crazy for two reasons. First, there are areas within my own constituency where we have 30% plus unemployment. We have significant youth unemployment. We also have people who are working every hour of every day who cannot pay their basic bills. They are looking around to see whether they can bring their child to the doctor or not. We should not be congratulating ourselves that we have full employment when people cannot earn enough to pay their basic bills.

Sinn Féin will have the back of these people. We will ensure that investment in areas such

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as childcare means that reduced costs will encourage more working women and parents back into the workforce. I will give one example of why this drives me crazy. In terms of our autism services, we have fantastic children and young people who have an autistic condition. Many of them are wonderfully talented people who could specialise in development and, indeed, do a much better job than some of our Ministers and some of those in these Houses do, were they given the opportunity and were the investments made for the diagnosis and the early intervention to encourage the unique talents that they can contribute to our economy and to innovation. For me, that is worthwhile spending. That is spending that one will get back tenfold. There has to be imagination and creativity around how we approach all of these matters.

I have much more to say but I will leave it for another day. There is a different way. There are different choices to be made. As for taking lectures from Fianna Fáil on how to run the economy, I will leave it at that.

Senator Gerry Horkan: Good.

Acting Chairman (Senator Diarmuid Wilson): What a way to finish. I thank Senator Conway-Walsh. Senator Dolan has eight minutes.

Senator Gerry Horkan: I did not lecture Sinn Féin on the economy.

Senator Rose Conway-Walsh: I could not let Senator Horkan away with it.

Senator John Dolan: I welcome the Minister of State, Deputy Patrick O'Donovan.

Health is in crisis, housing is in crisis, there are serious issues in Northern Ireland with the breakdown for over a year of the institutions there and, of course, Brexit. The four crises that we have are no doubt four priorities for Government.

On 19 April this year, the State ratified the UN Convention on the Rights of Persons with Disabilities. That meant that we were getting on with the job of putting to right issues that go back generations. I accept funding has been going in year on year over the past couple of years but I have not heard one Minister, when talking about funding for people with disabilities or mental health needs, state that the Government is winning the game and getting over the demographic that is working against us. People are living longer. At the other end of the spectrum, we have babies being born who would not have seen the light of day not too long ago who have significant needs.

An issue that needs to be dealt with here also is the fact that the Government has given its solemn promise, after 11 years of cogitating, to get on with dealing with the disability inclusion issue. I am saying that this coming budget has to make a significant start on that. If it does not, how can the Government say that it was honestly ratifying the UN convention?

I have studied economics for a number of years. I have no difficulty repeating what is already in the Minister of State's statement, that there is €206 billion of debt or €42,000 for every man, woman and child in the country. That is a fact. I am not walking away from that. All of us, in particular, the Government, have to struggle with the significant unmet needs that it has said it will make a real strong start on and every Department has to play a part in that.

Disability comes to everybody at some point. Women, the daughters, the sisters and mothers of Ireland, more than anybody else, stand in the gap all of the time when it comes to dealing with this issue. The point I am making is that dealing with disability is putting much needed

and triage funding and services into every parish and townland in this country. It is an issue for children, for parents, for families and adults. There are chronic levels of unemployment among people with disabilities and older people and women are the ones taking it in the neck every day in this regard. The Government needs to keep faith with the commitment it has made only a couple of months ago.

The Minister of State is right to talk about the €60 billion that we have in the base and how that can be used better. I do not know if there is anyone who better appreciates that than I do when I see the way Departments and public bodies do not think inclusively, take short-term measures and then have to come back and retrofit services and support for people with disabilities.

The best way to really put money in people's pockets is to have public services they can depend on when they need them. The best way of putting money in people's pockets is where there is a sustainable floor of public services.

We talk about people coming back to Ireland. People are not going to come back here to live in an economy; they will come back because there is childcare, public services and a whole range of other things. We need a different way of looking at the importance of having sustainable public services. I believe we have to sail a bit closer to the wind in regard to the rainy day fund and we have to struggle more with it. For people with disabilities or mental health needs in their families, it is raining on them every day and it has not lifted. They are not waiting for a rainy day fund to keep things right for them. As other Senators have said, we know from the work done in clinics and in local constituencies the difficult situations that people are in.

The Minister of State's statement referred to ensuring a steady and sustainable improvement in living standards. This is the nub. Is that going to include people with disabilities and their families and are they going to see a strong start in this budget? We talk about growth rates of nearly 6% this year and 4% last year. The people I am talking about do not see that. The economists say we are at full employment but we are not. The hard core of people with disabilities are still far from those employment levels and there is a hard core of people - not particularly those with disabilities - who are intergenerationally unemployed. Those are two very important areas to deal with. Will the steady and sustainable improvements in living standards include people with disabilities?

There is a risk in not dealing with these issues now and, in a sense, there is a risk in being too careful, if that does not seem contradictory. There is a risk in being too prudent when there are huge pockets of unmet need. Instead of simply saying we need a rainy day fund, which I do not think anyone is against, we have to struggle with the massive day-to-day unmet needs. I saw information from Barnardos today. The waiting list in regard to so many services for children is a slight on this nation and on all of us. The figures dealt in particular with speech and language therapy, the mental health needs of children and so on.

Senator Boyhan mentioned the Oireachtas disability group submission yesterday, which is looking for an investment of over €200 million, and looking for it without blinking. It is a significant package but every Minister can put something into that basket. It may be about changing the way they arrange things in their base but a strong start is needed this year if there is an honesty to the Government ratifying the UN convention.

Senator Aodhán Ó Ríordáin: I welcome the Minister of State. I find his contribution in-

teresting. My problem with the Fine Gael-led Government's view on the world is that it wants to be a Government not for all of the people but for about 40% or 50% of the people. There is this idea it wants to convince people they are over-taxed and that, as the Minister of State said in his statement, public services are in need of reform, that we spend €60 billion on public services and this is too much. That kind of rhetoric worries me. The very right-wing instincts of the people who are in leadership positions in the Government concern me, in particular the idea of shrinking the State, convincing people to be individualistic and the talk of the tax burden.

There is also the absolute cod of a rainy day fund, which I think was introduced into the Government's language by Fianna Fáil, which was trying to regain some credibility when it comes to economic language, seeing that it drove the country off a cliff, and so the Government has adopted it as a policy position. Let us not forget that I and my party were in government with the Minister of State and his party for five years, so we cannot be accused of not taking sensible or prudent economic decisions. However, this one is genuinely a cod. It is a political lie, in my view, because, at a time when we are still wounded as a nation from the last ten years, for the record 10,000 people on the homeless list, including 3,500 children, and for people in need of mental health services, disability services, drug treatment programmes and so on, it is raining. For people in the public services who are still hoping for pay restoration and those who are suffering from lack of motivation and morale in the teaching profession, given we now have an issue with teacher supply and cannot even get people to mark the exams, it is raining. I suggest to the Minister of State and the Government that this notion of a rainy day fund is a complete and utter cod. It is a political nonsense and is done purely to give a sense of prudence and sensible economic management, but it is not the action of a Government that cares for the entirety of the people.

I want to speak about some of the obsessions the Minister of State and his Government seem to have in regard to tax cuts. In the last budget the Government decided to throw away €200 million worth of tax for no good reason, except to again convince the vast bulk of Irish people they are over-taxed when, in fact, they are not. That €200 million could have gone a long way to addressing some of the issues I have already spoken about. Again, the Minister of State speaks endlessly about the USC. I listened to Deputy Micheál Martin on radio last weekend speaking about all the services that need to be addressed, and then he also said we need to deal with USC. Why is it not the Government's obsession to end homelessness, illiteracy, poverty or inequality rather than ending the USC?

Senator Jerry Buttimer: It is.

Senator Aodhán Ó Ríordáin: USC brings in over €4 billion a year. I wish we had that kind of fiscal reality statement from the Government instead of constantly giving this impression of a tax burden - "we are over-taxed", "squeezed middle", "reduce tax", and so on.

Why is the 12.5% corporation tax rate the unspeakable sacred cow of Irish politics? Why is it that the absolute sacred cow of Finnish politics, regardless of the political party or political standpoint, is equality in education? If one asks anybody from any political party in Finland what is the fundamental ethos underpinning education, they will say "equality". Even in Britain, which is tearing itself apart over Brexit, fundamentally they all believe in equality in health. They argue over it, they discuss it, but the NHS is something they cling to on either side of the aisle in Britain because they know the British people believe in equality in healthcare. What is the sacred cow here? The 12.5% corporation tax rate. What a soulless thing for us to feel so passionately about that we cannot even discuss it.

My point is that while we are in a better space than we were, for the Minister of State to suggest to the House there is now space for us to reduce tax, to shrink the size of the State, to talk about public sector reforms and to say we have spent too much money, is really insulting. Effectively, he is saying €60 billion is too much. What was the phrase he used? He said:

Each year central government spends more than €60 billion. I am convinced that scope remains to improve the efficiency with which this sum is allocated.

I know what that means. The phraseology here is focused on public sector reform.

Senator Kieran O'Donnell: Is the Senator suggesting there are no inefficiencies in the public sector?

Senator Jerry Buttimer: Jeremy Corbyn-----

Acting Chairman (Senator Diarmuid Wilson): Order, please.

Senator Aodhán Ó Ríordáin: The record will reflect the fact I did not interrupt any other speaker.

Acting Chairman (Senator Diarmuid Wilson): I ask colleagues to show respect.

Senator Aodhán Ó Ríordáin: I will repeat the point. We have been wounded as a country over the ten years since the collapse of the economy. If we are expected to be bought off with talk of public sector reform, the overspend on public services the Minister of State is indicating and the nonsense about the rainy day fund at a time when the country is still wounded, I make the political charge that the Minister of State and the Government are determined to be the Government for 40% of the public. As long as that 40% can deliver the Government back after a general election, about which it keeps talking, it will be quite happy. Meanwhile, the rest of us can fight over the entrails that fall off the Government's table.

Minister of State at the Department of Finance (Deputy Patrick O'Donovan): Some of the contributions were very enlightening and some were very predictable. Senator Aodhán Ó Ríordáin talked about a wounded country. It seems that his party is more wounded than the country. Not all that long ago the leader of the Labour Party was Minister for Public Expenditure and Reform when he negotiated many of the reforms in the public service and played a very effective role in that Department. It seems that the Labour Party has, unfortunately, been begotten by incurable amnesia about its time in government. It is regrettable for a once proud party is now going down the road of abandoning credibility which stems from the last Government being good. The Government continued from where it left off. Coming into the House and throwing the toys out of the cot, with all of its negativity, strikes at the heart of the lack of credibility from which the Labour Party is suffering.

Senator Aodhán Ó Ríordáin: There are 10,000 people homeless.

Deputy Patrick O'Donovan: The Senator is the very one who said he did not want to be interrupted.

Senator Aodhán Ó Ríordáin: There are 3,500 children homeless.

Acting Chairman (Senator Diarmuid Wilson): Please, colleagues.

Senator Aodhán Ó Ríordáin: The Minister of State should suck up some of his own

medicine.

Acting Chairman (Senator Diarmuid Wilson): The Senator has made his contribution.

Deputy Patrick O'Donovan: If someone can give it, he or she should be able to take it. I listened to Senator Aodhán Ó Ríordáin without interruption. He should, please, try to show me some respect. I want to be respectful to other Members of the House, as I am sure the Senator tried to be.

Senator Gerry Horkan never fails to let the side down. The only thing for which he did not take credit was the 30° heat.

Senator Gerry Horkan: I will claim it, too.

Deputy Patrick O'Donovan: I knew the Senator would.

Senator Gerry Horkan: I always get the blame for the bad weather.

Acting Chairman (Senator Diarmuid Wilson): The Minister of State to continue, without interruption.

Deputy Patrick O'Donovan: In fairness, Fianna Fáil has acted responsibly, unlike several other Opposition parties.

Senator Gerry Horkan: Hear, hear.

Senator Robbie Gallagher: Hear, hear.

Deputy Patrick O'Donovan: However, it is not a situation where one can take the good stuff only. One has to take an holistic approach to what is happening and have an honest and open discussion. One cannot drive an economy and a country off a cliff and fix it in five years without scarring and there has been, as the Government acknowledges. Several Members addressed our level of indebtedness. It was almost like a game of rapid roulette of contradictions, that even though we had a high level of indebtedness, we should drive public expenditure. I am sorry; one cannot do that if one has a fixed----

(Interruptions).

Deputy Patrick O'Donovan: I did not interrupt anybody. If there is a fixed amount of money and growing demand, one can either increase the level of indebtedness or decide not to fund things one is already funding. I listened to a range of things that we would love to do, but I did not hear one Senator say we should not do this and that we should cut that, because it would not be acceptable politically.

Senator Victor Boyhan said we were building a society, not an economy. He is right. He went on to talk about his days traversing Google images. If one starts to look through Google images to see what the Government stood for in previous general elections, one will probably need to go a little further back to the previous incarnation of Google.

The Senator referred to USC. The Government is committed to implementation of the reform needed in respect of PRSI and USC.

I thought I would give up at one stage when I was listening to some contributions, then I

heard a voice of wisdom. Senator Ian Marshall spoke about risk. He is dead right - there are real risks to the economy. He comes from a Border county and probably understands things better than many of us here.

Senator Kieran O'Donnell referred to the National Pension Reserve Fund and the comparison with the rainy day fund. He is right. The rainy day fund is an absolute necessity. Everybody spoke about what had happened in the past and said we should learn from it. Some said we should learn from the past but do nothing about it, in other words, that we should not have an insurance policy. The ordinary people who have paid a heavy price would find it hard to swallow that we learn from the mistakes of the past but put nothing in place.

Senator Rose Conway-Walsh wants us all to inhabit the real world. That is a good one. She mentioned corporation tax receipts but then went on to talk about the tax choices the Government had made in the last budget, one of which was to retain the 9% VAT rate. The Senator comes from a tourism county which has some fantastic amenities, including the greenway from Westport to Newport and on to the sea. I am sure people in County Mayo would be aghast to hear the 9% VAT rate was being opposed by a Senator from a tourism county.

Senator Rose Conway-Walsh: We are talking about hotels that charge €300 a night for a single room.

Deputy Patrick O'Donovan: I did not interrupt the Senator.

Acting Chairman (Senator Diarmuid Wilson): The Minister of State to continue, without interruption.

Deputy Patrick O'Donovan: The Senator cannot rattle the cage and get away with it that easily.

Senator Rose Conway-Walsh: I do not mind, but the Minister of State has to be accurate.

Acting Chairman (Senator Diarmuid Wilson): It may be difficult, but will the Senator, please, listen?

Deputy Patrick O'Donovan: Senator Rose Conway-Walsh mentioned corporation tax, as did Senator Aodhán Ó Ríordáin. There are many people in County Mayo working in foreign and direct investment companies. They get up in the morning, bring their children to a crèche and work hard on three and four cycle shifts. They would be gobsmacked to hear it was seriously being suggested that we do something about the 12.5% corporation tax rate which one Senator referred to as "the sacred cow". His party leader was Minister for Public Expenditure and Reform, yet now they are talking about getting rid of it. Is it any wonder the party is angry with the electorate, rather than the electorate being angry with it?

Senator John Dolan addressed the UN Convention on the Rights of Persons with Disabilities. The last time I was in the House we had a good discussion about disability budgeting. The Senator is right. I know that Senator Rose Conway-Walsh bemoans the fact that we are heading towards full employment, but she is right about people with disabilities. It will be a massive challenge for this and future Governments to make sure those on the margins - people with disabilities, people from new ethnically different communities or from parts of the country where there might be infrastructural challenges - are brought into the labour market.

This is part of an overall process which includes, although no one referenced it, the National

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Economic Dialogue, an overall discussion between all interest groups, all politicians and Departments before there are singular point to point contacts between the Departments of Public Expenditure and Reform and Finance and individual groups.

I will finish where I started. Everybody has asked for something, but we have only a set amount of money. Senator Rose Conway-Walsh referred to the national development plan. She did not name one project that she would like to see taken out of it to be substituted by something else because she would run the risk of becoming politically unpopular. God between us and all harm, that will never happen. Every time something is asked for, something has to come out or the level of indebtedness has to go up. The figure of €41,500 for every man, woman and child in the country would go up. The overall level of indebtedness is being masked by GDP. I do not believe the comparison between Ireland and the United States is fair. This is a small, open economy that is exposed to risks, as Senator Ian Marshall said. The United States economy is far bigger and more resilient. It is able to pile on debt because the cycle it goes through is faster, which means that the level of indebtedness is outstripped by GDP growth. We do not have that luxury in Ireland. Looking in the rear view mirror, as a Government, we definitely do not want to go back to where we were for the previous six or seven years.

I thank the Acting Chairman for giving me and the other speakers latitude. I welcome the contributions made on the summer economic statement and look forward to coming back to the House.

Acting Chairman (Senator Diarmuid Wilson): I thank the Minister of State who is always welcome. I also thank colleagues for their contributions.

Sitting suspended at 6.50 p.m. and resumed at 7.10 p.m.

Education (Admission to Schools) Bill 2016: Committee Stage (Resumed)

SECTION 9

Acting Chairman (Senator Gerry Horkan): Next is amendment No. 36, which has already been discussed with amendment No. 32.

Senator Máire Devine: I move amendment No. 36:

In page 24, to delete lines 26 to 34 and substitute the following:

“(h) provide that the admission policy of a second level school that provides education through the medium of Irish may provide for the inclusion of students that have attended a primary school that provides education through the medium of Irish,”.

I will not discuss this amendment, but the Bill needs to be amended. We have worked with the Bills Office on this. We will withdraw the amendment and reserve the right to reintroduce it on Report Stage.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Gerry Horkan): Next is Government amendment No. 37.

Minister for Education and Skills (Deputy Richard Bruton): I am advised that the Parliamentary Draftsman would like to reconsider the wording and submit that on Report Stage.

Amendment No. 37 not moved.

Acting Chairman (Senator Gerry Horkan): If the question on Government amendment No. 38 is agreed, amendment No. 39 cannot be moved.

Government amendment No. 38:

In page 26, between lines 28 and 29, to insert the following:

“(9) (a) Notwithstanding subsection (7)(e)(iii), and subject to this subsection, an Irish language school may prioritise the admission of a student where the school is satisfied that the student has attained a level of fluency in the Irish language and that the said fluency would be likely to regress were the student not admitted to an Irish language school.

(b) An applicant may, when making an application for admission to an Irish language school, include a statement confirming that the student in respect of whom the application concerned relates has attained a level of fluency in the Irish language and that the said fluency would be likely to regress were the student not admitted to an Irish language school.

(c) When making an application in accordance with paragraph (b), the applicant shall provide such evidence as he or she considers appropriate in relation to the level of fluency in the Irish language of the student in respect of whom the application relates, which may include confirmation that the student concerned is available to attend an interview or meeting to demonstrate his or her level of fluency in the Irish language.

(d) In satisfying itself that a student has attained a level of fluency in the Irish language and that the said fluency would be likely to regress were the student not admitted to an Irish language school, a school shall take into account only the evidence that the applicant has provided in accordance with paragraph (c).

(e) An Irish language school may not rank in order of preference, for the purposes of admission to the school concerned, a student who has satisfied the school in accordance with paragraph (a) relative to other students who have satisfied the school in accordance with that paragraph, by virtue of the students’ relative fluency in the Irish language.

(f) Nothing in paragraph (e) shall preclude an Irish language school from applying the selection criteria set out in the school’s admission policy to students who have satisfied the school in accordance with paragraph (a), where the number of such students is greater than the number of places available.

(g) Nothing in this subsection shall be construed as permitting an Irish language school to require a student attend an interview or other meeting to assess his or her level of fluency in the Irish language.

(h) In this subsection—

‘Irish language school’ means a school that provides education through the medium

of Irish;

‘level of fluency in the Irish language’, in relation to a student, means a level of fluency indicative of what would be expected of a student who uses the Irish language as a normal means of communication in a non-educational environment, taking into account the age and any special educational needs of the student concerned.”.

Amendment agreed to.

Amendment No. 39 not moved.

Acting Chairman (Senator Gerry Horkan): Amendment No. 40 has already been discussed with amendment No. 32. How stands the amendment?

Senator Robbie Gallagher: I move amendment No. 40:

In page 26, between lines 28 and 29, to insert the following:

“(9) (a) Notwithstanding subsection (7)(e)(iii), and subject to this subsection, an Irish medium school may prioritise the admission of a student where the school is satisfied that the student speaks Irish as a home language.

(b) An applicant may, when making an application for admission to an Irish medium school, include a statement that the student in respect of whom the application concerned relates speaks Irish as a home language.

(c) When making an application to an Irish medium school in accordance with paragraph (b), the applicant shall furnish such evidence as he or she considers appropriate in support of the statement that the student speaks Irish as a home language, which may include confirmation that the student and a parent or guardian, is available to attend a meeting in order to further support the statement that the student speaks Irish as a home language.

(d) If a school is not satisfied that the evidence furnished in accordance with paragraph (c) is conclusive the school may turn down the application for priority admission or seek further evidence from the applicant.

(e) If the school is not satisfied that the further evidence furnished in accordance with paragraph (d) is conclusive the school may turn down the application for priority admission.

(f) A post-primary Irish medium school may satisfy itself that a student is a speaker of Irish as a home language on the basis of a signed statement from the principal or vice-principal of an Irish medium primary school confirming that the applicant had previously been deemed, in accordance with paragraph (a), to be a speaker of Irish as a home language.

(g) In satisfying itself that a student speaks Irish as a home language, a school shall take into account only the evidence that the applicant has provided in accordance with paragraphs (b), (c) or (d) and the evidence from any meeting as provided for at paragraph (c).

(h) An Irish medium school may not rank in order of preference, for the purposes of

admission to the school concerned, a student who has satisfied the school in accordance with paragraph (a) relative to other students who have satisfied the school in accordance with said paragraph, by virtue of the students' relative fluency in the Irish language.

(i) Nothing in paragraph (h) shall preclude an Irish medium school from applying the selection criteria set out in the school's admission policy to students who have satisfied the school in accordance with paragraph (a), where the number of such students is greater than the number of places available.

(j) Nothing in this subsection shall be construed as permitting an Irish medium school to require a student attend an interview or other meeting to assess his or her level of fluency in the Irish language.

(k) In this subsection—

‘a student who speaks Irish as a home language’, means a student whose normal language of communication with one or more parents or guardians is Irish and who displays the minimum level of fluency in Irish that would be expected where at least one or more parents or guardians have used Irish as the normal language of communication with the student from birth, taking into account any special educational needs of the student concerned;

‘Irish medium school’ means a school that provides education predominantly through the medium of Irish.”

I will be withdrawing this amendment, but I would like to ask the Minister a few questions first, if that is in order.

Acting Chairman (Senator Gerry Horkan): It has already been discussed, but I will exercise my discretion and allow the Senator to contribute. Before he does, though, I would like to welcome Deputy Scanlon and his visitors to the Public Gallery. The Deputy, a former Senator, is always welcome. We are delighted to see him and his visitors, and I hope they enjoy their evening.

Senator Robbie Gallagher: I understand that there have been discussions on this matter with our spokespersons in the Lower House. It relates to Gaelscoileanna, including secondary schools, and the Minister's proposed admissions policy. I have a couple of questions to which he might reply. What standard of Irish has he in mind when he refers to children speaking Irish in “a non-educational environment”? Who will set that standard? Appeals can be made to the Department, which means that the Department will ultimately set the standard. How can we ensure that the Department will adhere strictly to the criterion of the child speaking Irish in “a non-educational environment”? Does the Minister accept that, if this criterion is not strictly enforced, it could lead to a deluge of applications under the heading? Instead of a child genuinely being able to speak Irish, a cúpla focail taught to him or her would suffice, which could deprive others from Irish-speaking homes a place in Gaelscoileanna. Will the Minister confirm that the attendance at a naíscóil will not in itself qualify a child under the heading of using Irish outside the education system? Will he also confirm whether he is willing to consult with the organisations that have expressed concern about this detail of his proposal to give priority to children from Irish-speaking households when drawing up the guidelines?

Senator Lynn Ruane: My point is less for the Minister and more for Fianna Fáil. The

amendment refers to “Irish as a home language”. I support the priority being given to children with Irish as their first language and preferred home language. However, the definition in paragraph (k) of “a student who speaks Irish as a home language” dilutes the idea of it being a home language. Senator Gallagher can correct me if I am wrong. The definition reads: “... a student whose normal language of communication with one or more parents or guardians is Irish and who displays the minimum level of fluency”. Surely if a child’s first home language is Irish, it would not just be of the minimum level. Just as a child whose first language is English, his or her English would not be of the minimum level. If anything, that child should have the same competency as any other three, four or five year old who is starting school. This phrasing leaves the system open to more abuse, as it were, by families with some Irish at home or whose members went to Irish school but for whom Irish is not necessarily their home language. It may just be a question of wording.

Senator Aodhán Ó Ríordáin: I appreciate that, like many of us, the Minister and Fianna Fáil are trying to grapple with this issue. We want to facilitate the ability of a child who has been reared through Irish to access education through his or her native tongue. That is reasonable. In fairness, Senator Gallagher has made a good fist of trying to devise a solution.

Will the Minister confirm that he will continue to engage with those representative groups with concerns? They understand that he is doing his best. Will he communicate to me that there will be proper consultation with them in bringing to the fore what he is trying to achieve? Given that Irish is the first language of the State, a child who is reared through that language not being disadvantaged in the enrolment system when trying to access a Gaelscoil is a constitutional right. It would appear to me to be reasonable to have a certain number of places set aside for children from an Irish speaking background, but how to attest to that will be the difficulty. The Minister will have the support of Senators for his endeavours and we appreciate the sentiment behind the amendment.

Deputy Richard Bruton: I thank the Senators for their contributions. This issue was raised on Committee Stage in the Dáil and we sought to draft an amendment that would be constitutionally sound and we did produce such an amendment. A range of amendments were tabled by other Senators and we sought legal advice on how this could be done robustly. It was very clear that in order to be robust, the right to priority of access has to be based on the child and seen from the child’s perspective. It was not acceptable to go back to the parents.

When we were discussing this, some Senators were critical of the word “pedigree” being used, but this was in the context of the parents speaking to the child in Irish. That referred to the child and the parent and would be discriminatory as between children who were not living with their parents or other circumstances. The legal advice was very clear that the priority of access had to be enshrined in the child.

It is very clear elsewhere in the Bill that priority is not achieved by attending a preschool, whether a naíonra or an English speaking preschool. Attending a preschool does not give a child entitlement to priority access to any school, nor a Gaelscoil either. The legal advice is that the child must have a very high level of fluency. The definition is a level of fluency in the Irish language in relation to a student means a level of fluency indicative of what would be expected of a student who uses the Irish language as a normal means of communication in a non-educational environment, taking into account the age and any special education needs of the child. It very clearly does not deal with a child attending a naíonra to achieve a level of competency. It uses the word “fluency” which is a high bar.

The legal advice is that this would be a high bar and one or two years attending a naíonra would not meet this requirement as having achieved an age appropriate level of fluency. Fluency is as it states, namely, that the child uses the language normally in his or her communications in non-educational circumstances. The child has to exhibit high competence in using the language.

In terms of testing that level of language competence, the parent must provide the evidence to the school of this level of competence. It would mean the parent volunteering the material that will back this up. It is for the parent to present to the school the evidence of fluency. The fundamental test is that level of fluency would regress if the child were not admitted to the Gaelscoil. That is the basis on which everyone agreed we should apply this.

Many of the other amendments tabled by Deputies were seeking to root this in something that is happening to the parents. That is not a constitutionally acceptable basis to do it. What is happening here is that a child must exhibit in a normal means of communication in a non-educational environment that level of fluency appropriate for his or her age, in other words the child is used to speaking in Irish and the parent is in a position to provide evidence to demonstrate that. That can be described and we will certainly describe in more detail what that means.

The difficulty is that one cannot set out some test of the child's grammatical level of language. We are not willing to apply interview procedures or entry tests because we believe they are wrong as the basis of access to our schools. That is the criteria throughout the Bill. We are trying to steer a narrow course between breaching some of the fundamental principles of the legislation not to take into account parents and their competence and not to be applying interviews, that children are forced into the school to pass tests. We have to leave it as a loser formulation but it is a high bar and it is intended to be a high bar.

We will of course provide guidance to schools and ultimately in section 29 appeals, the appeal committee will have to assess this. I admit that it is not absolutely perfect in the way that some people would like to see it defined because they would like to talk about Irish being spoken with one or other of the parents, but the constitutional advice is that this would be discriminatory and wrong. We are very clear this is the best way of doing it. It is constitutionally robust and it allows a distinction to be drawn between a child who uses Irish as a normal language in non-educational activities and the child who has attended a naíonra for one or two years. That is the intention and the purpose of it. Attendance at a naíonra will not be the basis on which one can get priority of access to a Gaelscoil.

The extent to which we can elaborate beyond the definition is probably more a question of judgment but we can certainly offer guidance as to how that judgment should be exercised.

Senator Robbie Gallagher: I am happy with the Minister's response to Senator Ó Ríordáin's contribution. He has given a commitment that he will try to engage with all stakeholders involved to try to reach a compromise. I appreciate that it is difficult, but with the intent the Minister has shown in the Chamber this evening, I would be satisfied that would be the outcome.

Deputy Richard Bruton: I am happy to engage with Members, but the definition is the definition and I cannot change it but it will have to be interpreted. We can offer guidance because the intention is that it is a high bar, but I cannot introduce changes. This will be the text in the legislation. This will be the legal definition. It is what is legally robust and acceptable.

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I do not want to give a false impression that I can go out and that if people want to revert to some other way of looking at this that I can accommodate it. The intention and the purpose and the way we have drawn this is to set a very high bar of fluency. It is associated with a child speaking Irish in his or her normal life. It is definitively not sufficient to have attended a naíonra to qualify.

Senator Robbie Gallagher: I wish to withdraw my amendment No. 40.

Amendment, by leave, withdrawn.

Amendment No. 41 not moved.

Acting Chairman (Senator Gerry Horkan): Government amendment No. 42 has already been discussed with amendment No. 32.

Government amendment No. 42:

In page 26, line 29, to delete “(9) Subsection (7)(e)(vi)” and substitute “(10) Subsection (7)(e)(vi)”.

Amendment agreed to.

Senator Aodhán Ó Ríordáin: I move amendment No. 43:

In page 26, lines 30 to 37, to delete “virtue of—” on line 30 down to and including line 37 and substitute “virtue of a sibling of the student concerned attending the school.”.

I have spoken on this issue twice already so the Minister knows my reservations on this part of the Bill. Essentially the section gives a school the opportunity to have 25% of the school places set aside for children. I was going to oppose this on the basis of children of past pupils, but I see that bizarrely the Minister has provided for the grandchildren of past pupils as well. I think that is adding insult to injury. I repeat this is a key lobbying point of an elite sector in Irish education who want this provision in order to keep the school ties alive. I do not think that has any place in this Bill. Every child should try to access their local school on the same basis and what is being wedged in is a new barrier that children from outside the area or whose parents have not attended primary or secondary school, and in particular secondary school, have to overcome. I do not think this is fair. It is elitist. It comes from a particular sector of Irish society and I really wish this provision was not included in the Bill.

I really wish we were not having this debate on this issue. I will be pressing this amendment, but not now. On the advice of the Acting Chairman, I will resubmit it on Report Stage if needs be. However, I have yet to hear the Minister’s response to the amendment.

Acting Chairman (Senator Gerry Horkan): Once an amendment arises out of Committee proceedings, it can be withdrawn and resubmitted on Report Stage.

Deputy Richard Bruton: This is an issue on which there have been many differences of opinion. In a previous Dáil, the then Minister for Education and Skills, Ruairí Quinn, introduced the 25% cap and I think another former Minister for Education and Skills, Deputy Jan O’Sullivan, talked of 10%. Senator Ó Ríordáin, who was a Deputy at the time, wanted 0%. To put it in context, this provision is introducing a cap for the first time on the use of “past pupil” as a basis for access. Until now, it could be 100%. We are introducing a cap for the first time.

I sought consensus and the 25% cap seemed to draw a level of consensus. It passed through the other House. We are trying to make sure the provisions are fair while recognising that continuity around a school's community is something that many people value. Having a connection of past pupils to the school is of value to the school, and that is true of all schools. People can take strong views one way or the other. I have been trying to strike a balance throughout this legislation and trying to accommodate different views. This is clearly introducing a cap where no such cap applied in the past.

Senator Aodhán Ó Ríordáin: I really hope I get support across the House for my amendment when I resubmit it. I appreciate that previously a school could have had 100% of its students under this criteria. We are trying to change things and introduce legislation that will make things fairer. It is at the behest of a particular lobby group that this 25% cap is being applied. The Minister is right that Ruairí Quinn had a similar viewpoint to himself. Deputy Jan O'Sullivan had a different viewpoint. I hold fast to the view that children should try to access their local school on the same basis. The idea that a child's father or grandfather or mother or grandmother - let us be honest, though, that it is the boys' school tie network we are really talking about - has no place when we are trying to change things.

There is genuinely a lot of good work in this Bill that we want to support. I do not really want to be nitpicking over this issue but it is wrong and elitist and should not be there. I think the Minister probably agrees with me in his own gut. We have a very vocal, powerful and well resourced lobby group that is well able to kick up a terrible amount of stink with local Deputies. It seems it is just not worth the political system's while taking them on. I would ask those in the Chamber who like to call themselves republicans whether they truly believe that a child whose father or grandfather went to particular school has more of a right to attend that school than somebody whose father or grandfather did not, even if the two children live right beside each other.

Senator Máire Devine: I am not sure if the Senator is referring to myself as a republican; the Fianna Fáil Senator to my left is claiming the title, too. We will not get into that today.

Sinn Féin will support Senator Ó Ríordáin's amendment and I hope he reintroduces it. It is about opportunity and equality. It is ridiculous to be going back to grandparents to give a choice for enrolment in schools. The times have moved on. It needs to be children of the area who are deemed suitable. The Minister proposes a 25% cap but we have an opportunity now to put in a complete cap. I wonder when that opportunity will arise again if we do not actively seek to impose it now.

Amendment, by leave, withdrawn.

Government amendment No. 44:

In page 26, line 38, to delete "(10)(a) Notwithstanding" and substitute "(11)(a) Notwithstanding".

Amendment agreed to.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 45, 46, 49 and 50 are related and may be discussed together.

Government amendment No. 45:

In page 27, to delete lines 9 and 10 and substitute the following:

“(12) In this section—

‘code of behaviour’ has the same meaning as it has in the Education (Welfare) Act 2000;

‘pre-school service’ has the same meaning as it has in section 58A (inserted by section 92 of the Child and Family Agency Act 2013) of the Child Care Act 1991.”.

Deputy Richard Bruton: The amendments in this group are technical, proofing amendments. They are just replacing verbs and inserting words.

Amendment agreed to.

Government amendment No. 46:

In page 28, line 5, after “sought,” to insert “include”.

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 47:

In page 29, line 10, after “schools” to insert “and arrangements and procedures relating to the exclusion and suspension of students from schools”.

This amendment deals with regulations around expulsion and suspension. I am concerned about the use of exclusions and suspensions from schools. In many schools it is done on an *ad hoc* basis and often seems weighted towards the needs of the school rather than those of the student. There should be national guidelines regulated by the Minister. If we are putting this much work and effort into streamlining admissions procedures and making them accountable, the same should be done for exclusion and suspension due to their serious nature and the long-term impact they can have on a student’s prospects.

I focused very heavily on expulsions and suspensions in the last debate. I am not sure people realise how many schools use them in the way they do. I have not pointed to specific examples in the Chamber because I do not want to be unfair to the schools concerned. They have challenges in terms of their situations, resources, time and so on. I have tried to keep the detailed information that I have in respect of suspension and expulsion out of the Chamber. A lot of schools are in difficult positions. However, year heads, teachers or vice principals are often jumping straight to suspension as a first port of call for matters that are not necessarily even in their guidelines and rule books.

I know this because I have intervened on a number of occasions for mothers who were concerned. I was contacted on one occasion by a 13 year old child who asked me to talk to his mother because he felt he was suspended unfairly. When I went through the school’s rules that it set out for the children, he was correct. Sometimes the parents struggle to advocate on behalf of themselves and their children or they may not have as much access in terms of understanding the rules and regulations of the school. Sometimes they just take what teachers and schools say for granted because they feel intimidated by a person who has an education when they do not have one. My amendment would not only support students who are disadvantaged in that way but also the schools and the teachers by providing for clear regulations from the Minister on

when and how it is appropriate to use suspension and expulsion. It can have a disastrous impact on a child's life. It is serious.

If the Minister was communicating with the same parents, children and teachers as I am he would probably see how serious it is. Since the issue does not make it onto the Minister's radar, it is very hard for him to know about it. I hope he can consider accepting the amendment and recognising its importance.

Deputy Richard Bruton: Before I respond to Senator Ruane, I am advised that I should say there may be further technical or proofing amendments required to the Bill after our discussion on Committee Stage and I intend to introduce them on Report Stage.

On amendment No. 47, I am advised that there are already statutory codes in place. It is clear that there are already statutory codes. Section 23 of the Education Welfare Act 2000 requires schools to develop a code of behaviour in accordance with statutory guidelines. A school's code of behaviour must set out the procedures to be followed in the school before a student may be suspended or expelled from the school concerned. The National Educational Welfare Board, now the educational welfare service of Tusla, has published statutory guidelines for schools on developing a code of behaviour. These statutory guidelines provide guidance for schools on supporting student behaviour and the procedures to be followed in relation to suspension and expulsion. As the arrangements to be followed by a school in relation to expulsion and suspension are already provided for in other legislation and in statutory guidelines I do not propose to accept the amendment.

Senator Lynn Ruane: It still gives room for individual schools to set up their own codes of practices and that might vary from school to school but every school is different. We heard yesterday at the Joint Committee on Education and Skills about schools using codes of practice and suspensions to deal with children with special needs. The children are in special classes because they have ASD or various other issues and codes of practice are used to deal with them in the same way as children who have genuinely broken the code of practice. An example given was smoking in the toilets. The same code of practice is being used to deal with children who have behavioural issues related to their special needs. The codes of practice are not being used in the positive and correct way they should be to reinforce authority or good behaviour. I will withdraw the amendment for now.

Acting Chairman (Senator Gerry Horkan): Does Senator Ruane want to withdraw it?

Senator Máire Devine: Can I speak?

Acting Chairman (Senator Gerry Horkan): In a minute.

Senator Lynn Ruane: I want to withdraw it and come back on Report Stage after I read the Tusla recommendations.

Acting Chairman (Senator Gerry Horkan): The amendment is withdrawn.

Senator Lynn Ruane: You should wait until I am finished, Acting Chairman.

Acting Chairman (Senator Gerry Horkan): Senator Devine wants to speak. I will let her in.

Senator Lynn Ruane: I know the sun is shining but I just turned down the chance to meet

Pink Floyd to come here to speak on the Bill.

Acting Chairman (Senator Gerry Horkan): I have given Senator Ruane latitude. I would never try to cut her short. She has had six minutes in the debate already between herself and the Minister. I will allow Senator Devine to speak and if Senator Ruane wishes to speak again she is more than welcome. I will not apologise because it is not my fault. I am sorry that she is missing Pink Floyd but if that is the case, that is the case.

Senator Máire Devine: I am representing Senator Gavan who is busy sorting out European affairs. I do not know much about the amendment but I will support Senator Ruane and discuss it. I was a member of a school board of management. Given my expertise in the area of ill health and mental and emotional distress I was aware of certain high-risk factors but because teachers did not have the knowledge they were not aware of them. Until attention was drawn to those issues they were not included in the manual. They were ready to expel one young man who to me was clearly displaying signs of high risk and the intention to do something. A national standard is required for transparency and the protection of children, teachers and boards of management. Boards of management try very hard to run schools but a national standardised approach is necessary and it is very important that it should include risk assessment.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Gerry Horkan): As Senator Grace O'Sullivan is not present, her amendment falls.

Senator Lynn Ruane: To clarify, will Senator Grace O'Sullivan be able to resubmit her amendments on Report Stage? She might have got held up somewhere.

Acting Chairman (Senator Gerry Horkan): I am told that the Senator is effectively an Independent even though she is in a group and if she is not present to move the amendment then it is not moved. She has to move the amendment herself.

Senator Lynn Ruane: Will the amendment stand or will it fall?

Acting Chairman (Senator Gerry Horkan): It is not moved.

Senator Lynn Ruane: It is not moved. When we come to that section, can I indicate that I want to submit an amendment on age appropriate guidelines for primary and post-primary schools, respectively? I wish to put on record that I intend to submit an amendment on Report Stage in the same vein as Senator Grace O'Sullivan's.

Acting Chairman (Senator Gerry Horkan): Is Senator Ruane indicating that she may want to submit an amendment on Report Stage relating to that?

Senator Lynn Ruane: A similar amendment.

Acting Chairman (Senator Gerry Horkan): Is that agreed? Agreed. That is noted.

Amendment No. 48 not moved.

Government amendment No. 49:

In page 31, to delete lines 7 to 9.

Amendment agreed to.

Government amendment No. 50:

In page 37, line 26, after “an” to insert “annual”.

Amendment agreed to.

Section 9, as amended, agreed to.

Section 10 agreed to.

SECTION 11

Acting Chairman (Senator Gerry Horkan): Amendment No. 51 is in the name of Senator Grace O’Sullivan. It has already been discussed with amendment No. 28.

Senator Lynn Ruane: I wish to indicate that I may submit an amendment similar to amendment No. 51 on Report Stage.

Acting Chairman (Senator Gerry Horkan): Senator Ruane has to discuss the issue if she wants to resubmit it.

Senator Lynn Ruane: I have discussed the issue.

Acting Chairman (Senator Gerry Horkan): It needs to arise out of committee proceedings. To be fair, because it has already been discussed with amendment No. 28, it is probably okay. Senator Ruane has only to indicate that she may want to submit on Report Stage an amendment similar to amendment No. 51.

Senator Lynn Ruane: Yes. Thank you for your help, Acting Chairman.

Acting Chairman (Senator Gerry Horkan): Is that agreed? Agreed.

Amendment No. 51 not moved.

Senator Lynn Ruane: I move amendment No. 52:

In page 43, between lines 19 and 20, to insert the following:

“(5) The Minister shall —

(a) between three and five years after this section comes into operation, commence a review of the operation of Section 7A, and

(b) not later than 12 months after its commencement, make a report to each House of the Oireachtas of the findings made in the review, and of the conclusions drawn from the findings, including any potential need for legislative amendment.”.

Amendment, by leave, withdrawn.

Section 11 agreed to.

Sections 12 and 13 agreed to.

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Title agreed to.

Bill reported with amendments.

Acting Chairman (Senator Gerry Horkan): When is it proposed to take Report Stage?

Senator Maria Byrne: Next Tuesday.

Report Stage ordered for Tuesday, 3 July 2018.

Acting Chairman (Senator Gerry Horkan): When is it proposed to sit again?

Senator Maria Byrne: Tomorrow at 10.30 a.m.

The Seanad adjourned at 7.50 p.m. until 10.30 a.m. on Thursday, 28 June 2018.