



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Déardaoin, 5 Iúil 2018*

*Thursday, 5 July 2018*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

**An Cathaoirleach:** I have notice from Senator Rose Conway-Walsh that on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Health to make a statement on the implementation of recommendations contained in the report on sodium valproate.

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 outline the cross-Border measures that are undertaken when implementing emergency co-ordination preparations for, and responses to, adverse weather conditions in Ireland.

I have also received notice from Senator Jennifer Murnane O'Connor of the following matter:

The need for the Minister for Education and Skills to outline the methodology used in a recent childcare survey in County Carlow.

I have also received notice from Senator Kieran O'Donnell of the following matter:

The need for the Minister for Education and Skills to provide an update on the next steps in respect of the construction of a new school building at Mungret Community College, Mungret, Limerick.

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

The need for the Minister for Finance to outline the plans, if any, he has to increase the €37,500 threshold for businesses to register for VAT.

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

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The need for the Minister for Justice and Equality to introduce hate crime legislation.

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

The need for the Minister for Housing, Planning and Local Government to establish with Irish Water when funding will be made available to upgrade the water treatment plant in Carrick-on-Shannon, County Leitrim.

Of the matters raised by the Senators suitable for discussion, I have selected those raised by Senators Conway-Walsh, Ó Donnghaile and Murnane O'Connor and they will be taken now. Senator Kieran O'Donnell has withdrawn his Commencement matter, which I had selected. I regret I had to rule out of order the matter submitted by Senator Feighan on the ground that the Minister has no official responsibility for the matter. The other Senators may give notice on another day of the matters they wish to raise.

## Commencement Matters

### Medicinal Products Regulation

**An Cathaoirleach:** For the first Commencement matter we have the Minister of State, Deputy Finian McGrath. Cuirim fáilte roimhe. I ask Senator Rose Conway-Walsh to outline her case.

**Senator Rose Conway-Walsh:** I thank the Minister of State for coming into the House to hear this Commencement matter on the impact of prescribing sodium valproate, or Epilim, which is a drug licensed in Ireland for the treatment of epilepsy and bipolar disorder. The teratogenic effects of valproate, as the Minister of State will be aware, were first reported in the 1980s and have been widely accepted since the mid-1990s. Last year, the French regulator said women taking valproate were four times more likely to give birth to babies with malformations. The types of birth defects attributed to the drug include spina bifida, autism and developmental problems as well as neural tube defects, malformation of limbs, digits and organs and cleft palate. Bipolar women taking the drug were twice as likely to give birth to children with major birth defects. The FACS Forum Ireland is the umbrella group of organisations that have come together to advocate for better services and supports for families and children affected by foetal anticonvulsant syndrome.

The crux of the matter is that parents were not informed of the risks or risk reduction measures that needed to be put in place. Therefore, they continued to be prescribed valproate during pregnancy. The European Medicines Agency introduced measures to strengthen the warnings and restrictions on the use of valproate in women and girls. In February of this year, following a further review, the agency issued additional instructions aimed at further reducing the risks of this drug. While there are no definitive Irish data on how many children may have been affected by exposure to valproate, the FACS Forum Ireland estimates that more than 400 children have been affected since 1983, and I know some of these children. Our Lady's Children's Hospital in Crumlin has indicated that 43 children have received a diagnosis of foetal anticonvulsant syndrome.

We urgently need an independent investigation into the historical prescribing of valproate to pregnant women. If the Minister of State or the Minister has decided that an independent investigation is not warranted, I want to know in detail why. We need an investigation to address whether and how existing cases of FACS could have been prevented; whether appropriate and timely information was provided to healthcare professionals and patients in line with knowledge at the time; whether appropriate decision-making processes were in place concerning the treatment of women taking valproate in line with knowledge at the time; whether appropriate regulatory steps have been taken over time to ensure patient safety; and how a system of redress should be established to meet the lifelong care needs of children and the impact of diagnosis on their families to avoid the need for legal solutions for already burdened families.

I believe the valproate project group has met many times, but we are still waiting for the Department of Health to sign off on funding for the group. Has this funding been signed off on? This is one of the main things I want to leave here knowing today. If the money has not been signed off on, why not? In November last year the French Government approved a €10 million fund to meet compensation, and it said that was just a starting point for what it needed to do. In February of this year the British Health Secretary, Jeremy Hunt, announced a review of how valproate concerns were handled in the past. A do-nothing approach is not acceptable in this State. Appropriate services must be put in place for these children and their families. Valproate-related disabilities are complex, wide-ranging and individual. Obtaining diagnosis in Ireland is difficult and lengthy. Treatment often involves attending a multitude of unconnected and uncoordinated speciality services. Families often have more than one child affected, and in many cases are caring full time for a number of children. It is critical that appropriate supports are put in place. I know families who are desperately in need of therapies and treatment which they cannot afford. Parents have to give up work to care for these children with disabilities that were avoidable at the time. They have no income, and they have no means of getting the support and services they need. That must be done.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank the Senator for raising this important issue. I accept it is a very important issue which criss-crosses my own portfolio relating to children with disabilities. As she noted, the Oireachtas Joint Committee on Health recently published a report on sodium valproate and the foetal anticonvulsant syndrome, FACS, following a meeting with FACS Forum Ireland, the Health Products Regulatory Authority, HPRA, and the HSE. The joint committee's report includes a number of recommendations, all of which are being considered and are being implemented by the HSE, the HPRA and my own Department. The first three recommendations made by the joint committee relate to measures recommended by the European Medicines Agency, EMA, on foot of a review of valproate medicines which took place in 2017 and early 2018. Following the European Commission's decision to endorse EMA recommendations, valproate medicines are now contraindicated in women who are able to have children, unless the terms of the special pregnancy prevention programme are met. This programme includes measures to ensure patients taking valproate are fully aware of the risk and the need to avoid becoming pregnant while taking it.

I am happy to report the HPRA has made significant progress in implementing the EMA's recommendations that fall under its remit. In March, for example, the HPRA approved an application to include a warning on the outer carton of the drug packaging in the form of a visual symbol and box warning. The HPRA also approved an application to include a visual warning symbol on the drug's blister pack. In early June, the marketing authorisation holder distributed the new valproate educational materials approved by the HPRA to all relevant healthcare pro-

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fessionals and patient groups. These educational materials include a patient guide, a healthcare professional guide, a patient card and an annual risk acknowledgement form, as recommended by the EMA. Several of the recommendations made by the joint committee relate to providing a clear diagnostic pathway for children suspected of having FACS, and establishing support services for children and families affected. This ties into the work of the HSE valproate response team which developed a draft plan to address these particular issues. Officials in my Department and the HSE are working together to identify the requirements for infrastructure and resources. The joint committee also made recommendations concerning an investigation into the historical use of valproate, as well as a consideration of the issue of compensation.

There are several projects planned or early in progress that will give us a much clearer picture of the numbers affected by FACS and of the information provided to patients and doctors at different points since the drug was fully licensed. It is appropriate to allow these projects to conclude in the first instance.

Finally, I will need to give the issue of compensation further consideration, as recommended by the committee. This issue is particularly complex given the number of different parties involved to one degree or other, where a woman is prescribed and dispensed sodium valproate.

**Senator Rose Conway-Walsh:** I welcome Ms Karen Keely, chairperson of the Organisation for Anticonvulsant Syndrome, Ms Valerie Brenann, Ms Danielle Delaney, Ms Beverley Dunne and others to the Gallery. I thank them for all the work they have done on that.

The money is not there. The letter has not been sent out to the GPs. The Minister of State has not answered why that letter was not sent out. Medication is still being given in plastic bags. We need an independent investigation. What he said is skirting around the problem. Will the Minister of State ask the Minister for Health for an independent investigation? Without it, the letters to the GPs or the funding for the services, it will not happen. It is not happening on the ground in the manner the Minister of State outlined. I will speak to him further outside the House because we have limited time. What is purported to be happening is not happening. It needs to be done immediately. In the meantime, there are parents watching their children, and they do not get the services or supports. Every day that goes by without the letter going to the GPs, more women and children are at further risk. This is a serious problem that will not go away, and we cannot keep kicking the can down the road.

**Deputy Finian McGrath:** I thank the Senator for her additional comments. I will convey the points she has raised to the Minister for Health because I understand the seriousness and complexity of the issues facing the children and families affected by FACS. I am glad to see there has been some positive engagement between the FACS Forum Ireland and other stakeholders, including the HSE, the HPRA, and the Department of Health. There will not be any skirting around the issues raised today.

It seems it is also a European issue, rather than one that affects only Irish women and children. It is good that EMA issued such clear guidelines on the safe use of this medicine. It is also good that our medicines regulator, the HPRA, has been working so diligently to implement the EMA recommendations. I hope the measures taken by the HPRA, the HSE, and healthcare professionals more generally mean every woman prescribed the drug is fully aware of the implications of taking it so she can make a properly informed decision about her own healthcare.

I will convey the points raised to the Minister for Health to seek further details on the issues

of children, the independent investigation, the signing off of the funding, and also the Senator's strong point about the French Government, which I was not conscious of. It is an example of a European country responding to it. These are all important points. We are committed to doing our best to support people in the best way possible.

**An Cathaoirleach:** I am sure if the matter is not resolved, the Senator will be back here again soon.

### **Cross-Border Co-operation**

**Senator Niall Ó Donnghaile:** Gabhaim buíochas leis an Aire as a bheith linn ar maidin don cheist seo. I welcome the Minister of State at the Department of Housing, Planning and Local Government and I thank him for taking the time to address this matter. It is one I have been kicking around since entering the Seanad. Given the weather over the past number of weeks, it is particularly timely. We know that weather does not recognise borders, so it makes perfect scientific, social, economic and agricultural sense that neither would those who provide us with our weather information. There are people who move, go to school, work or farm on both sides of the Border, and in periods of adverse and emergency weather alerts we should operate in a more cooperative and cohesive way to ensure people are kept safe and have access to the fullest information available to them, given the nature of the Border and how open it is at the moment. The Minister will have noticed on many instances over recent weeks, whether on "The Late Late Show" or Met Éireann, the Six Counties in the north east have been amputated from many maps. The HSE issued us, as Oireachtas Members, maps with those Six Counties amputated from them. It does not need to be a contentious political issue; it is relatively easily resolved. I understand there are jurisdictional issues and all of that. Perhaps I am naïve in this sense, but it seems relatively straightforward to merely obtain the relevant information that pertains to the Six Counties and highlight it as well. Weather agencies and emergency bodies in the North have a responsibility to show what is happening across the rest of the country as well.

The Commencement matter speaks for itself. We have a particular need to engage the local government authorities on the issue because in my experience, having previously been a member of Belfast City Council, our local government structures are often the front line in dealing with these emergencies.

**An Cathaoirleach:** I welcome the Minister of State, Deputy English.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I thank Senator Ó Donnghaile for raising this issue as it gives me the chance to outline the situation with him directly. On the issue of the Six Counties and the map, certainly with the planning end of our Department under Project 2040, we made sure to try to engage properly and to plan for the island as a whole, including the linkages with the towns and cities in the Border region, and to make sure we got that right.

**Senator Niall Ó Donnghaile:** I appreciate that.

**Deputy Damien English:** I hope the Senator recognises that we do try to do that when we can while respecting all the different jurisdictions, who is in control in different areas and so on. We have had debates here on the marine spatial strategy. Latterly we have also tried to do that on a whole-island basis and engage with our colleagues across the Border as well.

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The response to all emergencies is appropriately locally led in the first instance. Local authorities, An Garda Síochána and the Health Service Executive are designated as the principal response agencies. Local authorities are further designated by the framework for major emergency management as lead agency for co-ordinating the local response to severe weather events. The generic response arrangements enabling the three principal response agencies to collaborate are set out in “A Framework for Major Emergency Management” which was published in 2006, together with a range of other guidance documents and protocols. That is something we keep under constant review. Local authorities liaise with the other principal response agencies - the HSE, An Garda Síochána - and, where necessary, activate interagency structures to manage the response and incorporate a range of other agencies as well as communities themselves.

Protocols in place in both this State and Northern Ireland provide guidance on the co-ordination of response and recovery during emergencies. These protocols reflect the required responses to major emergencies in the Republic of Ireland and major incidents in Northern Ireland. While emergencies can have different terminology in both jurisdictions, they effectively recognise the same types of events and incidents. A range of bilateral arrangements are in place between local authorities and relevant agencies on both sides of the Border to cover the response to major emergencies that may occur in Border areas. As the Senator said, the line on the map is not recognised by weather events.

A number of service level agreements and memoranda of understanding are in place with agencies in Northern Ireland by virtue of the work carried out between individual emergency services on both sides of the Border, along an area classed as the Border corridor. These agreements are for task-specific resources, which in the event of an emergency could be activated first.

Fire services in counties along the Border corridor currently have both formal and informal arrangements regarding mutual aid and support in emergency response situations. Both jurisdictions provide assistance when requested from their colleagues across the Border. For example, Donegal fire service has a formal memorandum of understanding in place with the Northern Ireland Fire and Rescue Service covering the response to fires.

The Department of Housing, Planning and Local Government is designated as the lead Department for co-ordinating the response to severe weather. When the local-level response is stretched or when national-level assistance is required, the Department convenes a national emergency co-ordination group, NECG. People have seen that in action during the previous two status-red weather warnings we had in the past 12 months. The NECG co-ordinates the response measures in place and deals with emerging issues. The NECG will arrange for relevant Departments and agencies to liaise with their equivalents in Northern Ireland as required.

The national steering group on major emergency management has approved “Host Nation Support Guidance for the Principal Response Agencies”. This document details arrangements that would be required and activated in the event of Ireland requesting international assistance, including in respect of assistance received from Northern Ireland. I hope that brings some clarity to the situation.

**Senator Niall Ó Donnghaile:** It is very detailed and I appreciate the clarity. While I did not have all of that information at hand, it does not necessarily surprise me to hear that work is ongoing. I am a great advocate in this Chamber for saying that Ireland works best when it

works together. We have certainly seen that in instances of fortress Ireland relating to different agricultural emergencies and things like that. The Minister of State has outlined a number of practical measures where that co-operation is ongoing. I welcome it and I would encourage more of it.

However, the big gap comes with the issue of communication and how we show everything that is going on. I do not doubt that all of that is going on at an emergency co-ordination and response level. I do not know if it is in the gift of Government to direct and encourage Met Éireann and other agencies to ensure that all that collated information is then communicated and shown. It needs to be shown via the maps, RTÉ and Met Éireann in order that people in Strabane or Lifford, Newry or Dundalk know the state of the emergency and what kind of care and precaution they should take. The Minister of State might reflect on that.

**Deputy Damien English:** That is a worthy request. I will look at it and discuss it with the other agencies around the table in an effort to do that. There is no point in having all these good structures in place if no one knows anything about it. The communities on both sides of the Border who are all our neighbours, friends and colleagues need to understand we work together and we are ready and happy to do to that. Everyone needs to know to whom to respond at the right time. I am happy to look at the communication.

### **School Patronage**

**Senator Jennifer Murnane O'Connor:** I raise concerns over the Carlow County Child-care Committee surveys on school reconfiguration for diversity being carried out on behalf of Kilkenny and Carlow Education and Training Board. This is being done through the Department of Education and Skills. I am sure the Minister of State is standing in for the Minister for Education and Skills and I know he will relay my concerns.

The Government's plan to increase provision of multidenominational and non-denominational schools is dependent on choice. With this in mind, surveys of parents of preschool children were completed in recent months. These surveys of parents in 16 areas across the country commenced the schools reconfiguration for diversity process to fulfil a key action in the Action Plan for Education, which aims to make Ireland's education and training service the best in Europe by 2026.

These childcare surveys should use approved methodology to identify the exact needs of the whole community by gathering information in a systematic way. However, I have been contacted by a number of my people in my area who felt they were not consulted during this survey. In fact, they felt actively excluded. Tullow with 4,673 citizens is the third largest town in the Carlow-Kilkenny constituency only surpassed by Kilkenny city with 26,512 citizens and Carlow town with 24,272 citizens. Tullow is now the 94th largest population centre in Ireland. The town and surrounding areas have nine primary schools, eight of Catholic patronage and one of Church of Ireland patronage, and one post-primary school, which provided educational facilities for the town and the surrounding hinterland.

Tullow is an important service centre in north-east Carlow and has a significant role in accommodating future population growth and economic development of the area. This role in County Carlow and its growing population urged an examination of the need for multidenominational and non-denominational school for the town to see if there was an appetite within the

area for an Educate Together school.

The anonymous survey asked parents to indicate if they were happy with the current primary school provision and what type of primary school they would choose for their children. However, if a child was not attending an ECCE-approved preschool in the area, his or her parents were not asked their opinion. Parents who work outside of Tullow and place their small children in a crèche or Montessori closer to their workplace for convenience were not consulted. Public health nurses who have access to the information of all children in the target group were not consulted to balance up the numbers to ensure all parents were consulted.

In the survey, some parents, whose intention is to send their child to an Educate Together school already in another area closer their work, were asked their opinion. The numbers then do not give a true reflection of satisfaction with the currently available choice. Given that only a fraction of the population of potential primary school children had access to the survey, it indicates that the survey results cannot possibly give a true reflection of the need or desire for a multid denominational or non-denominational school for primary aged children.

No parent of a child currently in the school system who did not have a younger sibling in ECCE-approved preschool was asked for his or her opinion.

We have a problem getting DEIS status in Tullow. This matter needs to be conveyed to the Minister for Education and Skills. I have fought for DEIS status to be granted to schools in Tullow for years. The people in the area have been ignored. However, that is a matter for another day. We need to ensure that we get a multid denominational or non-denominational school in the area. The Government has said that it aspires to make Ireland's education system a world leader but there is a problem in the context of how the data upon which plans are made is gathered. I would like to be informed as to the exact instructions that were given to the Carlow County Childcare Committee, which comes under the remit of the Department of Children and Youth Affairs and which carried out this survey on behalf of the Department of Education and Skills. The measure was applied to 16 areas. There is great confusion in my area and I ask the Minister of State present to clarify the matter. I want people to have equal opportunities. In that context, we must ensure that everyone concerned is surveyed.

**Deputy Damien English:** I thank the Senator Murnane O'Connor for raising this issue. The Minister for Education and Skills sends his apologies for not being present. I am taking this matter on his behalf and I will set out for the Seanad the position in terms of the schools reconfiguration for diversity process.

In January 2017, the Minister announced new plans aimed at accelerating the provision of multid denominational and non-denominational schools across the country in line with the choices of parents, families and school communities and the programme for Government commitment to reach 400 such schools by 2030. He would like to point out that the previous model of patronage divestment yielded only a limited number of schools for transfer to multid denominational patrons, and only ten since 2013. He believes that this new schools reconfiguration for diversity process, which will involve the transfer of live schools, has the potential to significantly increase patron diversity in our school system. He also believes that lessons have been learned from the previous process.

The main provision of the schools reconfiguration for diversity process involves a survey of

preschool parents across specific geographical areas and the potential for a subsequent transfer of patronage of a school by the existing patron to a multid denominational or non-denominational patron on the basis of a report on the survey outcomes. This process consists of two separate and distinct phases. The identification phase includes the current roll-out of surveys across 16 pilot areas, including Tullow, and is being conducted by the educational training boards, ETBs. This phase is under way. The ETBs have identified, on the basis of census data, towns or areas where there is likely to be demand from families for a greater diversity of school patronage. The ETBs have worked with Childcare Committees Ireland, CCI, to establish evidence of this demand among a cohort of preschool parents, via surveys being facilitated by the relevant local city and county childcare committees in conjunction with the CCI. There will then be discussions between individual ETBs and existing patrons or landowners concerning the possible transfer of existing schools to accommodate a demonstrated demand for diversity of patronage. Each ETB will then prepare a report for the Department outlining the levels of indicated demand arising from the surveys and the responses of the existing patrons as to how this might be accommodated through the reconfiguration of existing school provision. These reports will be published on the website for the Department of Education and Skills, with quarterly reports on implementation.

The second phase relates to implementation. In the event that the identification phase reveals a level of demand for multid denominational schools sufficient to justify transfer of at least one school from denominational to multid denominational patronage, a process will commence to give effect to this. There will be a role for the existing patron or landowner in consulting with local community and school interests. The development of protocols for the implementation phase is proceeding. It is clear from the discussions that have taken place that all parties, including church authorities, want the process of the selection of a new patron to reflect the wishes of the parents and school community. In agreeing the protocols for the implementation phase, the Department of Education and Skills will be clear that, in arranging for transfers of schools to multid denominational patrons, the choice of alternative patronage should be based on principles of transparency and co-operation, and reflect the wishes of parents. The Minister for Education and Skills has already stated his belief that the best way to achieve this will be to hold a public meeting where each prospective patron can make his or her case to the school community, followed by a vote of all parents within that school community whether they attended the meeting or not. It is envisaged that in most cases transfer will be by way of voluntary live school transfer rather than the amalgamation and closure model that formed the basis of the previous patronage divesting process. It is expected that in many cases the school property will simply be leased at a modest or nominal rent from the existing landowner.

I hope that I have clarified the position and reaffirmed that Tullow, and other areas, are being considered in a proper and clear way.

**Senator Jennifer Murnane O'Connor:** I thank the Minister of State for his reply. I tabled a Commencement matter on this topic due to the confusion generated by the survey. There are parents who feel that they should have been surveyed but, unfortunately, it was only the parents of children who participate in ECCE schemes that were surveyed. As the Minister of State stated, surveys have been circulated in 16 pilot areas. I ask him to convey and highlight all of my concerns to the Minister for Education and Skills. We need to work together and we need to ensure that all parents have an opportunity to express their views about education for their children. No matter what, we must respect everybody's wishes and that is what I am here to do. I know the Minister of State will convey my concerns to the Minister for Education and Skills.

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**An Cathaoirleach:** I do not think the Minister of State has much more to add. I call on him for a brief comment.

**Deputy Damien English:** Yes, I will convey the Senator's concerns to the Minister for Education and Skills. The Minister has clearly stated that he wants parents to be consulted and for the system to be right. That is what he is trying to do and it is the reason he changed the process.

**Senator Jennifer Murnane O'Connor:** I thank the Minister of State.

### Message from Dáil

**An Cathaoirleach:** Dáil Éireann passed, on 4 July 2018, the Heritage Bill 2016, considered by virtue of Article 20.2.2° of the Constitution as a Bill initiated in Dáil Éireann, to which the agreement of Seanad Éireann is desired.

*Sitting suspended at 11.05 a.m. and resumed at 11.30 a.m.*

### Order of Business

**Senator Catherine Noone:** The Order of Business is No. a1, motion regarding the eighth report of the Committee of Selection, to be taken on conclusion of the Order of Business without debate; No. 1, motion regarding the arrangements for the sitting of the House on Monday, 9 July, to be taken on conclusion of No. a1 without debate; No. 2, Health (General Practitioner Service) Bill 2018, all Stages, to be taken on conclusion of No. 1, with the time allocated to group spokespersons for the debate on Second Stage not to exceed six minutes and all other Senators not to exceed four minutes, and the Minister to be given no less than five minutes to reply to the debate, with Committee and Remaining Stages to be taken immediately thereafter; No. 3, Declaration of Independence Day Bill 2017, Report and Final Stages, to be taken on conclusion of No. 2; and No. 4, National Archives (Amendment) Bill 2017, Report and Final Stages, to be taken on conclusion of No. 3.

**Senator Terry Leyden:** I ask the Deputy Leader whether there has been agreement with all parties on the Order of Business. I was requested to come here this morning and did not have time to check the situation.

**Senator Catherine Noone:** I am struggling to hear the Senator.

**Senator Máire Devine:** That is not unusual.

**Senator Terry Leyden:** It is unusual that I lead off on behalf of my party; I am a stand-in. The proposal is that we meet on Monday, Tuesday, Wednesday and Thursday; is that correct?

**Senator Catherine Noone:** That is correct.

**Senator Terry Leyden:** I would like to hear the views of Members of the House about this particular proposal. I am aware that the Government is particularly anxious to get the

Judicial Appointments Commission Bill 2017 through the House. It is a priority as far as it is concerned, and it is very important to the Government that it be passed in the Seanad before the summer recess. The other proposals regarding the Order of Business are quite acceptable but I would like to hear the views of the other Members of the House on this particular matter.

I accept the establishment of a committee of the Seanad relating to Brexit. It is important and significant. The last committee prepared a report. I would like to see more emphasis on the implementation of that report, or at least its promotion, before we go into another report and have another deadline at the end of December, because the countdown to March 2019 is on. That is the month in which the United Kingdom proposes to leave the European Union. The period between now and then is crucial. After that time there will be no more contesting of the European elections. That is a fact. I do not see any prospect of a reversal of the decision via another referendum, despite what we might hope for. From my experience, as a member of the British-Irish Parliamentary Assembly and as a representative of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union, COSAC, for the meeting next week in Vienna, I do not believe there will be any change in the situation in the United Kingdom in the near future from either the Conservatives or the Labour Party. The priority must be that all the resources of the State are used to ensure that we get the best deal possible for this island. We are an island off an island off the coast of Europe. I respect the value of a seat on the United Nations Security Council, which is important. We had one before and I do not believe it created a great reaction or contributed much to the economy. I believe the resources of the State should be focused solely on Brexit, and that all contributions and ideas should be considered.

I gave a lecture last Tuesday at the National College of Ireland. It is a college that is working on solutions to problems. It is very advanced in the area of cloud computing and it is now investigating what would need to happen to ensure a seamless border which would not have to be controlled. I accept that the Border between Northern Ireland and the Republic must remain as it is now, without any barriers whatsoever. I also understand the concerns of the Democratic Unionist Party, which does not want to see a border down the Irish Sea. Negotiations are continuing. We look forward to the outcome of the negotiations of the British Government at Chequers tomorrow. I hope that it will take a united approach. At the end of the day, our interests are primary and vital but I also believe that a good deal for the United Kingdom should be a good deal for the Republic of Ireland.

It is important that the proposed committee is established and that it meets as soon as possible. We should remember that work is going on elsewhere as well - I am the Vice Chairman of the Joint Committee on European Union Affairs - and I hope that committee will be up and running as quickly as possible.

**Senator Michael McDowell:** Arising from the proposal for the Order of Business and the first motion, which is to be discussed after the matter to be taken without debate relating to proposals to meet and consider Committee Stage of the Judicial Appointments Commission Bill further on Monday, I want to indicate a few things at this stage, without anticipating the debate on that proposal, which I presume we will discuss further.

**Senator David Norris:** That matter is to be taken without debate.

**An Cathaoirleach:** The Senator has only one bite of the cherry.

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**Senator Michael McDowell:** Now that I have seen the GRECO report, I really feel that the attitude of the Government on this matter has been shameful.

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

**Senator Michael McDowell:** There has been concealment and deception and it is wrong. It is all motivated by a desire to slip things through so as to satisfy the ego of one person in a hurry. That is what is happening here.

What I want to say to the Deputy Leader here today, through the Chair, is that even if Committee Stage finishes next Monday, in the hours allocated for it - and nobody has been filibustering this debate, even though speeches from the Minister have been quite lengthy, I have noted - if there are to be Report Stage amendments, these must follow a decent space of time, in which we have time to consider what happened on Committee Stage and have time to prepare proper Report Stage amendments. It is utterly wrong, especially in view of the rules of the House in respect of Report Stage amendments and the manner in which they are debated, to say to us that this House will have a matter of hours to do its homework and have it in to the Bills Office.

The other point is that the Bills Office deserves some consideration in this regard. It is a hard-working body, which serves this House very well. It works and assists the Members of this House in doing their work well. It will, however, be inundated with work on the conclusion of Committee Stage. It is fair that it should have time to carry out that work properly and it is fair that Members of this House should have the opportunity to prepare their amendments properly as well.

I do not see why we should have No. 1 decided without debate. I would like to hear the Deputy Leader's assurances about the time that will intervene between the end of Committee Stage and the beginning of Report Stage. I would like to hear her assurances on this point. This is another deceitful effort to brush this issue under the carpet, to say there will be no debate and to force us into a situation where there is not sufficient time to consider our Report Stage amendments.

We therefore must oppose the Order of Business and must oppose the arrangements for Monday. We have to waste time again because we are not being told the truth. I note RTÉ can see the GRECO report and while a Minister could come in here and warn Senator Craughwell that he would be disappointed by the terms of the GRECO report, when we see what RTÉ has broadcast today, it is no disappointment. The only disappointment is how a shabby attempt to deceive this House has come off the rails. If this is going to happen, all of the consequences fall on the Government. I was a member of the Fine Gael Party and I can tell the House that never in the past did it abase itself to one person in the way it is doing now. That party should be collectively ashamed of themselves for what they are doing.

**Senator David Norris:** Well said.

**Senator Rose Conway-Walsh:** I wish to raise the issue of pension changes today, which were meant to address the anomalies in the 2012 legislation. I have been contacted by many people, mostly women, who are unable to receive their entire pension entitlements due to the 2012 changes. Sinn Féin has long called for the reform of the way the contributory pension is calculated but we do not want to see bad legislation replaced by new legislation that will see others affected. I welcome that the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, launched a public consultation recently on the proposed changes but

I am worried that these changes, as they stand at the moment, may end up with a different category of people being unable to access a full pension. It is being reported that up to 40 years of social insurance contributions will be needed to qualify for a full State pension. This is completely unobtainable for those who became employed in 1988 and will be retiring in 2020. The most they can amass is 32 years, leaving them considerably short.

There is also the issue of the women born before 1950 who are not being looked at. This is age discrimination and it is not acceptable. Older women should be looked at first. Their retirements are turning out to be really miserable. They need fairness but they also need the money that is owed to them paid back to them and that needs to be looked at.

The Department has confirmed that over 40,000 pensioners assessed under the 2012 rate band changes will be contacted from autumn 2018 and will be invited to have their pensions reviewed. I hope that by that stage, this new anomaly can be addressed. It is not good enough to strive for the fairest possible solution that leaves people in an impossible situation, quite literally unable to do anything to change their past contributions. The sense of helplessness adds to the frustration felt by many of those affected. Pensioners already face huge challenges in planning for the future, and they do not need further cause for concern that they will not have enough to get by in later years.

Recently, an assistant principal officer at the Department stated it was difficult to do something that was fair and affordable at the same time. A fair system would allow both the average and the total contributions model to continue to include self-employed and part-time workers. I ask the Deputy Leader to ask the Minister to come into the House to discuss the issue of pensions and the anomalies within the pensions system that are pushing many people, as they retire and as they get into their elder years, into poverty. This is something that needs to be addressed. We cannot leave people behind in these situations.

**Senator David Norris:** I, together with the Technical Group, will be opposing No. 1. We think it is wrong to force this matter through in such a way.

With regard to the GRECO report, the Minister said that there would be no earthquakes in it and that Senators would be disappointed. I do not know what his definition of an earthquake is, but the report states this Bill opens the way to political interference. If that is not an earthquake, I do not know what is. This Bill alleges that it is seeking to address this very problem but it is doing absolutely the reverse. It is opening the way to political interference and corruption in the judicial system of this country at the whim of one person. I think that this is an outrage. The Minister, Deputy Ross, is a byword for political hypocrisy but the fact that Fine Gael will follow him into this is outrageous and I honour Senator Noone for her contribution yesterday when she said she would vote, albeit with a heavy heart. I would say do not vote with the Government on this. Show a bit of spunk. I do not think there is a single Member of Fine Gael in this House who approves of this Bill. Certainly from their speeches one would not detect it. Let them show the relevance of the Seanad, that we stand up for principles, that we will defy political corruption in Government which we see at this moment. We should put the country before the party. This is what has got Britain into such an appalling situation where they put the Tory party's interests above the interests of the United Kingdom as a whole.

Fine Gael, regrettably, had the same situation when Deputy Enda Kenny tried to abolish the Seanad. Nobody in Fine Gael agreed with it. They all trooped, nonetheless, like lambs into the division lobby to support it. That was a violation of political conscience. Let them now

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find their political conscience and let them vote against this Bill, which is a disgrace to an Irish Parliament.

**Senator Gabrielle McFadden:** According to the Representative Association of Commissioned Officers, RACO, there is a manning level crisis in the Defence Forces. It is not only RACO that is saying this but it also is being said by many ordinary honest-to-God personnel who I meet on a regular basis. This does not just affect officers but all personnel within the Defence Forces. The current trend of early voluntary retirements is not sustainable. The rate of members leaving will not be alleviated solely by the current reasonably high levels of recruitment. A major contributor to this situation was the very flawed re-organisation of the Army, and the loss of one brigade from the structure, with the consequential reduction of officers and personnel. This has left us with inadequate manning levels. That has huge implications and not just in respect of the troops who, for argument's sake, are required to travel from regional barracks to Dublin to perform duty. The Department of Defence should address these reorganisation issues and pay and conditions rather than leaving it to the Public Service Pay Commission, as it is doing. I have spoken on this many times, as have Senators Craughwell and Wilson. We should invite the Minister of State to the House for a debate on this. It should not be a debate where he gives us a list of positive things about the Army which we all know. We all know about the occasions such as the storms during the year where the Army comes in to help, the wonderful work that it does in the United Nations peacekeeping and on Operation Sophia. We all know all of these things and we do not want a speech about how wonderful the Army is. We want a proper debate on what the Department of Defence should be doing to look after our Defence Forces.

**Senator Gerard P. Craughwell:** I thank Senator McFadden who lives in the heartland of the Defence Forces and who works with them on a constant basis. The Minister constantly tells us that the White Paper is the pathway forward for the Defence Forces. If one reads it, however, there is not one word in the White Paper about retention. We have no plan for keeping the expertise that we have spent millions training. They are climbing over one another to get out. The recruitment campaign has been excellent in getting people to express an interest in the Defence Forces, but of the 3,000 who did so, 380 were called, 180 turned up and some of those left before their training had concluded. Let us get real about the Defence Forces. I agree with Senator McFadden. We need to stop the talk and bring the Minister in here and get him to explain how he will reverse what is happening. It is disgusting that we are out in New York with U2 trying to get a seat on the UN when our Defence Forces, the very people we send out for peacekeeping, are falling apart.

Senator Leyden mentioned Brexit. He and I have worked quite hard on this area. The bottom line is that we have no plan. This will go wrong and we know that. I wrote a piece about it the day after the referendum. There is no plan. There is no military barracks between Dundalk and Finner Camp. There are no police stations most of the way along the Border. There is no longer corporate knowledge of managing a customs post on the Border because we never expected to have one.

My prediction is that the Brits will not seek to impose a Border in Northern Ireland but they will be quite happy to send 100 40 ft trucks daily from Scotland to Belfast to drive down to Rosslare to go to Europe so that we will have to close the Border on behalf of the European Union. Senator McFadden has just explained the problems with the Defence Forces. We have no way of closing the Border and we do not even know how to go about it. There is no electronic solution. I have no confidence in how we are going about this.

This weekend is a very important one in Ireland. On Saturday we will celebrate and remember those Irish people who gave their lives in the First and Second World Wars. On Sunday we will remember all service personnel from Ireland who died in wars or on peacekeeping duties throughout the world. I ask that we step back and think about it. For the best part of a century, we turned our eyes away from those brave men and women who went to war in 1914 to 1918. Today, it is quite respectable to have a couple of First World War medals. We are all searching around in our drawers to dust off the medals of our grandparents and great grandparents. Let us give them some thought over the weekend. Anyone who has ever been out to the Somme or any of the other grave areas in France will know that it is heartbreaking.

**Senator James Reilly:** At this time of year, especially with the sun shining, it might seem strange to raise this subject, but it is one I have raised many times. Every winter there is flooding and coastal erosion, and nowhere more so than in The Burrow in Portrane. One family has had to abandon their home there, 13 other families face the same prospect and two businesses will also have to leave unless action is taken. I commend the Minister of State, Deputy Moran, on coming to The Burrow in Portrane. He understands the problem and has shown great interest in it. Fingal County Council is coming to the completion of the measures that it needs to take immediately to protect the remaining 13 homes and those two businesses, and it needs approval from the Minister of State and funding to implement those plans. Will the Deputy Leader ask the Minister of State to come before the House to outline that he will give approval to this, which I know he wishes to do? We do not want 13 families to lose their homes to the sea, along with two businesses. They deserve the help of the State to be able to stay in their homes, particularly in the midst of a homelessness and housing crisis. I hope that the Minister of State will take action immediately and allow us to do this work in the best conditions during the summer, not in the middle of the storms of winter.

I also welcome confirmation by the insurance industry that it will make funds to a dedicated Garda fraud insurance unit, something that the insurance alliance has been calling for and now the insurance industry is interested. Irish businesses and Irish motorists cannot sustain the ever-increasing hikes in premiums caused in large part by fraudulent claims. At present, people go to court, are found to have made vexatious and utterly false claims, walk away free without any fear of retribution or consequence, and then just try again.

I appeal to the Minister of State, Deputy D'Arcy, in particular, to re-examine this and to discuss, along with his colleague, the Minister for Justice and Equality, and the Garda Commissioner, the urgent need to establish this unit. I understand that the Garda would be in a position to do this fairly quickly. We need it to happen. We cannot allow this crime, which is what it is, to continue.

**An Cathaoirleach:** Before I call the next speaker, I acknowledge and welcome to the Visitors Gallery the Royal British Legion from Armagh. I note that Senator Craughwell has urged us to attend the commemorations on Saturday. Our visitors are very welcome.

**Senator Máire Devine:** I continue to raise the smear test scandal which is not going away. The number of women affected has risen to 221 as of today. I am dismayed but perhaps it is not unexpected. An extra 12 cases have been identified yet the review of the smear test slides has not yet begun two months after the deadline for completion. Some 3,000 tests need to be audited again. It puts the completion of the Scally report in August into doubt, although it should not. Dr. Scally's review is preliminary. We must plough away on that as more delay and procrastination will not help the women who may be affected. Not having the results of the

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audit is a challenge but I urge Dr. Scally to continue his work. He is a strong advocate and has taken up the failure to provide information with the HSE when this has arisen.

Dr. David Fennelly, the consultant medical oncologist for Vicky Phelan, has called for a clinical trial of the drug that has done so much for her.

The drug Pembrolizumab is not licensed in Europe but has proved extremely effective for Ms Phelan. They can actually pinpoint the patients who will benefit from it. It is not given blindly. A trial in this country would be the quickest and most cost effective way to do it.

I thank those who were in the Chamber and who voted the right way yesterday evening when my Bill, the Civil Liability (Amendment) Bill 2017, was narrowly defeated by one vote, however, we will plough forward.

**Senator Ivana Bacik:** I propose an amendment to the Order of Business that No. 1, the motion proposed by the Deputy Leader for the sitting of the House on Monday, be taken with debate. I opposed the idea that we would sit in this way to deal with the Committee Stage of the Judicial Appointments Commission Bill at the leaders' meeting, as did other group leaders. We oppose the motion because the entire purpose for the sitting on Monday and the early sitting on Tuesday is to ensure the Judicial Appointments Commission Bill be rammed through Committee Stage and then go straight into Report Stage with a view to finalising it in the Seanad by next Wednesday so that it can be rubber-stamped in the Dáil on Thursday. As Senator McDowell has said, this is an utterly unacceptable way to do business on such a contentious and important Bill.

*12 o'clock*

We now know that RTÉ has the GRECO report, which is all the more reason that Members should have it by now to enable us to debate Committee Stage of the Bill. I hope we will all have it by Monday, if indeed the House supports the motion. I think it is unacceptable, given the very strong critiques that were expressed in the GRECO report, that we do not have it. The Minister's description of the report was bizarre. He had not read it when we started the debate on Committee Stage. He said there was nothing shocking in it, that there was no earthquake in it, and then he told us yesterday that he had read it but that we, the Members, could not get it. I endorse the sentiments expressed by Senator Noone yesterday that she would only be voting for this with a heavy heart. I think we all know the reason. Clearly the Minister for Transport, Tourism and Sport is driving this Bill through. It is a one man show. It is unfortunate to see the craven way in which the rest of the Fine Gael Party and others are supporting him on it.

Is it proposed to take Senator Frances Black's important Bill, the Control of Economic Activity (Occupied Territories) Bill 2018 next week? We were also to have a debate on Palestine. I welcome that and I hope that in all the rush to get the Judicial Appointments Commission Bill through with such unseemly haste and without any real urgency that we will not lose sight of that debate and that there will be time to have it on Wednesday.

**Senator Maria Byrne:** I agree with the point made by Senator Máire Devine on the call from the leading oncologist, Dr. David Fennelly, on trialling the drug, Pembrolizumab. I listed to Ms Vicky Phelan being interviewed on radio recently where she spoke so passionately about her health. Certainly it has been shown that her tumours are reducing in size. Nine new cases of cervical cancer have come to the fore. The fact that it can be shown in advance whether the drug will have a good effect on a person is exciting for the patients. The HSE should trial this on patients and make it available as soon as possible. It is cost effective because it can be shown

in advance whether it will work for a patient. I ask the Deputy Leader to request the Minister for Health to come to the House to debate issues on this drug because it is very important and Ms Phelan has been an inspiration for the women affected by cervical cancer.

Science Foundation Ireland has presented awards to 641 primary schools for work on STEM subjects. A report released six months ago showed that children with a love for maths and science at the age of eight or nine, will continue to love these subjects. The different universities and employers highlight the shortage of engineers with STEM backgrounds. The children in these schools had to visit facilities that offer the sciences and undertake experiments. We should build on this and expand the programme to more schools.

**Senator Robbie Gallagher:** I concur with the sentiment of Senators Bacik and McDowell on the Judicial Appointments Commission Bill. The manner in which it has been handled by Government is very disappointing. I was under the impression we had entered a new era, the politics of consensus. What we have is that an individual's pet project, which he wishes to see over the line, and the members of Government collectively trying to facilitate that. That is very disappointing. What is going on is clear. We had our suspicions and Senator McDowell highlighted what our friends in Europe thought during the week. Courtesy of the national broadcaster, we had that relayed to us. In light of the fact the GRECO report is in the public domain, we need to think again about this Bill.

I was listening to the radio this morning and I wish to compliment Newstalk on the discussion on the terms and conditions of councillors. They had a member of the local authority on the programme who said that 104 members of local authorities had stepped down from the role in the past four years. That highlights the difficulties for local authority members, and he put it that we were asking people to do a full-time job for effectively a part-time wage. I know that Government has belatedly grasped this issue and is conducting a review. I hope a report will issue shortly on the terms and conditions for councillors. It is vitally important that the report is fast-tracked and that we reach a conclusion. Local democracy is the most important layer of democracy. It is critically important that the right people get elected and want to participate in local government. I look forward to the Government bringing forward that report as a matter of urgency.

**Senator Kevin Humphreys:** I wish to sound a word of caution. I spent 24 years in the pharmaceutical industry. Pharmaceutical companies always pay for their own clinical trials. I know that it may be unpopular to say that. Now, the medical profession is putting pressure that nation states pay for the clinical trials. If we are to pay for those clinical trials we have to be paid the profits. We cannot hastily go down this road.

I second Senator Bacik's amendment to the Order of Business that we take No. 1 with debate.

I wish to raise the issue of the community employment, jobs initiative and Tús schemes. These schemes play a very important role in the State and provide a valuable service to the community in the work on community centres, tidy towns, childcare, marking out the football pitches and other areas of the community. We really have to consider that these are core jobs and the community cannot function without the work of people on these schemes. There has been no replacement for the jobs initiative, JI, scheme. These were core staff who paid the wages and ensured the community employment programmes were up and running, there was work to be done, the pitches were marked and childcare was provided. All of those JI workers will retire

in the next four years and they are not being replaced. We need to recognise that these are full-time jobs. These people are a core part of our communities and we must plan to replace these jobs in an orderly manner. I suggest that where a JI worker wants to continue working after he or she reaches the age of 65 that he or she is allowed to work for another year on a voluntary basis. Such a provision would help communities. We must plan an orderly replacement of JI as otherwise, childcare centres and community centres will close and the football pitches on which children play will not be maintained or marked for usage. These people provide core services to all of our communities in locations as diverse as the top of County Donegal all the way down to the bottom of County Kerry. I ask the Deputy Leader to arrange a discussion on this matter.

**Senator Tim Lombard:** I want to raise an issue that I have previously raised in the Seanad. I refer to the decision by Norwegian Airlines not to progress with the winter service from Cork Airport to Providence in the USA this winter. The cessation of a transatlantic winter service is a huge issue in many ways, particularly when one wants balanced growth in a region. Originally the airline offered to provide the service all year round, which worked very well last year. However, in April of this year the airline announced that it would suspend the winter service.

I believe we must immediately engage with the airline about the issue. I realise that Norwegian Airlines must make a profit. However, if it has been granted a licence to provide a service all year round, we must work with it to ensure it does so. As three months have passed since the announcement, negotiations must happen sooner rather than later. On previous occasions in the Seanad I have asked the Leader to arrange a debate with the Minister for Transport, Tourism and Sport on the matter. I realise there is a proposal to invite representatives of the airline to appear before the Joint Committee on Transport, Tourism and Sport but we need clarity on the matter in order that we can build the tourism industry and the business element. The multinational companies that operate in County Cork found the transatlantic flight very important because it provided connectivity. Such connectivity is what multinational and indigenous industries in Cork need to develop and grow connections that they have created with their US friends over the years.

Before the recess, we should work with the Minister for Transport, Tourism and Sport and at least get clarity and engagement on this matter. It is important that we do so.

**Senator Catherine Noone:** I do not think that it is on his radar.

**Senator Tim Lombard:** It would be helpful if we could do so because if we do not have balanced regional development and everything goes through Dublin, then regions like the south will not grow and will be grossly affected.

**Senator Marie-Louise O'Donnell:** I ask the Deputy Leader to invite the Minister for Transport, Tourism and Sport, Deputy Ross, here this morning because I want him to tell me what has happened with car insurance. Recently I was given a quote for my car insurance by telephone and was informed that it has doubled. I was shocked by the increase because I have not changed, I have not changed my car, I was not awarded penalty points and I have not been involved in an accident. I offer myself as a visual, aural and oral aid here to emphasise that this must be happening to thousands of people all over the country. I am shocked that willy-nilly and out of thin air one's insurance premium is doubled. When I tried to speak to the insurance company it felt like I was talking to the bottom of my shoe or something under my shoe because its staff were not interested. The cost of increase is an absolute disgrace and hikes in premia affect families, young people, people working and people in trade.

Deputy Ross is the Minister for Transport, Tourism and Sport but at the moment one would think he was the Minister for something else because his Bill on the Judiciary has the whole Seanad enthralled. I would like him to come in here as the Minister of his due Department, which is the Department of Transport, Tourism and Sport. I would like him to outline to me, as I asked my insurance company to do this morning, why insurance companies are getting away with this? What are the statistics? Why are they making such decisions? How do they make their decisions? Why do they pull numbers out of the air for people who have never caused a road collision or accident or anything that would increase their insurance costs, including penalty points?

I propose an amendment to the Order of Business. I ask that the Deputy Leader invites the Minister for Tourism, Transport and Sport to come here today as the Minister responsible for transport. I ask Senators to consider seconding my proposal.

**An Cathaoirleach:** We will wait and see in due course. I remind the Senator that one cannot ask Senators to second a proposal just like that.

**Senator Marie-Louise O'Donnell:** I beg the Cathaoirleach's pardon and thank him for his assistance.

**An Cathaoirleach:** The Senator has made her point.

**Senator Alice-Mary Higgins:** I echo the comments made by Senator Lombard about the cessation of a transatlantic flight from Cork Airport. The move made the airline is a classic example of bait and switch. His call for action is very appropriate because Norwegian Airlines handled the matter in a disgraceful manner by making false promises.

I want to speak about the increase in the number of racist attacks. I am concerned about the report this week that shows there has been an increase in the number of racist incidents and in racism. This situation is not unconnected to the type of language used to describe migration across Europe. It can be at the lowest level with the subtlest of dog whistles, in the outright racism by other leaders in Europe, in the suggestions that we have a problem, that migrants pose a danger and hence we need to control them and in the very dehumanising treatment of migrants. We have criticised Trump at length due to his policy of separating children from their parents on the Mexican border. However, we need to ask questions in Ireland and Europe about racism. Today, representatives of Médecins sans Frontières attended a meeting of the Joint Committee on Foreign Affairs and Trade, and Defence. One representative of Médecins sans Frontières said that last week was the "deadliest" week on the Mediterranean Sea with the highest loss of life. Are we happy to allow people drown in the Mediterranean Sea and thus act as a deterrent? We cannot use children, families or human beings as examples. We cannot dehumanise them. Devaluing people sends a very negative signal, all of which is connected to racism. The articles on the report pointed to certain factors such as Brexit, Trump, the political narrative on migration and whether migrants create pressures when we know that they are an asset to society.

I urge the Government to consider a practical suggestion. In the past I had the honour of being a board member of the National Consultative Committee on Racism and Interculturalism, NCCRI. It was a constructive State body that was created to drive constructive and positive discussions on inclusion and anti-racism. Unfortunately, the NCCRI and the Combat Poverty Agency were dissolved at the beginning of the recession. That was the exact time that we needed organisations to tackle poverty and issues like racism. I ask the Deputy Leader to ask

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whether we can revisit the question of creating a new national consultative committee for racism and interculturalism or a similar initiative. I acknowledge that we have had anti-racism campaigns in the past and that Senators in this House were involved.

**Senator Frank Feighan:** I have been asked by members of the Irish-Bangladeshi community in Ireland to raise the current situation regarding the former Prime Minister, Begum Khaleda Zia. She has been imprisoned and her supporters want her to receive a fair trial. They feel that in order to hold free, fair, participatory and inclusive parliamentary elections in Bangladesh, she should be released. Her case is very important. I ask the Deputy Leader to invite the Tánaiste and Minister for Foreign Affairs and Trade to come in here and outline the Government's view of the situation.

On Saturday I shall attend a ceremony at the Irish National War Memorial Gardens in Islandbridge. For far too long we have ignored and airbrushed from history the sacrifices of 49,000 Irishmen from the island of Ireland. Since 2006, we have come to terms with our shared history and with two sides of our history. However, I believe that 95% of the population in the Republic do not know where the memorial gardens are located even though they may drive by them virtually every day. Other countries give a higher profile to such sacrifice. Therefore, I propose that the memorial gardens are located in a more central location such as Merrion Square. Again, the gardens were conveniently located in the countryside because people wanted to airbrush this part of our history. I am so happy the country is embracing all sides of our history.

**Senator Paul Gavan:** I have a brief point on the Defence Forces. The best way we can help them is to grant them the right to collective bargaining, a right that was upheld by the European Committee of Social Rights. If Fine Gael Senators are serious about helping the Defence Forces they should call on their own Government to support collective bargaining rights.

I want to raise another issue with regard to workers' rights. Tomorrow the workers in Lloyds Pharmacy will take their fourth day of strike action. Lloyds Pharmacy is owned by the McKesson Corporation, which has annual revenues of €198.5 billion. Yesterday evening we had a presentation from some of the workers. I regret to say nobody from the Fine Gael side took the time to come along. We heard a couple of interesting facts. The first is these people are extremely poorly paid. We heard from one lady who, after working for Lloyds Pharmacy for 15 years, received a pay increase of the princely sum of 5 cent an hour, which brought her up, after those 15 years, to €10.50.

The second fact is the McKesson Corporation deals with unions all the time. For example, it owns United Drug and has no problem with doing a deal with the unions there. It recognises them and pays decent wages. Interestingly, the workforce of United Drug is predominantly male while at Lloyds Pharmacy the workforce is almost exclusively female, and they have been completely denied the right to collective bargaining. It is the biggest pharmaceutical company in the State and the workers are denied even a basic sick pay scheme.

My point is we have this huge corporation earning millions of euro in taxpayers' money through the HSE medical card scheme and something needs to be done about this. The Government needs to address this issue of companies flagrantly disregarding the industrial relations machinery of the State, flagrantly disregarding the Labour Court in this case, and flagrantly disregarding workers' rights and continuing to receive massive largesse. Last week, we united to call for full support for Lloyds Pharmacy workers. We need to re-echo this call. These people

are fighting for fundamental workers' rights and they are being treated appallingly by one of the richest corporations in the world. I contend that one of the reasons for this is the predominantly female workforce. If we want to understand the gender pay gap look at how Lloyds Pharmacy is treating its workers.

### **Visit of French Delegation**

**An Cathaoirleach:** May I at this stage, before I call the next speaker, say *bonjour* to the French friendship group visiting the Parliament. They are extremely welcome and I hope they enjoy their visit.

### **Order of Business (Resumed)**

**Senator Brian Ó Domhnaill:** I welcome the re-establishment of the Brexit working group under the stewardship of the Chairman, Senator Richmond, who has done an excellent job in that capacity. It is an important committee. I call on the Deputy Leader to bring the Minister for Business, Enterprise and Innovation before the House to talk about the interaction she has had with her counterpart in the UK regarding the trade between Ireland and UK. It is probably as important to the UK as it is to Ireland because it has a trade surplus approaching €6 billion with Ireland. It has a lot of companies depending on exports to Ireland as we have companies depending on exports to the UK, with certain sectors very exposed. I would like to hear what the Minister is doing to support Irish exports to the UK market.

The second issue I want to touch on is to call for a debate on the pensions crisis facing all of us. The reality is that many people today who are in their 20s, 30s, 40s and even 50s will have little or no State pension availability by the time they reach pension age as a result of the lack of investment in the pension fund. People are ageing. They are now expected to work longer before they become eligible for a pension. The interdepartmental working group identified that outside of the public sector, 60% of Irish employees have no occupational pension. Therefore, they are dependent solely on the State pension, which will not be there come pension age for these people. This is a crisis. It does not get highlighted because it is not in the electoral cycle, but it will be in the electoral cycle in ten or 15 years when it will be too late to do anything about it. Now is the time. I ask that the Minister for Employment Affairs and Social Protection come before the House, if possible, to discuss the issue.

**Senator Victor Boyhan:** I second the proposal of my colleague and friend, Senator Marie-Louise O'Donnell, on the Order of Business.

I want to talk about GRECO. I commend and thank the Deputy Leader of the House who made a remarkable speech on the Judicial Appointments Commission Bill. It was a brave and courageous speech and I would expect nothing less from her. That distinguishes leadership and politics. I acknowledge a whip structure is in place for political parties as opposed to Independents, but she had the courage of her convictions when she spoke and set out her stall. I acknowledge that because it is the mark of a politician and someone with leadership who is

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prepared to decipher the difference between blind loyalty to a political establishment and taking a reasonable and rational view of things. There is also the fact she is an experienced lawyer. This brings an awful lot of weight and I acknowledge it because it was a significant and important contribution.

It is very important that we have this GRECO report today. I played back the contributions of the Minister yesterday and it was absurd. We had the Minister tell us in the House that he had not even read it. Then he told one of the Senators not to worry, that he will allay all of our fears. Yesterday evening he told us he had a look at it yesterday. I am putting out an appeal here today. Today at Cabinet it was agreed to publish the report. I want the Minister to tell us what day he received it because he did not answer us the other night. I am putting him on notice now that if he does not do so this very day I will make a freedom of information request of the Department of Justice and Equality to ascertain who, be it the Secretary General or the Minister, received the GRECO report, when it was received and when it was brought to the Minister's attention. He failed to give us any clarity on this matter. I want to put on the record that this day I will put in a formal freedom of information request to the Department with regard to the Secretary General, the Minister and his staff. He has time today when he comes back in to clearly clarify the point.

We have an opportunity to defend the judicial independence of our State. We have an opportunity to ensure our Constitution is in no way eroded with regard to the independence of the Judiciary and the appointment of its members. I will make another appeal, as my friend, Senator Michael McDowell, said earlier, to have respect for the Bills Office. Do not push an enormous amount of work on the Bills Office for the next Stage when we complete this Stage. It also has a hard job to do. We must respect that and value it. I hope we will give it the time and space to let it do its work in terms of preparing for the next Stage of the Bill. I acknowledge the staff. I particularly acknowledge the Bills Office and the Seanad Office for the support they give us on an ongoing basis, but particularly the Bills Office regarding this matter. It is important the message goes out loud and clear from here. We generally as Senators are not prepared to make unreasonable demands of the Bills Office on this matter.

**Senator Fintan Warfield:** I want to put on the record of the House my disbelief that last night Ireland passed into law a Bill that actually endangers nature and the wildlife of this island, a Bill that is anything but a Heritage Bill. We saw the shameless tactics deployed by the Government to get it over the line. At a committee meeting a year ago, the then Minister of State, Deputy Ring, told me:

It needs to be understood that we have to live down there. If others want to visit, they are very welcome, but they do not understand the problems that we have when we have to live there for 52 weeks of the year.

The Minister, Deputy Ring, should know that if I go on holidays I go to France and to Spain. This is my country, and I have as much say on legislation that affects this country as Deputy Ring. The Taoiseach, Deputy Leo Varadkar, goes to the European Parliament and tells of how Ireland's action on tackling climate change has not been good enough. I look forward to the day a progressive Government repeals the Heritage Act because, quite frankly, it is trash. The first act of the Minister, Deputy Madigan, in government should have been not to proceed with the Bill. It was not her Bill, she did not draft it and she had no obligation to pursue it. I want to put on record my disbelief that we have passed a Bill that endangers the nature and wildlife of this island.

**Senator David Norris:** On a point of order, I want to draw the attention of the House to the fact that not a single Member who supported the Judicial Appointments Commission Bill last night, not Sinn Féin, Fine Gael or Senator Brian Ó Domhnaill-----

**An Cathaoirleach:** Senator Norris-----

**Senator David Norris:** Not a single one of them mentioned the Judicial Appointments Commission Bill, which shows the level of shame that exists in this House against this squalid deal.

**An Cathaoirleach:** That is not a point of order, and the Senator knew it before he said it.

**Senator David Norris:** I got away with it though.

**Senator Catherine Noone:** I thank the Senators who raised a variety of issues which I will address. Senator Leyden mentioned the Judicial Appointments Commission Bill, which I will come back to shortly.

The Brexit committee has been reinstated, which we all welcome. I agree that all reasonable resources of the State are being invested in Brexit. The British Government has been difficult to understand on this issue, and it has been challenging. We definitely agree on the fact that a good deal for the UK is a good deal for us. We all have a common ambition in that regard.

Senator McDowell raised the Judicial Appointments Commission Bill, and the GRECO report specifically. I do not like this Bill, and I am uncomfortable with certain parts of it. There is no intention of guillotining the Bill, if I have anything to do with it, and I believe the Leader is of the same view.

**Senator Michael McDowell:** That is good to hear, but there have been Report Stage amendments. How many hours have been given to do that?

**Senator Catherine Noone:** I will come to that. If Committee Stage is not completed on Monday, it will resume on Tuesday. If it is concluded, which we accept it may not be, the Leader will consult colleagues in the House, the Minister for Justice and Equality, Oireachtas staff and the Bills Office, which was quite rightly mentioned on best to move forward to Report Stage. There is nothing decided in that regard at this point. I am of a similar view that time is required between Committee Stage and Report Stage, especially on a Bill as large and important. Time should not be an issue. In fairness, we have spent ten hours on Committee Stage, notwithstanding my comments on the Bill itself. We will spend eight hours on it on Monday, assuming the Order of Business can be agreed for Monday. By anyone's estimation, this is not ramming a bill through the House.

**An Cathaoirleach:** I rarely interfere but I would raise a note of caution. The Deputy Leader is correct that we have spent ten hours, and we have dealt with approximately 10% of the amendments.

**Senator Catherine Noone:** That is why I said that, notwithstanding the time that is allowed, we may not conclude Committee Stage in the time we anticipate. It is one of those situations where we have to watch, wait and see, and consult one another. I do not disagree with most of the Senator's comments.

Senator Conway-Walsh raised the pensions issue. Many difficulties exist in that space. It

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should be one of the first debates we have when come back for the new term, and I will ask for that to be arranged.

Senator Norris raised the GRECO report. I do not see why we should not have had it before now. It is an absurdity that it is being discussed in the media while Oireachtas Members have not seen it at a time we are discussing the Bill. Whether or not it is relevant, it exists and we should be allowed to have sight of it. I anticipate that it will be delivered to our inboxes later. If not, that will be unacceptable and I would not stand over it.

We have all seen over the years what is achieved by defying the Whip on an issue. I would rather have an influence from within the party of which I am a member. I do not know how much one politician putting their neck on the line politically-----

**Senator David Norris:** No, I was suggesting the whole of Fine Gael in the Seanad, stand up for the Seanad.

**Senator Catherine Noone:** I can speak only for myself. Senator McFadden raised the Defence Forces and the Representative Association of Commissioned Officers, RACO. She is a constant voice for the Defence Forces, and outlined many issues. The Minister of State at the Department of Defence, Deputy Kehoe, should come in to discuss the issues which she and Senator Craughwell have raised on a regular basis. Senator Craughwell also raised issues with the White Paper which could be usefully discussed with the Minister of State responsible for the area.

Senator Reilly raised an issue about flooding in The Burrow, Portrane and families being discommoded. The Minister of State at the Department of Public Expenditure and Reform, Deputy Moran, who has responsibility for the Office of Public Works and flood relief is receptive and he has visited the area. It is an issue that might be served well by tabling a Commencement matter.

On the issue of Garda investigations for insurance fraud, I have dealt with much insurance litigation over the years and I found it frustrating as a lawyer to deal with cases where I know the plaintiff is clearly trying it on. For every one of those, there are plenty of genuine cases. However, that behaviour increases the overall cost. The Minister of State at the Department of Finance, Deputy D'Arcy, will have to come to the House to address that. Significant resources are needed by the Garda, as are training and innovative ways of dealing with insurance fraud. Everyone would welcome this from the point of view of bringing down the overall cost of insurance for businesses.

Senator Devine raised the issue of cervical cancer and the Scally review. She acknowledges Dr. Scally needs to be given the space and support from the HSE when it comes to the availability of documentation electronically, which was a frustration for him. I agree with her point about a clinical trial, which would make eminent sense. Such a trial would be the most cost-effective approach for women in those circumstances. It is something I would push for as well.

Senator Bacik proposed an amendment to the Order of Business and raised the GRECO report. I do not disagree with her that we should be given sight of that. She also raised the Control of Economic Activity (Occupied Territories) Bill 2018. I am not sure if that will be in the House before the end of term but I will inquire and revert to the Senator.

Senator Byrne also raised cervical cancer issue and backed a call for a trial drug that has

been used by a county woman of hers to great effect. Any woman in a situation like that would like to have access to such a trial or the drug. I agree with her on that. She also mentioned a good news story about National Science Foundation awards. It is an initiative that is worth supporting, highlighting and building on.

Senator Gallagher also raised the Judicial Appointments Commission Bill. He then mentioned the councillors' terms and conditions, which have been raised on all sides of the House. Councillor Geoghegan from Waterford was on the radio this morning. I have come across many councillors who simply do not see the point in doing the job for the reasons the Senator outlined. We need to have a good conversation about the idea of wanting councillors to do a full-time job for a part-time wage. We should either make it a full-time job, or truly have a part-time expectation from the job. That would involve major review and change in how we approach local government. It would be worthwhile, and more meaningful than talking about terms and conditions, if debate how we should approach governance structurally.

Senator Humphreys raised the jobs initiative scheme, JI, and the services it provides in communities. It strikes me as a matter on which he might get a helpful answer through a Commencement matter. He would get a specific response from the Minister for Business, Enterprise and Innovation. It is certainly something I will relay back to the Minister and it is obviously a matter of great concern.

Senator Lombard raised the issue of Norwegian Airlines and I agree with what Senator Higgins said that there was a bait and switch approach and that some false promises were made. I will ask the Minister what is being done about that. Clearly, there is an issue there that needs to be addressed.

Senator Marie-Louise O'Donnell raised the issue of car insurance. We all can sympathise with the Senator's experience. It is very helpful to give a tangible, personal experience of that. I would encourage a debate on that issue with the Minister of State at the Department of Finance, Deputy D'Arcy, who is charged with making some impact in this area. Reducing insurance costs is a very challenging area but is clearly an issue. The Senator asked for the Minister for Transport, Tourism and Sport to come to the House. I do not have access to this Minister at this precise moment, but I imagine we would have a difficulty getting him in today. I am sure we would have a lot of questions to ask him if we were to get him into the House.

**Senator Marie-Louise O'Donnell:** He was having his breakfast two hours ago.

**Senator Catherine Noone:** It is more an issue for Minister of State, Deputy D'Arcy, in technical terms, but clearly it is relevant to the transport area also.

**Senator Michael McDowell:** He is not confined to his own Department. The Deputy Leader knows that.

**Senator Catherine Noone:** We know that.

Senator Alice-Mary Higgins raised the issue of racism. The statistics she outlined are a matter of serious concern. None of us wants to see an increase in the instances of racist attacks in this country. The Minister of State at the Department of Justice and Equality, Deputy Stanton, is extremely passionate and hard-working on this issue and a debate with him early in the new term is a very constructive idea.

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Senator Feighan raised the issue of the former Prime Minister of Bangladesh and her access to free and fair elections. It is a very serious issue that should be brought up with the Minister for Foreign Affairs and Trade and it one that we do not face, notwithstanding any negative comment one might have about people who get elected. I have visited countries which have very basic concerns about democracy. We should be very proud of our democracy, apart from any negatives we may find.

Senator Gavan raised the issue of workers rights, as he does regularly. I apologise but we had our parliamentary meeting at the same time as his presentation in the AV room last night. I had intended to go to it but that is the challenge around here. I would have liked to have heard what they had to say. Clearly, there are issues to be addressed. It would be helpful for us to have a discussion with the Minister on the wider issue of those types of contracts.

Senator Ó Domhnaill welcomed the re-establishment Brexit committee and asked for a constructive debate with the Minister for Business, Enterprise and Innovation to outline the interactions on a trade-level between Ireland and England, which would be a good idea. There is great concern and that is a good suggestion and something we should arrange sooner rather than later. The Senator also raised the issue of the pensions crisis, which I addressed. That is something we all face and we should certainly have that conversation in this House.

I thank Senator Boyhan for his comments. I have said what I have to say with regard to GRECO. We should have sight of that report, and we should have had sight of it before now. I feel for the Minister on this one, to be honest. I would not be overly-critical of him because bringing this Bill through the Houses is quite a difficult thing for him to do as a member of the legal profession. He is the Minister for Justice and Equality at the moment and it must be difficult for any member of the legal profession to be a Minister when this legislation is being put through. I cannot speak for the Minister, and I cannot say he would have initiated this legislation himself.

**Senator Marie-Louise O'Donnell:** He has a mind of his own.

**Senator Catherine Noone:** The formation of the Government depended on an agreement, and we have to acknowledge that. This is not a place for a discussion on that.

**Senator Marie-Louise O'Donnell:** We have “Morning Ireland” saying something completely different.

**Senator Catherine Noone:** I entirely agree with the Senator's comments on the Bills Office, which I have addressed already.

As regards Senator Warfield's comments, we have had a debate on the Heritage Bill and I appreciate he has difficulties with it and I have noted them.

**An Cathaoirleach:** I wish to acknowledge the presence of our former Seanad colleague, Mr. Eamonn Coghlan, in the Visitors Gallery. I had to look at him a few times because he looks far healthier and at ease in his new role than he did in this Chamber. He is very welcome and I wish him and his friends a nice day.

Senator Ivana Bacik has proposed an amendment to the Order of Business: “That No. 1 be taken with debate.” Is the amendment being pressed?

**Senator Ivana Bacik:** Yes.

Amendment put:

The Seanad divided: Tá, 18; Níl, 24.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Boyhan, Victor.	Burke, Paddy.
Craughwell, Gerard P.	Butler, Ray.
Daly, Mark.	Buttimer, Jerry.
Dolan, John.	Byrne, Maria.
Gallagher, Robbie.	Coghlan, Paul.
Higgins, Alice-Mary.	Conway-Walsh, Rose.
Horkan, Gerry.	Conway, Martin.
Humphreys, Kevin.	Devine, Máire.
Leyden, Terry.	Feighan, Frank.
McDowell, Michael.	Gavan, Paul.
Mullen, Rónán.	Hopkins, Maura.
Murnane O'Connor, Jennifer.	Lawlor, Anthony.
Nash, Gerald.	Lombard, Tim.
Norris, David.	McFadden, Gabrielle.
O'Donnell, Marie-Louise.	Mulherin, Michelle.
O'Sullivan, Grace.	Noone, Catherine.
Swanick, Keith.	O'Donnell, Kieran.
	O'Mahony, John.
	Ó Domhnaill, Brian.
	Ó Donnghaile, Niall.
	Reilly, James.
	Richmond, Neale.
	Warfield, Fintan.

Tellers: Tá, Senators Ivana Bacik and David Norris; Níl, Senators Gabrielle McFadden and John O'Mahony..

Amendment declared lost.

**An Cathaoirleach:** Senator Marie-Louise O'Donnell has proposed an amendment to the Order of Business: "That a debate with the Minister for Transport, Tourism and Sport on increases in motor insurance premia be taken today." Is the amendment being pressed?

**Senator Jerry Buttimer:** On a point of clarification, Deputy Ross is not the Minister with responsibility for insurance.

**An Cathaoirleach:** That point has been made.

**Senator David Norris:** He is the Minister for everything.

*(Interruptions).*

**Senator Jerry Buttimer:** They are showing their true colours.

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**Senator Michael McDowell:** The Minister for everything can speak about everything.

*(Interruptions).*

**An Cathaoirleach:** Leader, that was an inappropriate intervention. Is the amendment being pressed?

**Senator Marie-Louise O'Donnell:** I am pressing the amendment.

Amendment put:

The Seanad divided: Tá, 18; Níl, 24.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Boyhan, Victor.	Burke, Paddy.
Craughwell, Gerard P.	Butler, Ray.
Daly, Mark.	Buttimer, Jerry.
Freeman, Joan.	Byrne, Maria.
Gallagher, Robbie.	Coghlan, Paul.
Horkan, Gerry.	Conway-Walsh, Rose.
Humphreys, Kevin.	Conway, Martin.
Leyden, Terry.	Devine, Máire.
McDowell, Michael.	Dolan, John.
Mullen, Rónán.	Feighan, Frank.
Murnane O'Connor, Jennifer.	Gavan, Paul.
Nash, Gerald.	Hopkins, Maura.
Norris, David.	Lawlor, Anthony.
O'Donnell, Marie-Louise.	Lombard, Tim.
O'Sullivan, Grace.	McFadden, Gabrielle.
Ó Domhnaill, Brian.	Mulherin, Michelle.
Swanick, Keith.	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	Ó Donnghaile, Niall.
	Reilly, James.
	Richmond, Neale.
	Warfield, Fintan.

Tellers: Tá, Senators Victor Boyhan and Marie-Louise O'Donnell; Níl, Senators Gabrielle McFadden and John O'Mahony..

Amendment declared lost.

Question put: "That the Order of Business be agreed to."

The Seanad divided: Tá, 26; Níl, 17.	
Tá	Níl
Burke, Colm.	Bacik, Ivana.
Burke, Paddy.	Boyhan, Victor.
Butler, Ray.	Craughwell, Gerard P.
Buttimer, Jerry.	Daly, Mark.
Byrne, Maria.	Davitt, Aidan.
Coghlan, Paul.	Freeman, Joan.
Conway-Walsh, Rose.	Gallagher, Robbie.
Conway, Martin.	Horkan, Gerry.
Devine, Máire.	Humphreys, Kevin.
Dolan, John.	Leyden, Terry.
Feighan, Frank.	McDowell, Michael.
Gavan, Paul.	Mullen, Rónán.
Higgins, Alice-Mary.	Murnane O'Connor, Jennifer.
Hopkins, Maura.	Nash, Gerald.
Lawlor, Anthony.	Norris, David.
Lombard, Tim.	O'Donnell, Marie-Louise.
McFadden, Gabrielle.	Swanick, Keith.
Mulherin, Michelle.	
Noone, Catherine.	
O'Donnell, Kieran.	
O'Mahony, John.	
O'Sullivan, Grace.	
Ó Domhnaill, Brian.	
Reilly, James.	
Richmond, Neale.	
Warfield, Fintan.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Ivana Bacik and Kevin Humphreys.

Question declared carried.

### **Report of Committee of Selection: Motion**

**Senator Paul Coghlan:** I move:

That the report of the Committee of Selection be laid before the Seanad.

Question put and agreed to.

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### Sitting Arrangements: Motion

**Senator Jerry Buttimer:** I move:

That, notwithstanding anything in the Standing Orders relative to Public Business:

(1) The Seanad shall meet at 2 p.m. on Monday, 9th July, 2018, and shall adjourn no later than 10 p.m., and the following arrangements shall apply:

(a) Standing Orders 29 and 30 shall stand suspended;

(b) there shall be no Order of Business;

(c) the sitting shall be suspended from 6 p.m. to 6.30 p.m.;

(d) the business to be taken shall be confined to the resumed Committee Stage of the Judicial Appointments Commission Bill 2017 [*Dáil*];

(e) no other business shall be taken unless the Seanad shall otherwise order on motion made by the Leader of the House or such other Senator as he may authorise in that behalf.

(2) The Seanad shall meet at 10.30 a.m. on Tuesday, 10th July, 2018, and the Order of Business shall be taken at 11.30 a.m.”

Question put:

The Seanad divided: Tá, 25; Níl, 16.	
Tá	Níl
Burke, Colm.	Bacik, Ivana.
Burke, Paddy.	Boyhan, Victor.
Butler, Ray.	Craughwell, Gerard P.
Buttimer, Jerry.	Daly, Mark.
Byrne, Maria.	Davitt, Aidan.
Coghlan, Paul.	Freeman, Joan.
Conway-Walsh, Rose.	Gallagher, Robbie.
Conway, Martin.	Horkan, Gerry.
Devine, Máire.	Humphreys, Kevin.
Dolan, John.	Leyden, Terry.
Feighan, Frank.	Marshall, Ian.
Gavan, Paul.	McDowell, Michael.
Hopkins, Maura.	Mullen, Rónán.
Lawlor, Anthony.	Murnane O'Connor, Jennifer.
Lombard, Tim.	Nash, Gerald.
McFadden, Gabrielle.	Swanick, Keith.
Mulherin, Michelle.	
Noone, Catherine.	
O'Donnell, Kieran.	

O'Donnell, Marie-Louise.	
O'Mahony, John.	
Ó Domhnaill, Brian.	
Reilly, James.	
Richmond, Neale.	
Warfield, Fintan.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Ivana Bacik and Kevin Humphreys.

Question declared carried.

### **Health (General Practitioner Service) Bill 2018: Order for Second Stage**

Bill entitled an Act to amend the Health Act 1970 to provide for the making available of a general practitioner medical and surgical service to persons in receipt of certain allowances under the Social Welfare Acts; and to provide for related matters.

**Senator Colm Burke:** I move: "That Second Stage be taken now."

Question put and agreed to.

### **Health (General Practitioner Service) Bill 2018: Second Stage**

Question proposed: "That the Bill be now read a Second Time."

**Minister of State at the Department of Health (Deputy Finian McGrath):** It is my pleasure to introduce the Health (General Practitioner Service) Bill 2018 to the Seanad. I was pleased last December when the Government announced that eligibility for a general practitioner, GP, service without fees was to be extended to all people in receipt of a carer's allowance payment. Following further examination of the proposal, the Minister for Health, Deputy Harris, confirmed in April that this measure should also be extended to persons in receipt of carer's benefit. The purpose of the Bill, therefore, is to provide a general medical and surgical service free of charge to persons in receipt of either carer's allowance, both full rate and half rate, or carer's benefit. This Bill will result in approximately 14,000 additional people being eligible for a GP visit card. It will enable them to access vital GP services without having consider their ability to pay for the service.

Becoming a carer for a loved one is a life-changing experience. Each day can bring new demands, new highs and new lows. The 2016 census noted that over 195,000 people, that is, 4.1% of the population, provided unpaid assistance to others. This amounted to a total of 6.6 million hours of care per week. Some of this care is provided on a 24-7 basis by family members or unpaid carers. Carers come from different walks of life and enter into their caring responsibilities at different stages in their lives. Their reasons for beginning this journey, how-

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ever, are the same. They are all motivated by their love for the person they are looking after and they also have an expert knowledge of the person that no one else could have. While there are many positive and rewarding aspects to caring, it can also place physical and emotional demands on carers who are trying to balance their own well-being with the needs of those for whom they care.

It is also recognised that being a carer can have financial consequences, with many carers having to either reduce their working hours or even give up work entirely. This is, of course, often done unselfishly but nevertheless it is important to recognise that this can create a burden on carers in a variety of ways. In recognition of the significant contribution and commitment that family carers make and the concerns they face, the Government developed Ireland's first national carer's strategy in 2012. The strategy sets the strategic direction for future policies, services and supports provided to carers by Departments and Government agencies. On health-care, the strategy recognised the need to support carers in maintaining their own physical and mental health.

We do recognise, however, that both time and money constraints can sometimes make this very difficult. The question often asked is, who cares for the carers? There is no doubt they need and deserve acknowledgement, understanding and support from their fellow citizens and from their Government. To that end, a number of initiatives have been progressed in recent years to aid carers. These include increases of €5 in the social welfare payments made to carers in budgets 2017 and 2018 and an extension from six to 12 weeks for the continuation of these payments after the death of a person who was cared for or his or her entry into residential care. This has gone some way to ease the financial burden on the shoulders of carers.

Last December, it may be remembered, an additional investment of €10 million in respite care services was announced. This will deliver greater provision in respite care for people with disabilities, enable more carers to take a break from the daily caring routine and provide them with much needed time to maintain their own health and well-being. The provision of a free GP service is another important milestone in the Government's continued support for carers. It is another major step. The provision of high-quality GP care, centred on the needs of carers, is essential to ensure that carers' own health does not deteriorate. This is particularly the case because we know that their health tends to deteriorate gradually as their hours of caring increase over time. The Health Service Executive has indicated that carers will be able to apply for a GP visit card from 1 September 2018. If we do this today, we can move fast. Applicants will be facilitated to make either a paper or online application.

The provisions of the Bill are straightforward and I will outline the main provisions. Section 1 provides the relevant definitions, section 2 provides that the HSE's appeals process be extended to encompass this service and section 3 provides that the HSE's current "ordinarily resident" framework be extended to this new service. Section 4 provides for a GP medical and surgical service to be provided free of charge for persons in receipt of either carer's benefit or full or half rate carer's allowance and for the assignment of a GP of choice, where practicable. That enables the HSE to request the necessary documentation from applicants to establish if they are, or continue to be, eligible for this new service. Section 5 of the Bill provides for the Long and Short Titles of the Act and the relevant commencement provisions.

All of us will be touched by caring at some point in our lives and that is the experience of most Members of the Seanad and Dáil, whether we take on a caring role or need care ourselves. For me, this Bill is about looking out for people who spend their time looking out for others.

Caring for those in need provides a major contribution to health and social care in Ireland. Our Government recognises the major contribution carers make to the welfare of others and we aim to strive for a society that respects, values and supports these carers. The needs of carers are being considered across Government and I would hope that we will receive cross-party support on this important legislation. To conclude, I am pleased to bring forward this legislation. I take this opportunity to stress the importance of enacting this legislation before the summer recess in order that this service can be in place for carers in September.

**Senator Keith Swanick:** I welcome the Minister of State to the House and I am very happy to support this Bill, which will provide for eligibility for GP services without charge to be extended to all those in receipt of carer's allowance or carer's benefit. Carer's allowance is a payment to people on low incomes looking after a person who needs support because of age, disability or illness, including mental illness. Similarly, carer's benefit is a payment made to an insured person who leaves the workforce to care for a person in need of full-time care and attention. The carer's allowance, carer's benefit and the respite grant, now the carer's support grant, were introduced by a Fianna Fáil Government. I spoke to the Minister earlier about an issue that I have also spoken about to our health spokesperson, Deputy Donnelly. I have also been working on it with Senator Murnane O'Connor, who has been doing great work with Ms Catherine Cox, who looks after the carers in Carlow. A cohort of people lose the carer's benefit after 104 weeks, but, of course, they continue to care for people. This cohort, which numbers 6,000 to 8,000 nationally, should also qualify under this scheme.

In seeking submissions from the general public to the loneliness task force we received a significant volume of correspondence from carers. According to the Central Statistics Office, CSO, there are 360,000 family carers in Ireland. Family carers provide care and support to a person with a disability, chronic condition, mental health concern or long-term illness. They care for the person in their own home and as a result are usually confined to the home unless there is a suitable respite service, or another family member is available at that time to take over caring responsibilities. The majority of family carers in an Irish study reported major restrictions on their social or leisure activities, with isolation being a problem for many. They take up the mantle of caring for others with their own health often suffering as a result.

The Bill intends to remove the financial barrier to accessing a GP to encourage people to seek treatment at an earlier stage, rather than delaying the decision to seek care until the point at which the illness has progressed to the point where it requires hospitalisation, which is a much more expensive form of care. In the next 30 years, the number of people in Ireland aged over 65 will double and the number aged over 85 will almost quadruple. We are living longer than our ancestors could ever have envisioned, but inevitably as we grow old we will all experience the ailments and disabilities which are part and parcel of ageing. We need to look after our most vulnerable and those taking care of them.

Despite my bias, it would be remiss of me not to acknowledge the horrendous condition of general practice and how it is being crippled under the current Government. There is no point in giving GP visit cards to carers if there are no GPs to look after them. GPs have faced repeated cuts. There is an almost complete breakdown between GPs and the HSE with regards to retention and recruitment. According to some estimates, seven out of ten GP surgeries are no longer taking new patients. This is an important aspect of this Bill; it is not a tangent. If we are to provide carers with GP visit cards, we need to have doctors to see them. An inclusive process is needed. Contract negotiations are meant to be under way with one union, the Irish Medical Organisation, IMO. However, the National Association of General Practitioners, NAGP, services

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2,500 GPs. We are not going to get unilateral support, and we are not going to get a contract negotiated and agreed unless all stakeholders are at the table.

In August 2016, the Minister for Health stated: “I think it is absolutely essential that we have the new contract negotiated and I want to see the NAGP as part of that... what I am doing is saying very clearly that when we get down to negotiating the GP contract, which I expect to happen by the end of the year, that the NAGP need to be in the room”. That is not happening.

**Senator Rónán Mullen:** Cuirim fáilte roimh an Aire. Dar ndóigh, tacaím leis an reachtaíocht seo. I would also like to welcome the Minister of State.

This is welcome legislation. The extension of the GP visit card to these categories of people is a welcome development, and the Minister of State has spoken clearly about the importance of carers to us as a community. I speak from personal experience, like many others here. I live with a person who is being cared for by my mother. Everything the Minister of State said about the need to care for carers resonates strongly with me. It relates to the interconnection of the physical, emotional and mental needs of carers and the inevitable stretch on the welfare of the primary caregiver that can make a dramatic difference in people’s lives.

The carer’s allowance is a means-tested payment extended to 77,000 people on low incomes. As countless reports and investigations in recent years have indicated, these people are under enormous physical, emotional and financial pressure as they care for loved ones. Many of us watched the “Prime Time” special on this topic last December. It shocked many people, showing as it did the problems faced by carers in stark terms. I fully support the move to grant GP visit cards to people on the carer’s benefit or the full-time or half-time carer’s allowance.

However, in light of the concerns expressed by Family Carers Ireland and no doubt expressed to the Minister of State personally, does the legislation go far enough? Family Carers Ireland points to a larger cohort of people, those in receipt of the carer’s support grant. The grant is not means-tested and it results in a €1,700 annual payment to 105,000 people. There are many people in receipt of that grant who do not qualify for the carer’s allowance due to their income exceeding the means test yet, in many cases, their need for additional supports may be just as urgent. Would the Government consider extending the GP visit card to this cohort of people as well. It is a larger cohort; it would no doubt cost extra were it to happen. I do not know whether it has been costed or how much is envisaged. The proposal before the Seanad will cost €10 million per annum. How much more would it cost to extend the GP visit card to those in receipt of the carer’s support grant, formerly the respite care grant? How much is involved? Is it within the Government’s plans? Does the Minister of State think it will happen, and if so will it happen soon?

We also have to be mindful of the problems facing GPs, even as we seek to widen access to GP visit cards. The NAGP has pointed out that GP practices are badly stretched, with widespread reports of people having difficulty finding a GP to take them on as patients. The president of the NAGP, Dr. Maitiú Ó Tuathail, spoke eloquently about these problems during the recent referendum campaign, as the Government sought to place even more pressure on GPs through the new abortion proposals. His predecessor as president, Dr. Andrew Jordan, said that GP services could be as extinct as the Tasmanian tiger unless the Government intervened. The Minister for Health has repeatedly said that GP services should be at the heart of a new community-based system of healthcare, but where is the investment to make that aspiration a reality? The scheme proposed in the Bill, and any extension of this scheme in the future, which

I would strongly support, must be accompanied by a significant rethink of the way GP services are resourced currently and in the future.

**An Leas-Chathaoirleach:** Before I call on the next speaker, I would like to welcome our visitors to the Gallery, Aislinn, Julian and Rosa Pearl. They are very welcome.

**Senator Colm Burke:** I welcome the Minister of State to the House and I thank him for bringing forward this important legislation. The 2016 census recorded 195,000 carers in this country, providing more than 6.6 million hours of care. That highlights the extent to which care is being provided within the community. In a lot of cases they are not getting all of the necessary supports.

One thing about carers is that their work is not just about providing care. They also follow up about services for the people they are caring for. That can include trying to access services, working with services, arranging a GP call for the person they are caring for, taking them to the GP or the hospital or attending clinics on an ongoing basis. The people being cared for need ongoing support within the health services. The proposal that carers, who are getting the carer's allowance, should get support themselves is very welcome. The cost of providing a nursing home bed is approximately €1,000 per person per week. In many cases, care is being provided seven days per week so there is no break from it. It is important, therefore, that we recognise carers and give them the support they require.

We need to do a lot more long-term planning. I introduced a Private Members' Bill seeking to regulate home-care providers properly. We are to have an increase in the population. An additional 20,000 people per annum will reach the age of 65 and an additional 2,500 per annum will reach the age of 85. That will pose challenges in itself. The health system, as structured, will not be able to accommodate that increase. Therefore, the people who provide care must be given support.

We also need to examine other areas. I recently raised home care provision with the Minister for Employment Affairs and Social Protection. Representatives of home care providers whom I met reckon we need up to 10,000 additional home carers within the next few years. We need to examine the social welfare system. Someone working for three hours per day for five days per week will automatically lose any allowance he or she is getting under the social welfare system. We need to restructure the system to encourage more people to up-skill and train to provide home care. I refer to those who do not want to work 37.5 hours per week who would provide home care to people who do not have the benefit of somebody living in their house and caring for them. This Bill, however, provides important supports for those who are so dedicated and committed to providing care to people, whether the latter are family members or others to whom they are very close.

It is interesting to consider the census data. Over 60% of the carers are women. Over 40% are aged between 40 and 59. If one is in that age category and the person in care passes away, it is extremely difficult to re-enter the jobs market. It is a huge change in life. One must take time out of one's career to provide full-time care to a family member or close friend and one is at a huge financial loss in doing so.

I welcome this legislation, which offers the necessary support. We need to reconsider what additional supports we can give to carers to make sure they receive the necessary recognition for the work they are doing. Until quite recently, we were not giving that recognition. We need

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to do so. I thank the Minister again for introducing this legislation.

**Senator Máire Devine:** I welcome the Minister of State. I welcome the Bill and its improved provisions for carers. Carers are unsung heroes. Sometimes they get fed up. I say that because behind the unsung heroes is the hard reality of how they live and how we support them in what they are doing. They deserve our respect, compassion and support. They are the very reason for our amendment. The contribution they make to our society is unquantifiable from social, community and financial points of view. It is welcome that this Bill aims to improve the State services that are afforded to carers.

Our carers deserve full access to all medical services. Providing for medical and surgical services only, as this Bill does, is not enough. Sinn Féin supports a full transition to universal healthcare for all citizens. We need a national health service based on need, readily accessible from the cradle to the grave and funded by progressive taxation. Fine Gael supported this concept in 2007. It was in its famous, or perhaps mythical, five-point plan. Two Fine Gael health Ministers have since come and gone: current Senator and colleague, Dr. James Reilly, and the current Taoiseach, Deputy Leo Varadkar. It was, in fact, the current Taoiseach who scrapped the plans. The problem with the plan was that it involved privatising our health system through insurance contributions. It was selling off our health practices to the highest for-profit bidder while leading to higher and higher prices for patients through premiums. That is evident from the deterioration in care given in some cases, as in the case in the headlines early in the week. *Sin scéal eile*, however.

This plan was flawed, unfortunately. Sláintecare came along and recommended a universal single-tier health and social care system in which everyone has equitable access to services. This is the correct approach. We support it and have advocated this model for considerable time, best referenced in Sinn Féin's *better4health* document, which we launched two years ago.

Where is Sláintecare? There is a fear that civil servants are now watering it down. This is unacceptable. The cross-party committee will not accept it and the people, or all the people we represent, will not accept it. In planning for universal healthcare, we should be transitioning as many qualifying people as possible over to full medical cards. There can be no half medical cards, no GP-only cards or any other watered-down provisions. It needs to be all or nothing. Every week we deal with people trying to gain access to a medical card, including the gravely ill. I was dealing this morning with a woman in her 40s diagnosed with breast cancer. She has no job any longer because of her illness. She has had to jump through hoops trying to access her health entitlements.

The Minister will know that I tabled an amendment in this regard that would allow for a provision within this Bill to give access to drugs and medicines to carers on top of the proposed services. This amendment was ruled out of order due to a cost to the Exchequer. I understand this but I want to outline to the Minister today why this amendment is important. Many carers give up work entirely to care for their loved one. They cannot feasibly continue a career while giving 24-7 care. They devote their lives to keeping their loved ones – our citizens – at home and with their families. At times, this is a really difficult decision to make. It involves a complete change in lifestyle. As Senator Swanick alluded to, it often results in a life of isolation and being hidden away.

This is about a lot more than money; the time that carers save the State is colossal. There should never be a situation in which carers, because they have had to give of all or part of their

income through leaving the formal workforce, cannot afford prescription costs and medicines. It is a fairness issue. Considering how much carers save the State, the very least we could do in return is offer a safety net to them. They should never be counting pennies in an almost empty purse. The €5 increase that the Minister referred to has completely vanished.

*2 o'clock* The profits of the gas and electricity companies and the increases in rent have completely negated any €5 increase. The cost, according to the research document, is €2.8 million per annum. What I propose would be fairly cost-neutral if the efforts and everything done by carers, who effectively have mini treatment hospitals or centres at home, were accounted for.

I ask the Minister of State to reconsider the amendment. We will be strongly pushing for support from across the House. The amendment will be resubmitted in the Lower House and I ask the Minister of State to give it consideration.

Overall, I commend the Minister of State on the Bill. More than that, I will take a moment to thank sincerely all the carers for the Trojan compassionate work they do. They are the warriors at the front line. We are starting the process of looking after them but we could do a lot more. I hope the Minister of State will take seriously the suggestions made today.

**Senator John Dolan:** I welcome the Minister of State, Deputy Finian McGrath, and his officials. This is a good day in terms of giving much needed support and respite to people and families. It also has great benefit for the person who is being cared for, because the burden that is on their loved one weighs heavily on the person who is being cared for. That is also to be acknowledged today.

I want to go back to a very useful document, namely, the Bills Digest written by Diarmaid O'Sullivan, which includes the policy background. The documents notes that the "Prime Time - Carers In Crisis" special in December and the work by Rosita Boland in *The Irish Times* highlighted issues, including insufficient respite care, insufficient home care, dealing with challenging behaviour, which is one to let our minds rest on for a while, the detrimental impact of caring on carers' mental and physical health and concerns about what will happen to those cared for when the carer passes away.

We are making an important step today, but it is important to contextualise it in what still needs to be done. A Programme for a Partnership Government states:

Carers are the backbone of care provision in this country. In 2012, the first ever Carer's Strategy was published. We are committed to implementing it in full. We wish to see greater involvement of family carers in the preparation of care plans, aiding the provision of care, together with more accessible training and respite care, to facilitate full support. We also support an increase in Carer's Allowance and Carer's Benefit as well as improved access to counselling supports for carers.

I want to draw attention to a relationship between this statement in 2016 and the fact, it would seem, that a "Prime Time" programme delving into the crisis was what spurred this very welcome move. Perhaps that is not the case, but it is the way it looks. We have seen issues that have come into the public domain where families have made their personal situation public and where there has been a response. I simply want to say that if there is no correlation between one thing and the other, the Government really needs to come out and show this is the case. For a lot of people, there is still a sense that things will get responded to in some way when people

are out there in the media, and that is not helpful.

We all know Family Carers Ireland, which was the Carers Association. We have all benefited not just from its advocacy work but the very practical work it does in every parish and townland in the country keeping people and their situations together. One of the key issues it has, while welcoming the Bill and recognising it as a positive step, is that it is very frustrated at the decision to limit the card to carers in receipt of carer's allowance. This imposes a means test by virtue of the fact the carer's allowance is means tested. As such, this decision is at odds with the Government's commitment to introduce universal free GP access to all ages. This means that while children under the age of six and those aged over 70 are granted a GP visit card regardless of their means, carers are treated differently. This point has already been made by Senator Rónán Mullen and others.

I want to focus for a moment on people who receive the carer's support grant. They are often what might be described as the squeezed middle. They do not meet the means test. In Diarmaid O'Sullivan's work we see that the majority of carers are women and most of them are between 40 and 60 years of age. They are significant years, particularly for women but for adults in general. They are looking over their shoulder in terms of children and family development and looking at ageing parents. It is something that needs to be taken account of.

There is also the issue of the number of years that some people spend caring. For some it is a two, three or five year stretch and for others it can start in their 20s or 30s. I know the Minister of State is live to this issue, and it comes back to the idea of families being squeezed. Many of the people being cared for need their houses adapted in some way or other. We are not dealing with that today, but the housing adaptation grant is highly means tested. If people have reasonable, but not great, means it is another thing they cannot get their hands on too easily. There are issues that relate to the carer's support grant. Often, one of the adults in the house has already had to give up work and forgo significant income that would help that household. These are people of working age. There is a squeezed group of people who do not meet the means test but who are really under pressure. Having said that, I am very happy to see this and I welcome it very strongly.

**Senator James Reilly:** Cuirim fáilte roimh an Aire Stáit agus an Bille tábhachtach seo. I welcome the Bill because it is a very good step in the right direction. As others have done, I acknowledge the tremendous work done by carers in this country. They provide care out of regard and love in many instances for those for whom they care. Others do so through a commitment of wanting to help others. It is important that through the Bill we have another small acknowledgement of the great work they do. As has been pointed out by Senator Colm Burke, many give up their most productive years and find themselves trying to re-enter the job market in their late 50s and 60s, which is a daunting task, yet they do so willingly and knowingly.

There are many other carers who will not be included in the Bill, and I hope that will be the next step in expanding free GP care without means testing because they also need help. As others have pointed out, it is not so much a case of the money and the relief, it is also the acknowledgement of what they do.

I hope the resources will be put in place for GPs to provide this care because, as others have pointed out, we know there is an issue with a lot of GPs retiring and others closing their lists out of fear of not being able to provide a safe service because of the numbers they are increasingly being asked to cater for. We need to attract back some of our younger doctors who have

left this country.

With regard to the contention of Senator Devine that universal healthcare was to privatise our health service, it certainly was not. It was a realisation and recognition of where we are now and how the two systems are intermingled. It was to allow those who cannot afford insurance to be supported by the Government to have insurance and have it paid for by the Government in many instances. I worked in the system for all of my adult life. I know that hospitals see private patients as a resource and look upon public patients as a cost. I will be criticised for saying what is true but it is the reality. If a hospital is given a fixed budget, once that budget runs out, how is it supposed to look after people? If we had a money-follows-the-patient system, which I was promoting and which had started, every patient who comes through the door would mean more income for the hospital, more support for staff and more resources to deal with the situation. That is what we need. We cannot continue with budgets that can be blindly broken without any regard for how many patients have been seen or treated and without any regard for whether those patients are the longest waiters or not.

I want to come back to what is a very good news story, a very good day for carers and a day I hope will lead to more free GP care for all people on this island. The next group we should be looking at in the budget is the other carers who are means tested. The other groups, the over 70s, under sixes, those with cancer diagnoses and those with disabilities, are not means tested and that is right. This group is entitled to the same consideration.

I thank the Minister of State.

**Senator Alice-Mary Higgins:** I join with others in welcoming the Bill. It is a small but significant recognition of the work of care in our society and the fact that the care given in so many homes across Ireland is a contribution to the State and to our shared common good. The State bears a responsibility to acknowledge and support carers in their work. There are many positive elements in the Bill. That is why it is passing with such speed through the House. We will come to it at a later Stage but it is a positive step that those on the half-rate carer's allowance are likely to be included.

I will further underline some of the concerns of those on the carer's support grant. There is a practical question and a question of principles. When the Minister, Deputy Harris, announced the beginning of the process last December, a cost of €11 million was talked about. Many people who were on the carer's allowance, because it was means tested, already qualified for the medical card, which has perhaps been what allowed those on the half-rate carer's allowance to come into the mix. Might there not also be scope, even within this Bill, to include those in receipt of the carer's support grant? If there is a space in what was originally envisaged fiscally, I urge the Minister of State to try to make it happen as it goes through the Dáil. We cannot table a money amendment ourselves.

It is really important for all the reasons that were mentioned but also because there are issues in the means testing. There are issues around financial independence. When a person gives up his or her work to care for another person, the fact that his or her partner may continue to work means there is money for the household but the person who is perhaps taking a decade out of his or her career to deliver care also needs financial independence and not simply income. That is a concern I have about the adequacy of the carer's support grant. This includes a level of independence. People will not have to ask their partners for the money to visit a GP or to access prescriptions. They will not be asking for that money. People may seek to re-enter the

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workforce in their 40s or 50s and will have a capital basis for a restart. We all know the efforts that restarting takes.

There is another related concern which I realise touches more on the area of social protection but it overlaps. There are many who are caring in Ireland who are not having contributions made by virtue of the way in which they started caring. There is a hole in our system whereby those who were not making social protection contributions before starting to care can sometimes not have contributions made on their behalf. They face issues when re-entering at a later point and also in terms of pensions in the longer term.

I will touch briefly on another related issue. I join with others in saying-----

**An Leas-Chathaoirleach:** The Senator is running into injury time.

**Senator Alice-Mary Higgins:** I am into my final time.

**An Leas-Chathaoirleach:** The Senator has gone past it.

**Senator Alice-Mary Higgins:** With my colleague, Senator Dolan, I had the opportunity to co-host a joint meeting of the Joint Committee on Employment Affairs and Social Protection, Joint Committee on Education and Skills and Joint Committee on Health. It was an opportunity to bring together persons with disabilities. The medical card system was brought up as a real concern and a fear for those seeking to access employment or education. In the year when the Minister of State is ratifying the UN Convention on the Rights of Persons with Disabilities, which I applaud him for, we need to move towards emancipation as well as care. Many carers want to see those they care for supported and emancipated. That is where that join-up is important. We should applaud them for their work and let that work not be invisible. Let us consult with them on the routes to opportunity for carers and those cared for.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank our colleagues for the detailed responses and their great support. Senator Swanick raised very important issues on the 104 weeks and the cohort of people who miss out as a result. As the Senator said, there are 68,000 people. It is something I am prepared to look at and something I will discuss with the Minister, Deputy Harris. I am open to the constructive suggestions that have come from the Seanad today.

The GP issue is a very important part of the debate because if we are doing GP cards we have to ensure the infrastructure is there and the GPs are there. I have met the NAGP on a number of occasions since I took over as Minister of State with responsibility for disability issues. It has been very supportive of me. I take the Senator's point about inclusive negotiations. It is the direction we should be going. That is something I will push within Government. I have met the NAGP on two occasions. I have spoken at one of its conferences. I also got massive support from it for the issues I want to drive in disability services. It is important that Senators know that as well. I believe all stakeholders should be around the table. That is my plan.

**Senator Keith Swanick:** I thank the Minister of State for that.

**Deputy Finian McGrath:** Senator Mullen's point on the importance of carers and the issue of respecting and appreciating them in society is important. Does it go far enough? Can we extend it? I have a vision that this involves a step-by-step approach. I see this as a small recognition of the amount of work carers have done. I also see it as part of four other things I have

done in the past 12 months. They are: the restoration of the carer's grant to 105,000 people; the medical cards for the 11,000 children who were on the domiciliary care allowance; the €10 million for respite care; and the €14 million announced last Monday for the housing adaptation grants. I see it as part of the overall national disability strategy and as supportive of that issue.

With regard to Senator Colm Burke's point, I welcome the support. The Senator played a very important part in the nursing homes issue. When one looks at the costs of €1,000 - and it can go even higher - we need to be radical and creative and we need to see where we are spending the money. If we are not spending the money sensibly, it is important. Senator Burke also suggested we revisit the social welfare system.

Senator Devine gave her very strong support to the carers. I accept the point she made on her amendment. In an ideal world, I would love to broaden out the legislation and hers is a viewpoint I listen to. I also accept her point about the universal healthcare system. We have to go down that road and if we are going in that direction, we have to implement *Sláintecare* and stick to the plan. We have a plan here and that is a very important part of the plan. I mentioned the four or five things I have done in my portfolio on disabilities and carers are all part of the broader plan.

I thank Senator Dolan for his support on many issues. He sees this as an important step. I disagree with him slightly on the role of the media. I hope I do not get into trouble, like the Taoiseach the other day, and I take the Senator's point on the perception. As for the people who influence me as Minister, for example, I have heard loads of ideas in this Chamber from Members. Carers influence me, as do the disability groups. When I meet the Disability Federation of Ireland, DFI, or Inclusion Ireland, they influence me and I bring those things into the pot and to the Government as well. I listen to carers and try to implement what they are concerned about.

Senator Dolan has a valid point regarding people in those middle-income areas and I understand the limit in respect of the housing adaptation grant is €60,000. There are people who at times believe they miss out on supports, in particular with regard to carers, and we have to face that reality.

Senator Reilly has mentioned carers and acknowledged their achievement. He, like a lot of the Senators, envisages a role for an expansion of the scheme. He mentioned the importance of GPs and that we must make sure the carers are looked after.

Senator Higgins mentioned a lot of key things. She acknowledged the recognition of carers, which we all do, but we have to back that up. In respect of looking after carers, I totally agree with the Senator on linking into the United Nations Convention on the Rights of Persons with Disabilities. The Senator also mentioned the half-rate carers issue, the carers support grant and the inclusion of carers in this scheme as well. These are issues on which I have an open mind and I take the point about people who feel left out of the system. If we are talking about inclusion, we have to look at that system. The Senator mentioned the medical card system as well. I was delighted to hear the Senator use the word "emancipation" because we have a long way to go. I know, from working with the National Disability Authority, that we also must bring the broader society with us, as regards their attitudes to people with disabilities and to carers. We need to ensure these people are respected and their rights are respected as citizens of this State and as people who want to make a contribution. The Senator mentioned the medical card and I just reflected on the fantastic people I met recently with disabilities who are in employment and who are not in receipt of a medical card because their salaries are high. The cost to

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them, because they have a disability, is much higher than the costs to the average person. That is something about which I have talking to the Minister for Health, Deputy Harris, in recent weeks and on which I have presented. We kicked off recently on the figures for the Estimates for budget 2019. I met representatives of the HSE and Department of Health officials the other day and we had our first meeting.

When talking about carers, another issue that is often forgotten about is the quantity of urgent need for people with disabilities who want to have their own independence and to have their own personal assistants. This is something I discussed before with Members, including Senator Dolan, and others. We need to ensure we increase the personal assistance hours for people with disabilities in order that they can be more independent and not dependent, as they want to get on with their lives like the rest of us. Let us look in that direction as well.

Let us be radical and creative. I thank my colleagues for some of the fantastic ideas I pick up here on the disability issue. I also acknowledge Members' support over the past two years regarding the vision of the rights of all persons with a disability and the rights of people as citizens, as well as to ensure we invest in the services and to make sure these rights are protected by implementing quality services.

Question put and agreed to.

**Acting Chairman (Senator Michelle Mulherin):** When is it proposed to take Committee Stage?

**Senator Colm Burke:** Now.

**Acting Chairman (Senator Michelle Mulherin):** Is that agreed? Agreed.

### **Health (General Practitioner Service) Bill 2018: Committee and Remaining Stages**

Sections 1 to 3, inclusive, agreed to.

#### SECTION 4

**Acting Chairman (Senator Michelle Mulherin):** Amendment No. 1 in the name of Senator Devine has been ruled out of order as it involves a potential charge on the Revenue.

Amendment No. 1 not moved.

Government amendment No. 2:

In page 3, to delete lines 26 to 29 and substitute the following:

- “(a) carer’s benefit within the meaning of Chapter 14 of Part 2 of the Act of 2005,
- (b) carer’s allowance within the meaning of Chapter 8 of Part 3 of the Act of 2005, or
- (c) a payment under section 186A of the Act of 2005.”.

Amendment agreed to.

Section 4, as amended, agreed to.

Section 5 agreed to.

Title agreed to.

Bill reported with amendment and received for final consideration.

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

**Senator Colm Burke:** I thank the Minister of State for bringing forward this legislation. It is important to give recognition that it is a step-by-step approach. One thing about the turnaround in economic circumstances is it is important to use wisely that increase in moneys coming into the Revenue Commissioners but that in particular, it is used for people who need that additional support. They provide a huge contribution and we should recognise that by giving them that additional support. Both the Minister of State and the Bill are welcome and I am delighted it has gone through its Final Stages here.

**Senator John Dolan:** I wish to make a couple of comments. It is great to have this piece of work done today. While still acknowledging the caring role we have, we must have a trajectory that brings us from care into independence. It is important that it becomes more about supporting people from the home and out into the local community and into employment. I thank the Minister of State for his remarks about the importance of independent living.

I do not make this point specifically to the Minister of State, who I note referred to the National Disability Authority, which has strong opinions on this issue, but more to my colleagues in this Chamber. I make the point without apportioning blame but I am aware from my own work in the Disability Federation of Ireland that while the public clearly gets the notion of care and respite, which is important, it is a greater challenge for the public to understand how we can assist people to live life independently, that is, to make their own little or big choices, to go on their own journey, to be able to go places independently and to have a sense of themselves as an agent.

Senator Higgins did mention the work that was done between the three committees, namely, the education and skills, health and employment affairs and social protection committees this year. That is just one example of trying to pull together where the gaps fall between particular responsibilities. Given his all-of-Government brief, the Minister of State is very aware of this need to try to bring forward disability inclusion. We will see that challenge in the forthcoming budget - this is not addressed necessarily to the Minister of State as such - and will there be practical measures in health and social protection with regard to employment, housing, accessible public transport, etc.? I refer to some of the issues raised here today. Will measures be taken that go across a range of Departments and that actually stop the impediments for people? Will we see some improvement in the level of basic income or support for people?

It is a good day and I wish the Minister of State well. I hope Members of this House will be of assistance in the different committees and groups they are on to push for what is now a priority for the Government, together with the other issues it has at a national level. To use Senator Higgins's term, they should push for the road to emancipation for people with disabilities.

**Senator Alice-Mary Higgins:** To speak briefly, I very much welcome the passing of the Bill. I commend the Minister on one point he made just there and indeed in his initial speech,

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when he spoke first of respite care and also on the question of personal assistance. It is very important that carers recognise that in the case of the person being cared for, even though he or she is being cared for at home, the State has a duty of care and thus should contribute to same. It is important that family care, vital and important as it is, is never seen as an excuse for the State to fall back on its duty to provide supports. I welcome the commitment to strengthen the supports available for personal assistant hours and, indeed, to consider choice when it comes to personal assistant hours. It will mean that families and individuals can play a role in making sure that they are happy with and have accountability around home care services, about which people can sometimes feel vulnerable.

I wish to make a final but practical point. Like many others, I would love if this was not simply a GP card but a proper medical card that provides full healthcare. I want to ask the Minister of State to do the following. When he converses with the Minister for Health, if we are not going to just have the full medical card at this point, and I mean the full GP card, that particular areas are studied to see whether supports are needed, such as counselling services. We know that the work done by carers causes mental strain, difficulties and pressures. We also know that there are certain areas of care that are physically taxing in terms of providing care. Perhaps the Minister and Minister of State would consider particular areas and ask the caring organisations to recommend additional supports for specific areas so that when people approach their GP, the GP will recommend supports for the carers. It would mean that we could provide supports in some of the high volume areas of concern to carers.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I shall make a couple of short points because I know that many of the points have been made. I thank all of the Senators for their valuable contributions on this Bill today.

I assure Senator Higgins that personal assistant hours is an issue that is close to my heart. I agree with her that we should consider supplementary supports and consult people to discover what is needed.

I agree with Senator Dolan that every Department must respond to the issue of people with disabilities. I can assure him that I say that to my colleagues on a regular basis and I shall do so again over the next couple of weeks. We must also do the same with budgetary matters.

I welcome the fact that we have brought the legislation through all Stages in the Seanad today thus ensuring that this important service is made available to carers as quickly as possible. I hope that the service will be available on 1 September.

As a long time supporter and campaigner for people with disabilities, I am acutely aware of the pressures experienced by carers who care for people with disabilities. I know that they are often under tremendous strain to keep going. Today is a good day for those people. Removing the barrier and introducing free GP care for an additional 14,000 carers will prove to be a significant benefit, thus ensuring that health services can be accessed to prevent the health of carers from deteriorating. The measure will also aid carers in getting the necessary supports and services required for the benefit of both the carer and his or her family member or loved one.

I thank all of the Senators who contributed to this debate. They have shown great support for the rights of people with disabilities. I am personally very pleased to bring this legislation forward. It is our obligation, as public representatives, to look after those who need it most. On that note I commend the Bill and thank Senators for their support.

**Acting Chairman (Senator Michelle Mulherin):** That concludes the debate.

Question put and agreed to.

### **Declaration of Independence Day Bill 2017: Report and Final Stages**

Bill received for final consideration.

Question proposed: “That the Bill do now pass.”

**Acting Chairman (Senator Michelle Mulherin):** I welcome the Minister for Culture, Heritage and the Gaeltacht, Deputy Josepha Madigan, to the House.

**Senator Keith Swanick:** I welcome the Minister for Culture, Heritage and the Gaeltacht to the House and thank her for taking Report and Final Stages of this Bill prior to the summer recess. I also thank my co-signatories of the Bill, Senator Diarmuid Wilson who is with me here today, and also Senators Robbie Gallagher and Mark Daly.

As we are all aware, the first meeting of Dáil Éireann took place in the Mansion House on the afternoon of 21 January 1919. The meeting may have been brief and lasted a couple of hours but they were probably the most momentous hours in Ireland’s history. Orderly queues even formed on Dawson Street. Visitors’ tickets had already been distributed and the Round Room was soon crammed with people. Deputies nominated Deputy Cathal Brugha to be Ceann Comhairle. After he accepted the nomination he recited the Declaration of Independence in Irish, followed by Deputy George Gavin Duffy who recited it in French and, finally, Deputy Edmund Duggan recited it in English. The momentousness of this day was not lost on our friends across the globe. Journalists from the United States, Canada, France, Belgium and Spain came here to witness the opening of the First Dáil, which demonstrates how closely Ireland’s struggle for independence was being watched by our neighbours across the world.

Yesterday, being 4 July, the US celebrated its Independence Day, Bastille Day will be celebrated in France and around the world on 14 July and Belgium’s day of independence will be celebrated on 21 July. All of these days are recognised across the globe. As I have said before, no one party should attempt to claim ownership of the First Dáil or the Declaration of Independence. There will always be differences in opinion on how best to remember the past. I believe that it is not only appropriate but imperative that this momentous day in our history is formally recognised on an annual basis.

Finally, I thank my colleagues from all parties and none for the overwhelming support that they have shown for the Bill.

**Senator Maura Hopkins:** I thank Senator Swanick for his work on this Bill. As he said, what happened on 21 January 1919 shaped this country and, therefore, it is fitting that the date is designated as our independence day. It is positive that the Bill does not propose that the day be declared a public holiday as this will make the designation process more straightforward. The measure will also ensure that recognising an independence day will not have a significant economic impact on the State.

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The Minister for Culture, Heritage and the Gaeltacht has given extensive consideration to the Bill and I ask her to outline in detail the type of commemorations that are likely to take place.

**Senator Diarmuid Wilson:** I welcome the Minister for Culture, Heritage and the Gaeltacht to the House. I thank her for her co-operation in terms of allowing the legislation to swiftly pass through the House.

I commend my colleague, Senator Keith Swanick, for putting together this important legislation and I hope it comes to fruition very shortly. It is important that we commemorate the first sitting of the Dáil on 21 January 1919. The one thing that the Senator did not allude to in his contribution today, which he has done on numerous occasions, is the fact that we do not seek the day to be designated a public holiday and simply want it to be commemorated. As he alluded to, many countries celebrate their independence day or, if they do not have an independence day, the day is celebrated and they also have a national memorial day.

I wish to take this opportunity to welcome to the House Senator Swanick's wife Aislinn, his son, Julian, and his daughter, Rosa Pearl, who are here to commemorate this great occasion. Once again, I commend the Senator and my co-signatories to this Bill. Finally, I thank the Minister for Culture, Heritage and the Gaeltacht for allowing the legislation to be passed unanimously.

**Senator Mark Daly:** I join with colleagues in commending Senator Swanick for introducing the Bill and thank the Minister for her assistance on the matter. I served on the decade of commemorations committee during the centenary of the 1916 Rising. Next year with the centenary of the sitting of the First Dáil, it is important that the occasion be marked and this is a fitting element to it, as we celebrate the declaration to the free nations of the world. Of course, that occasion on 21 January 1919 was relatively short, attendance was particularly poor on the first sitting of the First Dáil, but for good reason. I believe 33 of the Members were on the run or in jail, so the failure to attend was excusable in many ways. I know the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, has taken over the portfolio from the previous Minister. Much and all as we might have issues with the former strategic communications unit headed by Mr. John Concannon, in his role as head of the 2016 commemorations, together with the then Minister, Deputy Heather Humphreys, he did an excellent job in marking those events.

I have written to the Minister on a number of occasions regarding the Government's all-party consultation group on the decade of commemorations. This is an important group because during the lead up to 2016, there was no plan, and opportunities were missed. One of the events we need to look at came to my attention when we had a group down from the Shankill Road, who raised the issue of what happened to their community in the Twenty-six Counties during the War of Independence and the Civil War and that it needs to be acknowledged by the State. The wrongs that were perpetrated need to be marked by the State. We need to grasp these issues and they need to be addressed in an appropriate way.

When will the all-party consultation group on the decade of commemorations meet? We in Kerry have already marked the 100th anniversary of the first action in the War of Independence, although the people in County Tipperary would tend to disagree that it happened on 21 January 1919. The boys in Cork claim that the first action of the War of Independence happened on St. Patrick's Day 1918. We need to have a plan. I know there is an expert group and I know the officials are working behind the scenes but I know the all-party group made up of Members of

this House and the other House played a key role in identifying and addressing issues. There was talk at one stage that even the GPO would not have had the commemorative centre ready, in that the foundation stone would only be laid in 2016. As a result of pressure from members of the committee, the Taoiseach opened the Witness History Centre in 2016, as should be the case. There were issues about whether there should be a parade. All the issues were addressed in respect of 2016, and now all the issues arising from the centenary celebrations for 2019 need to be addressed. When it comes to the issue of the Civil War, the all-party consultation group is critical in how we address that most tragic period in our nation's history.

This is an important piece of legislation in that as a nation we must mark and commemorate the significant events, not just because of their historical context but because it gives us an opportunity to reflect upon how far we have come and how far we have yet to go to achieve the aims of the 1916 Proclamation and the aims and aspirations of the First Dáil. Other small nations would believe in the words and aims of the Proclamation when it states: "The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all of the children of the nation equally."

I thank the Minister for coming to the House to take this Bill. I commend my colleague, Senator Keith Swanick, for introducing it and getting it to this Stage in the run up to the important anniversary of the first sitting of the First Dáil.

**Senator Niall Ó Donnghaile:** I echo Senator Daly's closing remarks. I commend Senator Swanick and the co-signatories for bringing this Bill before us.

I have had the great pleasure of contributing to this discussion through its passage in this House and on each occasion, I have gently reminded Members that while it is important to remember and acknowledge our Declaration of Independence and it is something that we can all join together in marking, there is a greater onus on us when legislation is before the House to remember the unfulfilled aspirations of the Declaration of Independence of that revolutionary era and those revolutionary leaders, men and women whom we rightly acknowledge and remember with great respect in both Houses when we pass through the corridors of these buildings.

This is a very worthy Bill in terms of what it seeks to do. I wish it every success in how it is implemented. I hope it acts as a catalyst for respectful commemoration and reflection. Unashamedly I want it to act as a reminder that we have an unfulfilled body of work. I know the proposers share that sentiment in terms of realising the establishment of a truly national democratic and independence, but also the ethos, the heart and the spirit of that era. I had some limited engagement with the organisation of the decade of centenaries programme when I was previously a member of Belfast City Council. The Minister can appreciate that we had a very delicate balance in terms of navigating those somewhat choppy waters. Certainly it is right that we remember, that we commemorate, that we are respectful, understanding and embracing in so doing. It is important too that we are unashamed in our remembrance, commemorations and celebration.

I commend Senator Swanick. This has been a labour of love for him which was apparent at every Stage. I know that the State has done much admirable work in navigating the choppy waters of the decade of centenaries. It will come as no surprise that there were instances where I think we could have done better, but nevertheless I know it has been a considerable body of work, not least for the officials in the Department and associated committees around this issue.

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Go n-éirí leis. Tá mé sásta a thacú leis, ní hamháin ar mo shon féin ach ar son Shinn Féin fosta.

**Acting Chairman (Senator Gerry Horkan):** I thank Senator Ó Donnghaile. As no other Senators are offering I invite the Minister to conclude.

**Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan):** I thank Senator Swanick for bringing forward this legislation. I met his beautiful wife and children outside. It is lovely to see them here today.

I have decided not to propose an amendment to the Bill at this Stage but as I said on Committee Stage, I consider the Bill requires some amendment. My officials have been considering the issue in consultation with relevant Departments and the Parliamentary Counsel. This consideration is ongoing but I will be shortly seeking Government approval to proceed with drafting amendments arising out of that consideration. I note the support from across the House and I would hope therefore to be in a position to bring forward relevant amendments when the Bill is considered in the Dáil.

In response to the question raised by Senator Hopkins, my Department is considering with relevant Departments, including the Department of the Taoiseach, how we can appropriately remember the date. There are some ideas currently under consideration such as: a schools' module competition and collaboration with the Department of Education and Skills; an annual wreath laying ceremony to commemorate the significant contribution by the Members of the First Dáil to the emerging Irish State; and an annual cultural event, for example, a lecture, exhibition or concert in partnership with Creative Ireland and-or our national cultural institutions. There will be opportunities for local authorities to mark this event at county level if they wish, as part of their annual commemorative activities and the outcome of this consideration will in turn inform any proposed Government amendments. I am also very interested in any ideas from Deputies and Senators on how best to hold an annual commemoration. I thank Senator Diarmuid Wilson for his comments. I note that he mentioned it is not a bank holiday, and that is a positive issue from my perspective.

Senator Mark Daly mentioned the all-party consultation group. It was difficult to get a balanced nomination from all groups in the current Oireachtas, however I can assure the House that we have almost agreed on a membership and we hope to convene a meeting as soon as possible.

Senators Niall Ó Donnghaile and Mark Daly rightly mentioned the issue of recognising the position of nationalists in Northern Ireland and unionists in the new Free State. This is being borne in mind in respect of all commemorations over the coming years.

Question put and agreed to.

**Acting Chairman (Senator Gerry Horkan):** I thank the Minister. I see she is staying with us for our next business.

**National Archives (Amendment) Bill 2017: Report and Final Stages**

**Acting Chairman (Senator Gerry Horkan):** Before we commence I would like to remind Senators that a Senator may speak only once on an amendment on Report Stage, except the proposer of an amendment, who may reply to the discussion on an amendment. On Report Stage each amendment must be seconded. Amendment No. 1, in the name of Senators Marie-Louise O'Donnell and Diarmuid Wilson, has been ruled out of order as it is a potential charge on the Revenue. The same applies to amendments Nos. 2 to 6, inclusive. They are all in the names of Senators Marie-Louise O'Donnell and Diarmuid Wilson and have been ruled out of order because they are potential charges on the Revenue.

Amendments Nos. 1 to 6, inclusive, not moved.

**Acting Chairman (Senator Gerry Horkan):** Amendment No. 7 in the name of Senators Warfield, Conway-Walsh, Devine, Gavan, Mac Lochlainn and Ó Donnghaile, arises out of committee proceedings. Amendments Nos. 7 and 8 are related and may be discussed together by agreement. Is it agreed to discuss them together? Agreed.

**Senator Niall Ó Donnghaile:** I thought that Senator Warfield was speaking on this amendment. Perhaps the Acting Chairman might inform me of what the amendment says and I will do my very best to reflect upon it.

**Acting Chairman (Senator Gerry Horkan):** That is not necessarily what the Cathaoirleach is normally going to do, but I will read amendment No. 7 to the Senator.

**Senator Niall Ó Donnghaile:** The Acting Chairman is very good. I thank him.

**Acting Chairman (Senator Gerry Horkan):** The text of amendment No. 7, in the name of Senator Ó Donnghaile and others, reads: "In page 4, line 18, to delete "may" and substitute "shall".

**Senator Niall Ó Donnghaile:** Sure, that sounds grand.

I move amendment No. 7:

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

**Senator Mark Daly:** I second the amendment.

**Acting Chairman (Senator Gerry Horkan):** It is not the longest or most complicated wording ever. Seeing as the Senator does not have too much to say on it, I might bring in the Minister for her response.

**Senator Niall Ó Donnghaile:** I am sure the record will appreciate the Minister's contribution.

**Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan) (Deputy Josepha Madigan):** Amendment No. 7 proposes to delete "may" and substitute "shall". On consideration of this amendment, and following advice received from the Office of the Attorney General, I cannot support this proposed amendment for the following reasons. The advice of the Attorney General is that the procedure in section 8 of the principal Act is cumulative, in that as Minister, before I can make an order I must consult with the director and obtain the

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consent of the Taoiseach, the Minister for Public Expenditure and Reform and other relevant members of the Government pursuant to paragraph (a), to be satisfied as the matters referred to in paragraph (b). If the word “shall” is placed in paragraph (b) this would lead to a confusion as to whether or not I as Minister must make an order if I am satisfied as to the matters referred to in paragraph (b), notwithstanding the conditions provided for in the previous paragraph, for example, consulting with the director of the National Archives and obtaining the consent of the Taoiseach, the Minister for Public Expenditure and Reform and other relevant members of the Government. Therefore, I cannot make such an order unless I have consulted with the director, received the consent of the relevant parties, and am satisfied as to the matters referred to in paragraph (b). I therefore cannot accept the amendment.

**Acting Chairman (Senator Gerry Horkan):** Will the Minister deal with amendment No. 8 as well, as we are discussing amendments Nos. 7 and 8 together? It reads: “In page 4, lines 18 and 19, to delete “where he or she is satisfied that” and substitute “where the Director of the National Archives is satisfied that”.”

**Deputy Josepha Madigan:** The Government desires a balanced approach to the release of departmental records. For this reason the proposed legislation includes checks and balances. All decisions to release documents will be taken in consultation with the director of the National Archives. The consent of the Taoiseach, the Minister for Public Expenditure and Reform and the relevant member of the Government are also required. These consultations and consents are being carried out to ensure that this legislation is acted on and that the requisite resources are in place. There are conditions that must also be met, namely, that the documents have to be of historical or public interest, there must be a fair and balanced reporting of matters of common interest to the State and other jurisdictions and arrangements for such transfer must be adequate.

The role of the director of the National Archives is defined under the National Archives Act 1986. The wording of this amendment, if carried, would give a co-decision role to the director before a Government Minister could agree to transfer records to the National Archives after 20 years. This is not appropriate. The director would not be in a position to judge the test for release set out in the Bill, as I have mentioned. The relevant expertise in this regard will rest with the Departments which hold the documents. For these reasons, I cannot accept the amendments.

**Acting Chairman (Senator Gerry Horkan):** The amendments are in Senator Warfield’s name. Is he pressing them?

**Senator Fintan Warfield:** Yes.

**Acting Chairman (Senator Gerry Horkan):** Would the Senator like to speak on them first?

**Senator Fintan Warfield:** Have they been moved?

**Acting Chairman (Senator Gerry Horkan):** Amendment No. 7 was proposed and was seconded. We have not yet got to amendment No. 8. We are dealing with amendments Nos. 7 and 8. We are discussing them together, but we will deal with amendment No. 8 when we have disposed of amendment No. 7.

**Senator Fintan Warfield:** Obviously, the amendment changes “may” to “shall” in a provision concerning the records the Minister releases, in this case under the new 20-year rule. In

our opinion, a certain amount of accountability arises if, when the criteria are met, the Minister absolutely must transfer those records to the National Archives. It clears any ambiguity. Can I speak to amendment No. 8?

**Acting Chairman (Senator Gerry Horkan):** Indeed the Senator should speak to amendment No. 8.

**Senator Fintan Warfield:** Can I move the amendment?

**Acting Chairman (Senator Gerry Horkan):** The Senator cannot move it yet. He may speak on it.

**Senator Fintan Warfield:** The amendment allows the director of the National Archives to be part of the decision-making process on whether 20 year old State records are deemed to be of “significant historical or public interest”. I do not think this decision should be an entirely political one, nor should politicians have the final say. The Bill leaves no scope for transparency or accountability for these decisions. While I appreciate that the records can be sensitive in nature, these records could be reviewed with independent and apolitical oversight by the director of the National Archives. Deputy Peadar Tóibín and I have asked the Minister to suggest an appropriate office to conduct such reviews, and I would like to ask the Minister to finally accept this amendment, in the absence of an alternative as far as I can see.

**Senator Marie-Louise O'Donnell:** I wish to speak generally if I can, because I had ten amendments and they have all been ruled out of order because of a cost on the Exchequer. If Members do not mind the cliché, I personally think this is a bit of a cop-out. I refer to Senator Norris's attempts to get some legislation through. We are meant to be the Upper House of the Oireachtas and we are not allowed to talk about tuppence, which is absolutely ridiculous. It closes us down.

In my amendments, I was trying to bring about a sea change in the Bill, because the Bill has a major omission. The omission is the history of women and the history of men in this country. We are running around the country apologising to people for the way they have been treated, the way institutions, establishments and people have treated them under the auspices of the State.

3 o'clock However, those apologies seem very weak when it comes to something like this Bill. Let us consider the Magdalen laundries, the mother and baby homes, the industrial schools, the county homes and the adoption agencies. There should be a place for them in the National Archives. I will not be easily dismissed here, because this is the history of our country, and much of our archives are in private ownership.

How can the State monitor or regulate archival material in private ownership? That has been the position historically and continues to be. Even if we were looking at direct provision, it would give space for breach of regulation, although I am not saying it is doing so. Our archival history has been in private hands and this should be mentioned in the Bill. The archival history of women and men in this country should be under the canopy of the National Archives. When I am handed neatly over to the Department of Education and Skills and told that that is where it will happen, I know that is a wipe because in respect of the report of the Commission to Inquire into Child Abuse, the Ryan report, for example, which commission ended in 2009, the archives cannot be opened for 75 years when many of the people involved will be well gone. It is a situation where it is made every other Department's problem.

To be fair, I can see the problem for the Department. These archives straddle 1,000 depart-

ments. It is what the academics call interdisciplinary. It is a big word, but it really is a polymorphic term. It means a big tree and that everybody can come in under it. If we look at children who spent time in residential and training centres, they would come under the Department of Justice and Equality, as would the Magdalen laundries, while mother and baby homes would come under the Department of Children and Youth Affairs and possibly even mental hospitals when it comes to psychiatry.

The process has to start and I suggest the Department and perhaps the Minister might give me a bit of a steer. I am going to bring forward a Private Members' Bill on this subject in the autumn because I understand it is a complex problem. It has thousands of radii in the one circle and tentacles, but that is not a reason to say we could not start it or try to do it. The National Archives is a place where much of this information comes within data protection. There are many people in Ireland today who do not know who they are, where they came from and what they are. They have a right to know within the law and a right not to have to queue. Within data protection and all of the protective constraints, there is a need to allow them to be free. I thought it was a major omission, but I am not accusing; rather, I am suggesting we look at ways by which we could create that platform or path in the future. I am going to start that process and I would like to hear the Minister's thoughts on it. It would be a brilliant thing to do for her Department which could be the conduit for other Departments in whatever way it is right for them to come in and do so within the law. This is a major omission. We cannot have people's records in boxes in attics and rooms for which there is no key. People have to be able to access information to know who they are. Most of the time we are confused about who we are, even when we know. It is important for women, men and young people. It is important for the country's great archives.

Ms Catriona Crowe gave a brilliant dean's lecture in Maynooth in which she spoke about this issue, not in an accusative way but in a way in which she made reference to Ireland as a grown up country - we are talking 100 years on from independence - with strength in outlining what we did badly and what we did well and being able to hold it together. It is what the poet Seamus Heaney told us all about. He brought us all back down and gave us a sense of ourselves through our natural world which we tend to forget because we are so busy watching televised rubbish from other countries. I say this from my background in the arts, history and language and communications. As I said, it is an omission from the Bill. I know that it did not set out to make it, but I am flagging it as something that is coming down the tracks. It is not going to go away. We need a place, an archival treasure house to store all of the great history of the women and men of this country, especially of people who do not know their history.

**Senator Alice-Mary Higgins:** I express my disappointment. I refer to the excellent suite of well thought out measures put forward by Senator Marie-Louise O'Donnell, and Senator Diarmuid Wilson. They are thoughtful and detailed amendments which attempt to do something vitally important in capturing our shared social history as an island. This is something I studied many years ago in America. I remember Professor Howard Zinn's book, *A People's History of the United States*. The work of Ms Catriona Crowe has also been mentioned. I refer to the idea of history of what was it like to be alive in a period and the pressures faced. It is not simply about looking at advertisements and historical letters but also about looking at the more difficult paperwork. I refer to what it was like to be alive and trying to live, sometimes in difficult circumstances and vulnerable situations, at different points in our histories in order that we do not just get, as sometimes seems to happen, the highlights, the major political winds, the high papers and the commercial space when the deeply personal and shared struggles of people's

existence are lost.

It has been mentioned that there are major issues with identity. The issue has been and will be discussed again during the debate on the Adoption (Information and Tracing) Bill 2016, but it is not the answer. It is a complementary and separate struggle from the question of identity. Great cruelties are still being inflicted by issues such as the Magdalen laundries, industrial schools and forced adoptions. In many cases, they are not crimes of the past because people are still being denied records and information. The decisions are still being hidden. It is not only about individuals, it is also about practices and-----

**Senator Marie-Louise O'Donnell:** Administration.

**Senator Alice-Mary Higgins:** -----administration and even finances when we look at things like the vaccine trials that took place on children in Ireland. It is important for us to look at that issue. There is a double role. There is the identity of individuals and the battle in that regard, but there is also our shared identity. I feel very passionately about this issue and we need to be able to look at it. We have seen two examples. In the commemoration of the 1916 Rising we saw that we were able to face up to a difficult history. We are able to talk about the nuances and engage with them. In a different way, the recent referendum on the eighth amendment showed us that, as a nation, we were able to talk and trust each other. We are able to talk about these difficult issues. We can be trusted to look at and engage with this archival material, learn from it and grow collectively from it. Compared to many other European nations, we are unfortunate in that there are large holes in the National Archives. There was the fire that destroyed large parts of them. There are other areas where great archives were destroyed. More recently, in our social history, we have seen the destruction of things like the symphysiotomy files. It was not just a terrible issue for the women affected, it is also something for us from which to learn as we design and move forward in schools, hospitals and medical care. As a nation, we need to say we do not need more holes in our social history. I refer not only to the fact that, in many cases, records are held in either private situations or unsafe conditions, but also to the fact that they are being lost. The Bill Senator Marie-Louise O'Donnell proposes to introduce in the autumn is urgent.

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

**Senator Alice-Mary Higgins:** We cannot get back papers that talked about what it was like to be an unmarried mother or somebody dealing with separation in a society in which he or she was invisible. All the difficult systems people had to go through in those situations will be missing. Another issue is the industrial school records about which our colleague, Senator Boyhan, who is not present, has spoken passionately. It is necessary. I urge the Minister to do everything she can to ensure something is done to capture those records.

With regard to data protection, there are very clear exemptions. We are allowed to do this. There is no privacy block in this regard because archival material for collections purposes is a clear area for exemption on the basis of public interest. It is set out in the legislation.

**Acting Chairman (Senator Gerry Horkan):** We are dealing with amendments Nos. 7 and 8. I exercised some discretion with Senator Marie-Louise O'Donnell because so many of her amendments were ruled out of order.

**Senator Alice-Mary Higgins:** I will conclude.

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**Acting Chairman (Senator Gerry Horkan):** We are on amendments Nos. 7 and 8.

**Senator Alice-Mary Higgins:** I will go straight back to amendment No. 7.

**Acting Chairman (Senator Gerry Horkan):** I thought the Senator had dealt with them.

**Senator Alice-Mary Higgins:** I very strongly support amendment No. 7. I support amendment No. 8 as well but amendment No. 7 is absolutely pure common sense and should be accepted by the Minister. Amendment No. 7 addresses the part of the Act that says where we have records the Minister is satisfied are of significant historical or public interest and where he or she is also satisfied the transfer of those records will facilitate the balanced and fair reporting of matters of common interest to the State and other jurisdictions, he or she may publish them. If the Minister is satisfied they are of significant historical and public interest and is satisfied they can be transferred and dealt with in a fair and balanced way, those are sufficient safeguards. We do not need the word “may” there, we need the word “shall”. If they are that important, if we have the mechanisms to deal with them and they are also satisfactory, “shall publish” is the only phrase that is acceptable there.

There is a danger. We do not want a situation in which an entire nation is denied part of its history because a Minister of the day - not the present Minister - may not like what he or she sees even though he or she recognises its historical interest and recognises that it can be shared. I feel strongly about it. I hope my colleague presses a vote on the amendment because I feel strongly about it. It is very good.

I recognise what it attempts to do with regard to the director of the National Archives. I would have preferred a combination role for the Minister and the director of the National Archives but I appreciate the sentiment involved in trying to move this away from political influence.

I urge the Minister to publish the census of 1926. I know the amendment concerned was ruled out of order but it would be wonderful for us to have it.

**Acting Chairman (Senator Gerry Horkan):** I will bring in the Minister. We must remember that the Bill has been in the Dáil. This is the end of it.

**Deputy Josepha Madigan:** I am not sure if Senator Warfield was here when I spoke on amendment No. 7. As I said with regard to amendment No. 7, I am acting on the advice of the Attorney General’s office and I cannot accept the amendment.

On amendment No. 8, it is important that Departments with relevant experience carry out the relevant functions. For example, the director would not be in a position to judge the sensitivity of documents relating to the Good Friday Agreement 20 years ago which would now fall to be released under this Bill.

I thank Senator Marie-Louise O’Donnell for tabling her amendment. It has been a long process to get this short, focused Bill to this point and I assure the Senator that I and my officials will give careful consideration to the proposals the Senator has made. They are quite complex and would need to be teased out in greater detail. An example of those details would be constitutional issues that might arise with the State acquiring documents to be transferred to the National Archives. There could be data protection and privacy issues with regard to the making available of records within the archives. While the amendments provide for the situation

when the Data Protection Commissioner may certify records that should not be transferred, the default position is that relevant public authorities shall transfer records unless the Data Protection Commissioner steps in.

The issue of the right to privacy versus the right to know is something that is being considered in the context of the Adoption (Tracing and Information) Bill 2016, which is currently before the Seanad. The Minister, Deputy Zappone, has indicated she wishes to work with all parties to get this issue resolved. That process would assist in taking an overall view of the wider range of social services documentation.

The administrative burden of operating the new provisions is unknown, as are the implications for the National Archives, public bodies and many private bodies. There are also a number of issues that would need to be considered. For example, the amendments would give a role to the Taoiseach instead of the Minister, which is a misreading of the Act as it is now construed. Another issue is the role of a new archives board versus the role of the existing board. There is also conflict with existing legal provisions regarding local authority archives and the local authority archive service. However, I would like to work with Senator Marie-Louise O'Donnell going forward. Senator Higgins referred to some of the issues that Senator O'Donnell raised. Given these substantial amendments have appeared at the last moment of the legislative process, I have asked my officials, in consultation with the National Archives, to view the documentation and bodies that come within the remit of the National Archives in its entirety. This review would have regard to the progress of the adoption Bill and any principles laid down in it; the need to consult with relevant Departments and public bodies in the first instance and the wider sector thereafter; proper consideration of the intersection of an extension of the archives legislation with the obligations under the data protection legislation; as well as the organisational, logistical and resource implications of any proposed changes. I am happy to work with Senator Marie-Louise O'Donnell on that.

Senator Higgins spoke about the need to tell the personal stories. It is something with which I agree. While the National Archives and the Military Archives hold official records they also hold many personal stories, including the struggles of women to get recognition for the role they played in the struggle for independence. There has been a great opening up in Ireland over recent years and it is something I am also passionate about. The way forward is to do it in a way that works and which ensures buy-in from all who lived through personal dark times in Irish history.

That is all I have to say on the amendments.

**Acting Chairman (Senator Gerry Horkan):** I will explain to Senator Warfield why he is not allowed to speak. He was not here at the start. Senators are only allowed to speak to an amendment once on Report Stage except for the proposer of the amendment. Senator Warfield was not the proposer because Senator Ó Donnghaile moved the amendment. Senator Warfield was not here at the time. Unfortunately I am precluded from letting the Senator back in. The only thing I can ask Senator Warfield is what he would like to do with amendment No. 7.

**Senator Fintan Warfield:** I moved amendment No. 8.

**Acting Chairman (Senator Gerry Horkan):** The Senator has not moved it yet. We cannot move amendment No. 8 until we have disposed of amendment No. 7. What are we doing with amendment No. 7 in the name of Senators Warfield, Conway-Walsh, Devine, Gavan, Mac

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Lochlainn and Ó Donnghaile? It arises out of Committee proceedings. Is the Senator pressing the amendment?

**Senator Fintan Warfield:** Yes.

Amendment put and declared lost.

**Acting Chairman (Senator Gerry Horkan):** Amendment No. 8 has already been discussed with amendment No. 7.

**Senator Fintan Warfield:** I move amendment No. 8:

In page 4, lines 18 and 19, to delete “where he or she is satisfied that” and substitute “where the Director of the National Archives is satisfied that”.

**Senator Alice-Mary Higgins:** I second the amendment.

**Acting Chairman (Senator Gerry Horkan):** Is the Senator pressing the amendment?

**Senator Fintan Warfield:** Yes. Can I speak to the amendment?

**Acting Chairman (Senator Gerry Horkan):** No, it has already been discussed with amendment No. 7.

**Senator Alice-Mary Higgins:** I have a question. Are we completing Final Stage directly after this?

**Acting Chairman (Senator Gerry Horkan):** Yes.

**Senator Alice-Mary Higgins:** Can Senators speak on Final Stage?

**Acting Chairman (Senator Gerry Horkan):** Senators may make comments.

**Senator Alice-Mary Higgins:** The Senator can make comments on Final Stage.

Amendment put and declared lost.

**Acting Chairman (Senator Gerry Horkan):** Amendments Nos. 9, 10 and 11 in the names of Senators Marie-Louise O’Donnell and Diarmuid Wilson are all out of order for the same reason, that is, they may result in a potential charge on the revenue. Amendment No. 12 has been ruled out of order for a slightly different reason but also because it may result in a charge on the Revenue. I can read out one or both of the explanations if people want them.

Amendments Nos. 9 to 12, inclusive, not moved.

Bill received for final consideration.

Question proposed: “That the Bill do now pass.”

**Acting Chairman (Senator Gerry Horkan):** Would Senator Warfield like to say something?

**Senator Fintan Warfield:** I have some questions about the concerns the Attorney General had and whether those concerns were about resources. Before the Minister’s time in the Department, the then Minister, Deputy Heather Humphreys, I and other members of the arts

committee had lengthy discussions around the obligation of the State to release certain records and the failure of the State to do so in many cases. Is the concern of the Attorney General one about resources or a legal concern? Is that the reason that my amendment around the words “may” or “shall” was not accepted?

We have a Private Members’ Bill on the Order Paper on the statistics Act and the early release of the 1926 census. We are in a decade of centenaries. That resource would be of great value to historians and to people looking to explore their heritage. We know the success of the 1901 and 1911 census returns of the National Archives; they have proved a wonderful national heritage resource for our diaspora also, which is available via the internet. Genealogists and historians have campaigned for this for quite some time. The Minister’s predecessor, former Deputy Jimmy Deenihan, had promised the early release of the 1926 census in 2012, and I wonder if the Minister would consider making that promise a reality. No one from the 1926 census is still living and I am asking the Department to consider its early release. Deputy Seán Ó Fearghaíl previously brought forward that piece of legislation, as did Deputy Aengus Ó Snodaigh, and I believe there is absolute merit in the early release of the 1926 census, so that we can have that information available to us in these centenary years.

**Acting Chairman (Senator Gerry Horkan):** I have a neighbour who was born in 1925, so there are some people around, but they may not be too pushed about whether the census details are released on them. I call Senator Hopkins and then the Minister to conclude.

**Senator Maura Hopkins:** I welcome the passage of this Bill through its final Stages in the House today. As we have discussed before, one of the major elements of this Bill is to bring our legislation into line with the legislative regime in operation in the UK since 2013. That is particularly important in terms of the release of state papers. Aligning our release time lines will allow us to be given a much more in-depth understanding of the shared history we have with our nearest neighbours. While the obvious academic value is incredibly important, the release of these records is also important in the context of informing our future decisions.

I am a very strong believer in looking to the past and learning from it in guiding future decisions. I thank the Minister, Deputy Madigan, for steering this Bill through both Houses and commend her strongly on all of the work she has done and is doing since entering Cabinet.

**Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan):** I thank the Senator for her kind words. I do not propose to go into Senator Warfield’s amendment No. 7 again. I did actually address his question about the Attorney General.

On the 1926 census, the view of the Central Statistics Office is that any weakening of the existing 100 year guarantee of confidentiality would result in undermining the public trust in the confidentiality of the census and would be detrimental to the collection of data, particularly in the economic, business and social sectors, where difficulties in data collection are already encountered. However there is much preparatory work which can be done to prepare for the release of the 1926 census and this is something that I do wish to progress.

I thank the members of the Seanad for their interest in and contributions on what is a very important Bill and I acknowledge the support of Members in facilitating its passage through this House. There has been significant deliberation about the task of moving to a 20 year rule, both around the necessity for the change and the resources needed to effect it. This legislation provides a mechanism to allow for the release of records over 20 years old to the National Ar-

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chives and thereby to the public, while recognising the significant resourcing issues. It provides the flexibility for Departments to release certain classes of records earlier than the standard 30 years, if the Minister feels the historical or public interest value of the records warrants early release. I have taken the view that, notwithstanding the resource implications involved, the pragmatic approach in this Bill gives a workable way forward to allow for the early release of records of significant historical or public interest value. Given the extent of our shared history with the United Kingdom, I know that the restoration of the synchronised release of official records on such issues would be widely welcomed. I thank the Members of the House for their co-operation in expediting the passage of this Bill.

**Acting Chairman (Senator Gerry Horkan):** I thank the Minister. I believe I was in the Chair last week when we were doing Committee Stage and I just happen to be here when we are doing Report Stage and Final Stage. I congratulate the Minister and her officials in getting the Bill passed in such an efficient manner, and I thank all of the Members for their participation. I believe the Minister will be back next week in the Seanad for the Heritage Bill and we look forward to seeing her then.

In accordance with the order of the House this morning, the House now stands adjourned until 2 p.m on Monday, 9 July 2018.

Question put and agreed to.

The Seanad adjourned at 3.26 p.m. until 2 p.m. on Monday, 9 July 2018.