



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

Gnó an tSeanaid - Business of Seanad . . . . .	485
Nithe i dtosach suíonna - Commencement Matters. . . . .	486
General Practitioner Contracts. . . . .	486
Health Services Staff Remuneration. . . . .	489
Hospitals Building Programme . . . . .	491
Post Office Network . . . . .	492
An tOrd Gnó - Order of Business . . . . .	495
Parental Leave (Amendment) Bill 2017: Committee Stage . . . . .	513
Data Sharing and Governance Bill 2018: [Seanad Bill amended by the Dáil] Report and Final Stages . . . . .	536
Commission of Investigation into Mother and Baby Homes: Statements . . . . .	552
Community and Rural Support Schemes: Statements . . . . .	564
Hallmarking (Amendment) Bill 2016: Committee and Remaining Stages . . . . .	581

## SEANAD ÉIREANN

*Dé Céadaoin, 6 Feabhra 2019*

*Wednesday, 6 February 2019*

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

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### Gnó an tSeanaid - Business of Seanad

**An Leas-Chathaoirleach:** I have received notice from Senator Keith Swanick that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Health to make a statement on the current state of negotiations with general practitioners on a new contract; to outline a timetable for the reversal of cuts made under the financial emergency measures in the public interest, FEMPI, legislation for general practitioners; and to outline the contingency arrangements in place to secure the retention and recruitment of GPs, especially in rural practices.

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

The need for the Minister for Health to make a statement on the delays on the part of the HSE to implement the public service stability agreement pay increases, as awarded under the job evaluation scheme.

I have also received notice from Senator Maura Hopkins of the following matter:

The need for the Minister for Health to provide an update on the progress of capital projects at Portiuncula University Hospital in Ballinasloe, County Galway.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for Communications, Climate Action and Environment to provide an overview of current Government policy on the post office network.

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

The need for the Minister for Education and Skills to allow the board of management at Scoil An Athar Tadhg, Carraig Na Bhfear, County Cork to proceed with its planning application for a new school.

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

To ask the Minister of State at the Department of Health to make a statement on the proposed changes to the treatment of farms and businesses under the fair deal nursing home support scheme.

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

The need for the Minister for Housing, Planning and Local Government to confirm the reserved functions of local authority elected members in relation to the three-year capital budget and to outline their powers to accept, amend or reject the draft capital budget at a plenary meeting of the full city or county council.

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

The need for the Minister for Health to provide an update on the employment starting date of a sarcoma specialist for St. Vincent's University Hospital.

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

The need for the Minister for Housing, Planning and Local Government to outline if the Referendum Commission will be charged with informing the public about the options pertaining to the plebiscites on directly elected mayors in Cork city, Limerick city and county, Waterford city and county and Galway city and county.

I have also received notice from Senator Catherine Noone of the following matter:

The need for the Minister for Finance to make a statement on the introduction of the full 23% VAT rate on food supplements and vitamins.

The matters raised by Senators Keith Swanick, Paul Gavan, Maura Hopkins, Brian Ó Domhnaill, Colm Burke, Paul Daly, Victor Boyhan and Máire Devine are suitable for discussion. I have selected the matters raised by Senators Keith Swanick, Paul Gavan, Maura Hopkins and Brian Ó Domhnaill and they will be taken now. Senators Colm Burke, Paul Daly, Victor Boyhan and Máire Devine may give notice on another day of the matters they wish to raise.

I regret that I have had to rule out of order the matter raised by Senator Tim Lombard on the grounds that it is a repeat of statements on directly elected mayors in the Seanad on 29 January. I also regret that I have had to rule out of order the matter raised by Senator Catherine Noone on the grounds that it is a repeat of a Commencement matter raised on 30 January.

## **Nithe i dtosach suíonna - Commencement Matters**

### **General Practitioner Contracts**

**Senator Keith Swanick:** I welcome the Minister to the House. I have asked him here today to discuss the state of negotiations with general practitioners regarding a new contract, to outline a timetable for the reversal of cuts under financial emergency measures in the public

interest, FEMPI, legislation to general practitioners; and to ask what contingency plans are in place to ensure the retention and recruitment of GPs, especially in rural Ireland.

GPs have suffered cuts of up to 38% under the FEMPI legislation and meanwhile patients with medical cards and GP visit cards have increased to almost half the population with the introduction of the under-sixes and over-70s schemes.

The FEMPI legislation was introduced as an extraordinary financial measure but it is now having dire consequences for the healthcare sector as a whole. FEMPI is a key factor in the high rates of emigration of GPs as the profession becomes untenable and unviable in this country. FEMPI cuts have destroyed general practitioners' practices especially in remote areas and deprived urban areas. FEMPI has not affected Ballsbridge in Dublin 4 but it has in those two types of locations I mentioned, where the majority of patients have medical cards. For example, in my own rural area of north west Mayo, GPs work up to an hour and a half away from a hospital. GPs face social issues such as drug abuse and addiction problems in deprived urban areas. FEMPI has been damaging in those two types of areas. It is not possible to take €2 billion out of general practice without having a devastating effect on the entire health service. We know that every €1 that is spent in primary care saves approximately €5 in the rest of the health service.

FEMPI has, in effect, halved the funding available per patient in general practice over the past ten years. The cuts have reduced the capacity of family doctors to provide a safe service for patients. They cause thousands of patients to attend emergency departments unnecessarily every week. The health service cannot function properly until general practice is fixed. I wish politicians, and the Minister in particular, would accept this. I am not making this up, it is a hard, cold fact. We need general practice fixed. GPs are the gatekeepers of our health system and we need them for our total health system to function properly.

General practice is viewed as unviable by newly-qualified doctors. We need the FEMPI cuts reversed and a new general medical services contract.

There are 63.1 GPs per 100,000 people in this country. Those figures are well below the international best practice of 80 GPs per 100,000 people. A survey by the Irish College of General Practitioners, ICGP, found that upwards of 40% of GP trainees indicated they would emigrate after graduation. We must stem the tide of emigration or the manpower crisis will continue and both GPs and patients will continue to suffer the effects. I support the GPs' campaign for better terms and conditions through the undoing of FEMPI. Many hundreds of GPs will march on the Dáil today. As I can attest, if the current situation is allowed to continue, practices will struggle to remain open and to keep GPs employed, especially in rural areas, which is my main concern.

Dr. Pádraig McGarry, chairman of the Irish Medical Organisation, IMO, GP committee, said there is a threat that some GPs will not be replaced and that areas in rural Ireland, particularly west of the Shannon, will not be able to attract GPs. A decade ago positions in rural practice often attracted up to 30 applications. In my own practice in Belmullet, when I applied for the job, there were 12 applications. Today, substantial practices struggle to get just one applicant and, in some areas, there is no interest at all. Young GPs are not prepared to come in under the present circumstances of excessive hours and poor supports. There will be situations where elderly, sick and vulnerable patients have to travel unjust distances on a poor road network, or depend on a public transport system that might not be efficient, to see a GP because their local GP practice has closed. They will be met with different locums week after week, which is not fair on the elderly patient, who has to try to strike up a rapport with a new GP on an ongoing basis.

We need to encourage young GPs to come to rural areas, not dissuade them. A new contract for GPs will be an important step forward in addressing this issue but while GPs have been working for years to get the basis of a new contract, little or no progress has been made. I implore the Minister of State to redouble efforts in this regard and I look forward his response.

**Minister of State at the Department of Health (Deputy Jim Daly):** I thank the Senator for raising this issue. I assure the House that the Government is committed to engaging with GP representatives on the development of modernised GP contractual arrangements. Discussions with representatives were progressed on a wide range of items throughout 2017 without reaching a conclusion. A new phase of discussions commenced in May 2018 based on the mandate set by Government in March. Officials from the Department and the HSE met IMO officials, as the established GP representative body, at the beginning of May to set out the State's position in regard to the GMS contract and to progress this important issue.

The State side set out the mandate agreed by Government under which the consultations were being conducted and the package of measures to be agreed. The Department subsequently wrote to the IMO, at the organisation's request, setting out these proposals formally. The IMO responded to the Department by letter on 20 July. Talks resumed in October 2018 and there was intensive engagement, particularly in the weeks leading up to Christmas. While some progress was made, a number of outstanding issues need to be progressed before any agreement can be secured.

The State's negotiating team is keen to bring a renewed focus to the engagement with the IMO and talks are continuing in an effort to bring matters to a conclusion. I look forward to positive and productive engagement with all parties concerned. Agreement on the delivery of service improvements and contractual reform would facilitate a substantial increase in the resourcing of general practice on a multi-annual basis. In line with the long-established approach to such processes, and by agreement of the parties concerned, I am not in a position to give further details while engagement between the parties is under way.

The Government is aware of workforce issues facing general practice, including the influence of demographic factors, and has implemented a number of measures to improve recruitment and retention in general practice. GP training places have been increased from 120 in 2009 to 202 places in 2019. The objective is to continue to achieve annual increases in the number of training places available while ensuring all places are filled.

The entry provisions to the GMS scheme have been changed to accommodate more flexible GMS contracts and the retirement age for GPs has been extended to 72. An enhanced support package for rural practices has been introduced, with improved qualifying criteria and an increased financial allowance of €20,000 per annum. Some 257 GP practice units, encompassing 347 individual GPs, are now in receipt of financial supports under this framework, a significant increase on the 167 GPs who received a rural practice allowance prior to the introduction of the 2016 measures.

The Government remains committed to the continued development of GP capacity to ensure that patients across the country continue to have access to GP services and that general practice remains an attractive career option.

**Senator Keith Swanick:** I note the Minister of State did not comment on any possibility of reversal of FEMPI, which I mentioned in my opening contribution. There seems to be an air of

secrecy regarding the new contract, which is a cause of deep frustration for many GPs throughout the country. Why was the National Association of General Practitioners, NAGP, excluded from the contract discussions, bearing in mind it was part of the discussions in 2017? Will it be a totally new contract or is it just intended to amend the current contract?

**Deputy Jim Daly:** I am not directly involved in the negotiations; the Department and the HSE are involved. However, I will ask the Minister, Deputy Harris, to address the Senator's two questions on the involvement of the NAGP in the talks and on FEMPI, which is more a matter for the Minister for Finance.

### **Health Services Staff Remuneration**

**Senator Paul Gavan:** I need to raise with the Minister of State the failure of the Department and the HSE to honour the public service stability agreement, PSSA. It is deeply ironic that, at a time when the Minister is citing this agreement as a reason for not negotiating with the nurses - incorrectly, by the way - he and his Department are in breach of the agreement.

The Minister of State will know from the Commencement matter I have raised that I am referring to the job evaluation process which was carried out under the terms of this agreement and which was completed on 4 October in respect of up to 7,000 support staff. I have a personal interest in this matter because, for years, I had the great honour to work with these support staff from time to time in University Hospital Limerick, UHL, and I am aware of the incredible work they do. I know how much these jobs have been changed, enhanced and broadened for healthcare assistants, porters, lab staff and central sterilising supplies department, CSSD, operatives.

These people waited seven years to even have a job evaluation take place because of FEMPI. They worked through the hardest of times in our health service and, God knows, it has worsened rather than improved. Finally, under the terms of this agreement, the process took place and was completed on 4 October. Under the terms of the agreement, the awards made under this process should be made within six weeks, and that is noted in the job evaluation document itself. Yet, for these healthcare assistants, porters and lab staff, nothing has happened. Worse than that, the Department refused to sit down with their union, SIPTU, and refused to engage with the union prior to the Estimates for the health service being completed for this year. Right now, not only is the Department in breach of the PSSA, but it has not allocated moneys to fulfil this agreement in the budget for this year.

We are talking about the people who keep this health service going from day to day, alongside our courageous nurses, who, quite rightly, have made the decision to take industrial action. What the Government is doing by ignoring the PSSA is forcing another union, SIPTU, to take industrial action, and that is just what will happen. I cannot believe the neck of the Minister, Deputy Harris, to quote the PSSA while being blatantly in breach of the same agreement. I am hoping the Minister of State will confirm that the Government will honour the terms of this agreement and pay the moneys due, which are pay rises of between 5% and 7% for these workers. No other answer will be appropriate.

**Deputy Jim Daly:** I thank the Senator for the opportunity to address this matter. As part of the talks which took place under the Lansdowne Road agreement, a chairman's note was agreed by all parties on the reintroduction of a job evaluation scheme in the health sector. This scheme had previously been in place but was discontinued in 2008. SIPTU sought the

introduction of the job evaluation scheme for the support grades along the same principles that operated in 2008. The support staff grades are categorised into four pay bands, which have different pay scales attached. SIPTU held the view that the roles of support staff grades needed to be evaluated as, in some cases, due to the type of work they carry out, the grades may warrant placing in a higher band category. This scheme examines a grade rather than an individual post in isolation. If, for example, the work of a porter is found to be more appropriate to a higher band, then all porters will fall within the new band. The scheme allows for posts to be evaluated in a cross-section of approximately 25 locations, including acute hospitals, services for older people, intellectual disability as well as other specialised areas.

The chairman's note provided that all parties would agree on the scope and conduct of the scheme. On this basis, discussions commenced in 2016 between the HSE and the relevant unions - SIPTU and IMPACT, now FORSA - regarding the re-establishment of the schemes. Successful engagement with FORSA led to the approval of a job evaluation scheme for the clerical and administrative grades in August 2016. However, as agreement on a scheme for the support staff grades could not be reached, the issue was referred to the Lansdowne agreement oversight body in early 2017.

The chair of the body issued a recommendation stating that the parties should proceed with the scheme as planned but that the question of its implementation would be considered at the conclusion of the exercise. The Workplace Relations Commission, WRC, agreement provided that the scheme was to be carried out in four phases. Phases 1 and 2 included support staff in the laboratories and the theatres. Also included, were the larger categories of support staff grades, the healthcare assistants and the multi-task attendants.

In October 2018, a report was produced setting out the results of phases 1 and 2 of the exercise. The report recommended that a significant proportion of those grades evaluated should move to a higher pay band.

While the WRC agreement states that any payments arising as a result of the exercise would apply no earlier than the completion of phases 1 and 2 of the exercise, there is no agreement at this stage to the implementation of the result of the exercise. This is a matter that falls to be discussed and agreed with the Department of Public Expenditure and Reform within the context of wider budgetary considerations.

**Senator Paul Gavan:** Is it any wonder people are cynical about politics? Furthermore, is it any wonder that the nurses have taken the justified decision to go on strike when even if one complies with this agreement, goes through the processes and waits seven years for the job evaluation to take place, we have a Department that turns around and says that one is owed that money but that it is not going to implement this, that it will have to have further talks about it, even though there is a note regarding the job evaluation form which states that within six weeks those moneys should be paid? The refusal of the Department of Public Expenditure and Reform to even sit down with SIPTU, which it was requested to do before the Estimates were settled, shows the completely cynical attitude towards the employees in the HSE. Is it any wonder there is industrial relations chaos in our health service when we have a Department and a Government that are so cynical regarding the people who keep our health service going?

**Deputy Jim Daly:** I would like to make it clear that I fully recognise the valuable and fundamental role many of the support staff grades make to the efficient delivery of many of our healthcare services. I am aware that in December 2018 SIPTU announced that it will ballot

6 February 2019

more than 7,000 support staff members working in hospitals and for healthcare providers. In my view, this ballot is premature. SIPTU is claiming that the Government has breached the terms of public service pay agreement but this is not the case. As I already outlined, management agreed to the terms of the scheme in 2017, but the question of its implementation was always intended to be subject to further discussion with my colleagues in the Department of Public Expenditure and Reform.

### **Hospitals Building Programme**

**Senator Maura Hopkins:** I seek an update from the Minister of State on the planned new 50-bed unit for Portiuncula University Hospital in Ballinasloe. I have been raising this issue for some time. I first met the then Minister for Health and now Taoiseach, Deputy Varadkar, in 2015. It is important this project is funded under the 2019 capital investment plan. These are much-needed facilities for the hospital to replace wards which are unfit for a modern healthcare setting. Much of the nurses' strike is about working conditions in our hospitals. This project is key to improving conditions for patients, nurses and other staff within the hospital.

As the Minister of State is aware, this is a shovel-ready project and it is important we get shovels in the ground on this project. I have been in touch with hospital management recently and it continues to confirm the urgency for this project to be delivered.

I want to make the strongest possible case for this project this morning. I understand the capital investment plan is currently being finalised. It is important this project is included in it for 2019. As an occupational therapist, I am very aware of the need for modern health infrastructure. We know that in terms of standards a number of the wards at Portiuncula University Hospital are not fit for purpose. It is important we see movement on and funding provided for this replacement unit.

The hospital has completed the design stage along with full costings. They were submitted to the HSE Estates in 2017. Our biggest issue is the funding of this project. I look forward to a positive response from the Minister of State regarding this 50-bed unit at Portiuncula University Hospital.

**Deputy Jim Daly:** I thank the Senator for raising this issue and giving me this opportunity to outline to the House the position regarding the proposed capital developments at Portiuncula University Hospital, Ballinasloe, including the provision of a 50-bed ward block to replace existing ward accommodation and other works such as fire safety upgrade works and the replacement of the existing fluoroscopy room.

Planning permission has been received for a new 50-bed replacement ward block to provide replacement ward accommodation at Portiuncula University Hospital in Ballinasloe, County Galway. The HSE has informed the Department that tender documents are being prepared with a view to progressing the procurement process and commencing an enabling works contract in 2019. Progress in respect of these and all other capital projects are subject to the availability of capital funding.

The health capital allocation in 2019 is €567 million for the construction and equipping of health facilities. Following the publication of the Health Service Executive's national service plan for 2019, the Health Service Executive is currently developing its capital plan for 2019.

The HSE capital plan will determine the projects that can progress in 2019 and beyond having regard to the available capital funding, the number of large national capital projects currently under way, the cashflow requirements attaching to each project and the relevant priority. In developing its capital plan for 2019 and future years, the HSE must consider a range of issues, including the expenditure that is contractually committed, the HSE's annual requirement in regard to meeting risks associated with clinical equipment, ambulances and healthcare infrastructure and the total capital Exchequer funding required for the new children's hospital in 2019.

The impact of the increased costs for the completion of the new children's hospital will, based upon the HSE's analysis and Government priorities, see the timing of non-contracted capital commitments managed within the available health capital allocations. In line with statutory requirements, the Department of Health and the HSE are currently engaged in a process to finalise the HSE capital plan for 2019, informed by the Government decision on the children's hospital. Details of total capital investment for 2019 will be set out in the plan and the HSE will be required to manage its capital expenditure within the agreed plan.

The future requirements of Portiuncula University Hospital and other health capital projects, currently at various stages of development, are being considered as part of this process. Once the HSE has finalised its capital plan for 2019, it will then be submitted to the Minister for consideration.

**Senator Maura Hopkins:** As the Minister said, work on the projects to be included in the plan is currently being finalised. I emphasise the need for urgency on this issue. I am happy that the HSE has informed the Department that tender documents are being prepared with a view to progressing the procurement process and commencing an enabling works contract in 2019. It is important we would see enabling works commence but further urgency needs to be given to the delivery of this new 50-bed unit to replace wards the condition of which are not fit for purpose in a modern health care setting. I urge the Minister of State and the Minister, Deputy Harris, to work closely to ensure this project for Portiuncula University Hospital is included in the 2019 capital plan.

*11 o'clock*

**Deputy Jim Daly:** I acknowledge the Senator's representations on the matter and her sincerity in pursuing it. A project that is as advanced as this is a long way ahead of others that are awaiting planning and design. A project that is proceeding to enabling works has been significantly progressed. I note the Senator's concern and her insistence that it proceed unhindered. I will pass on her remarks in that regard to the HSE.

### **Post Office Network**

**Senator Brian Ó Domhnaill:** This issue relates to the post office network. I have been endeavouring to raise it in the House since November. I am delighted to have the opportunity to do so today. I understand and appreciate that the matter is outside of the brief of the Minister of State but I hope that he will have some news regarding the Government's commitment to the post office network.

Last August, An Post announced that 159 post offices were to close. By and large, under the agreement reached between An Post and the Irish Postmasters Union, many post offices in rural

areas have been closed. Engagement by An Post management with community organisations and public representatives has been dismal, disgraceful and completely unsatisfactory. Local concerns across the country have not been heard. Community groups and local residents have expressed their concerns but they have not been listened to by An Post.

The Government is the only shareholder of An Post. Ultimately, it could direct the company to take an alternative course of action but, regrettably, this has not happened. The Government is culpable when it comes to the closure of post offices. I accept that some post offices may not be economically viable but the criteria being applied by An Post leave a lot to be desired, including, for example, those relating to the 15 km rule and population centres of 500. An Post is being selective in its examination of the criteria. I will provide an example. In the context of the post office in Dunfanaghy, County Donegal, which closed on 31 January last, An Post used the figure relating to the settlement population rather than that relating to the electoral area. An Post is being disingenuous. People in most rural areas live in the hinterlands, not the towns. In this case, the hinterland population comes within the electoral division of 1,645 yet An Post deems it does not meet the criteria of a minimum of 500 people. There is selective use of the criteria on the part of An Post. Its procedure has been disingenuous. I made contact with the CEO and management of An Post and the responses I received were, to say the least, flippant. I received responses outlining that a review has taken place and An Post cannot provide any concrete information under that review process. Meanwhile, the post office has closed and the opportunity to have it reopened has passed.

I will provide another example regarding the post office in Dunfanaghy. The former post-mistress, Ms Bríd Gallagher, wrote to Mr. Gerry Whelan of An Post before she retired on 31 January offering a stop-gap solution whereby she would continue in her position and keep the post office open until the company negotiated with the local community and local businesses to find an alternative solution. She received no response, which is disgraceful. It is deplorable that An Post did not respond. This is a town with a population approaching 2,000. People in this rural area are being asked to make a 30-minute round journey in order to post letters. While many people use email, the vast majority of older people in rural areas where there is no broadband cannot avail of online services and are obliged to depend on the post office network. The decision to close rural post offices is wrong. The business model and decision-making processes of An Post are wrong in this instance. I am very disappointed with the lack of input on the part of the Minister for Communications, Climate Action and Environment on behalf of the people who, after all, are shareholders in this company.

I am not expecting that the Minister of State will have any answers for me but I hope that there will be some reflection by the Government on this issue. If the approach being taken continues in respect of other State services, we will be on a road to nowhere. Rural Ireland is losing out. The Minister of State, who comes from a rural area, will appreciate that.

**Deputy Jim Daly:** I welcome the opportunity to address the issue of Government policy on the post office network on behalf of the Minister for Communications, Climate Action and Environment, Deputy Bruton, who has responsibility for the postal sector, including the governance of An Post. It is important to remember that An Post is a commercial State body with its own board. Decisions relating to the post office network are an operational matter for An Post directly.

Two years ago, Government was presented with a future for An Post and the post office network that was very uncertain and extremely bleak. The environment in which the post office

operates is changing and the network needs to change to thrive, particularly with the move to digital transactions. These changes are impacting on the revenue being generated by the network as a whole. In the face of serious declines in the volume of mail and post office business, An Post faced growing losses and has had to undertake a major restructuring of its business to continue to be able to provide its services. The sharp decline in the activity made it inevitable that the size of the network would be affected.

In regard to the post office network, An Post agreed an exit arrangement allowing postmasters to retire if they so wished. It established a protocol which set out how the company would facilitate the continued provision of post office services where this occurred. Its aim is to make as many post offices as possible viable. It takes account of minimum service levels, as well as a range of other issues. Reflecting its commitment to sustaining a nationwide post office network and daily mails service, the Government made €30 million in State funding available to An Post in 2017, of which €15 million is being used to support the renewal of the post office network, with the other €15 million being used for the continued fulfilment of a five-days-a-week mails delivery service. This, in turn, will secure the future of mail and post office services for local communities throughout the country in rural and urban areas.

There is widespread acceptance that the post office network requires modernisation to build, maintain and protect a service that meets the needs of communities across the country. An Post's renewed vision for the post office network centres on the availability of new services in a modernised, revitalised network. These services must include a better range of Government services, financial services and e-commerce services for shoppers and small businesses. As part of its consideration of the financial position of An Post the Government agreed that further opportunities for Government business through the post office network should be explored. The first practical step that the Government has taken is the launch of the digital assist pilot initiative. Government funding of €80,000 has been allocated to the scheme which has seen ten post offices kitted out to assist citizens with online Government interactions. All ten post offices went live in the week beginning 20 October 2018 and the pilot scheme will finish in April this year. The pilot will provide data and insight in relation to the provision of offline Government services to citizens. A review of the initiative will be carried out in quarter 2, 2019 and feedback from this review will inform consideration of further offline services.

On 4 September 2018, the Government approved the establishment of an interdepartmental group to identify options, including procurement frameworks, for delivering services to those citizens who do not wish to use, or are unable to use, digital services. Where a business need is identified, it has been agreed to develop a procurement framework which would allow for the central provision of offline services by Government. The group will provide a report on its deliberations this year. The findings of this group may be of use to An Post in the longer term.

On 17 January 2019, the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, renewed her Department's contract with An Post to provide pensions, child benefit and other social welfare payments in cash at post offices. The social welfare contract accounts for over €51 million in payment services. In addition, the Department paid over €10 million for postal services to An Post in 2018. The current terms of the contract between the Department of Employment Affairs and Social Protection and An Post were agreed in 2013 for an initial two-year period, with an option to extend annually up to 2019. This reaffirms Government policy which sees the post office network as a key piece of the country's financial and social infrastructure, particularly in rural areas. Accordingly, the programme for Government commits to actively encourage payment at post offices. Investment of €50 million in the net-

6 February 2019

work by An Post is based on getting communities to use the enhanced services that their local post office will provide through a modernised network. Key to the survival of the network is the willingness of the public to use the service the post office provides. In light of the challenges it is facing, the company will have to pursue an ambitious agenda across its business areas and there is likely to be significant change and new business models implemented in the coming years. This should be viewed positively as it will result in a solid, sustainable business future. Two years later, critically important decisions have been made. An Post has been stabilised because of the action that has been taken. All avenues are being explored to ensure services available through the post office network are enhanced such that we have a strong, customer-focused, viable network.

**Senator Brian Ó Domhnaill:** I thank the Minister of State. This is the general response from the Department of Communications, Climate Action and Environment. I understand that the Government is committed and has provided resources but to say that the additional supports have been given to An Post and practical steps have been taken to launch a new digital assist pilot initiative, with Government funding to be provided through the post office network, is little consolation to people losing post offices in their own towns or villages. They will not be able to access those services because their post office is gone. The manner in which this happened is all wrong. The forward thinking should have happened before any decision about closing post offices took place. The door is now closed, the horse has left the stable and people are losing out. It is very poor public policy and the Department has really got this wrong. The level of engagement with An Post was very poor.

An Post has to be financially viable but there were many other options of providing additional State services through the post office network to assist with the viability of post offices that could have been looked at first. That did not happen and we are here now. I am not making a political point on the issue since it has been going on for many years. It should have been dealt with and was not. Will the Minister of State ask the Minister for Communications, Climate Action and Environment to instruct An Post to engage with communities that contact it? That is not happening at present.

**Deputy Jim Daly:** I thank the Senator for raising this issue, which is important to many of us who represent rural areas, but we have to be real in our commentary. I acknowledge the Senator's desire not to be political. Some 30 post offices were closed in Donegal between 2002 and 2010 when Fianna Fáil was in office and two when Fine Gael was in office between 2011 and 2016. The politics of this do not interest anybody and I accept that the Senator has posited that himself. The reality is that human behaviour has changed and people have voted with their feet, choosing to go online in large numbers. We cannot continue to subsidise something that is not viable and have to work collectively towards its future viability. I have outlined efforts to do that. I will take on board the Senator's request. In defence of An Post, as a politician in Cork, I have found it to be extremely co-operative in engaging with us and with local communities. I will pass the Senator's comments regarding An Post on to the Minister.

*Sitting suspended at 11.15 a.m. and resumed at 11.30 a.m.*

**An tOrd Gnó - Order of Business**

**An Leas-Chathaoirleach:** Before I call the Leader, I remind Members of the need for debate on the Order of Business to proceed in an orderly manner. Members should not interrupt when another Member has been called to speak.

**Senator David Norris:** Certainly not.

**An Leas-Chathaoirleach:** Members should be respectful in the manner in which they address or refer to each other.

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

**Senator Jerry Buttimer:** Yes.

**An Leas-Chathaoirleach:** I do not wish for interruptions. I would also remind everyone that the Cathaoirleach issued a letter to all Members just two weeks ago setting out the purpose and speaking arrangements for the Order of Business. I expect all Members to adhere to those arrangements, which I must emphasise were agreed by their representatives on the Committee on Procedure and Privileges-----

**Senator Martin Conway:** Hear, hear.

**An Leas-Chathaoirleach:** -----and by themselves as Members of the Seanad.

**Senator Jerry Buttimer:** Hear, hear.

**An Leas-Chathaoirleach:** I must insist that at all times the office of the Chair must be respected and the rulings of the Chair must be adhered to.

**Senator Jerry Buttimer:** Hear, hear.

**Senator Victor Boyhan:** Well said.

**Senator Terry Leyden:** Well said.

**An Leas-Chathaoirleach:** I call on the Leader to outline the business proposed for today.

*(Interruptions).*

**Senator Jerry Buttimer:** The Order of Business is No. 1, Private Members' business, Parental Leave (Amendment) Bill 2017 - Committee Stage, to be taken at 12.45 p.m. and adjourned at 2.45 p.m., if not previously concluded; No. 2, Data Sharing and Governance Bill 2018 [*Seanad Bill amended by the Dáil*] - Report and Final Stages, to be taken at 3 p.m. and adjourned at 4.30 p.m., if not previously concluded; No. 3, statements on the fourth interim report of the Commission of Investigation into Mother and Baby Homes, to be taken at 4.30 p.m. and conclude not later than 6 p.m., with the contributions of group spokespersons not to exceed ten minutes each and those of all other Senators not to exceed five minutes each - Members may share time - and the Minister to be given not less than ten minutes to reply to the debate; No. 4, statements on community and rural support schemes, to be taken at 6 p.m. and adjourned at 7.30 p.m., with the contributions of group spokespersons not to exceed ten minutes each and those of all other Senators not to exceed six minutes each; and No. 5, Hallmarking (Amendment) Bill 2016 - Committee and Remaining Stages, to be taken at 7.30 p.m.

**Senator Catherine Ardagh:** I welcome two transition year students, Jamie Cunningham

and Niamh Sargent, to the Visitors Gallery.

I rise to my feet today to express my anger and disappointment at the runaway costs of the national children's hospital. Yesterday, we learned that the Minister for Health learned about the cost overrun in August 2018 but only shared that information with the Taoiseach and the Minister for Finance in December 2018. They are now looking to hide behind a consultant's report to seek some kind of shelter from the political ramifications of this matter. I do not agree with the timeline. I am on record as supporting this hospital. However, I draw the attention of the House to a day nearly two years ago when I sought to amend the Order of Business in order to call the Minister to the House. We were successful and a Minister came to the House. The reason we sought to divide the House that day was so that the Minister could explain comments made by the then director general of the HSE, Mr. Tony O'Brien, who questioned the viability of the project's cost at that time. That was two years ago. I forced a vote that day despite the efforts of the Leader and other Senators to prevent one.

Notwithstanding that vote, which I called on foot of serious questions raised by Mr. Tony O'Brien about the finances and funding of the hospital at that time, the Minister did not attend the House but instead sent his Minister of State, Deputy Catherine Byrne, to reaffirm the Government's commitment to the project. What is absurd and what has struck a chord with me is that after the former director general's misgivings about the funding of the hospital, neither the Minister nor his Minister of State, Deputy Catherine Byrne, made an effort at that time to control the extraordinary spending when they were quite clearly aware of it. In fact, this House divided on the matter at that time, and it is rare for this House to divide, especially when it comes to the Order of Business. However, on that day, the Minister did not attend the House and he called on his Minister of State, Deputy Catherine Byrne, to attend in his stead. To remind those who were not present, I will read what the Minister of State said in order that we are all aware of the Government's position on the children's hospital on 8 February 2017, almost two years ago to the day. She said:

We are not on a runaway train. We are at a critical point with the national children's hospital. The Minister has pointed out that the cost increase is 5% of the overall projected cost. It is important to keep that in mind. Every last cent should be extracted. The people who will pay for the national children's hospital are the taxpayers. Therefore, we do not have the right to exceed limits. There must be limits and we have to adhere to those that are in place.

That is what the Minister of State said at the time. It is clear not only that alarm bells rang for the Minister in August 2018, but also that he sent the Minister of State to this House to address issues on which we divided. It is scandalous that at the time he did not make efforts to ensure this project was kept on budget. It is disgraceful. I ask that the Minister be called to the House today to explain what actions he took after he sent the Minister of State, Deputy Catherine Byrne, to this House in February 2017, not 2018. I propose an amendment to the Order of Business.

**Senator David Norris:** What amendment?

**Senator Catherine Ardagh:** I propose that the Minister attend the House to explain why he misled this House in 2017.

**Senator Victor Boyhan:** While I do not disagree with anything Senator Ardagh said, I am conscious that the Minister for Health is before the Joint Committee on Health this morning

and, to be fair to him, he is answering the questions asked of him. I went in to listen for a while earlier. All parties are represented on the committee, both from Seanad Éireann and Dáil Éireann. Good, constructive work is going on in the committee and that is important.

I support the nurses in their ongoing dispute and we will have doctors outside the Houses of the Oireachtas today. We have the ongoing scandal of the national children's hospital. There comes a point when politicians have to stop bellyaching and do something about it. This Administration is propped up by Fianna Fáil and the Independent Alliance. Either we have an election or we do not. What is it that politicians on all sides in both Houses fear about going before the people in a general election?

**Senator Terry Leyden:** The voters.

**Senator Victor Boyhan:** I fully appreciate everything Senator Ardagh said and I do not disagree with her. However, there comes a point where politicians have to step up to the plate. One cannot continue to prop up an Administration that one does not believe in. It is one thing to go on "Prime Time" and various political programmes and say one has a problem with an issue but members of the public are asking what is going on in Leinster House. This Administration is doing a lot of good things and has a programme for Government, which we have concerns about from time to time. It is incumbent on all who support and prop up this Administration to take a deep look inside themselves and their political organisations and if they are not happy, they should either put up and shut up or pull the plug and have a general election.

**Senator Rose Conway-Walsh:** I echo the phrase "put up or shut up". The blatant incompetence, unaccountability and recklessness exposed by the national children's hospital debacle merely displays the inability of the Government, carried by Fianna Fáil, to provide the necessary governance and oversight to deliver infrastructure projects such as this one. Now we have the familiar cover-up and defending of the indefensible. Once again, people are being asked to turn a blind eye. There is nothing to see here, it is all par for the course. We are expected to believe that from the time concerns were raised about the €61 million costs overrun at meetings of the steering group held between August 2017 and April 2018 until the meeting in August 2018 of the National Paediatric Hospital Development Board which discussed a €200 million overrun, the Minister for Health, Deputy Harris, was not informed. The Minister says he was first told on 27 August 2018. Thereafter, there was no rush or urgency and the Ministers for Health and Public Expenditure and Reform, Deputies Harris and Donohoe, respectively, then became aware of the €1.4 billion construction figure in November 2018. The Minister for Public Expenditure and Reform says he became aware on 9 November. There is all that time between August and November and despite this being the biggest health project we have ever had, nobody saw fit to discuss this matter or to bring it anywhere. That was while detailed budget discussions were taking place between Fianna Fáil and Fine Gael. Did nobody in those parties ever inquire as to the financial status of the largest health project in history? Fianna Fáil is now crying crocodile tears after the horse has bolted. It had such blind confidence in its bedfellows. One can only be astonished at its complete trust and unwavering loyalty that it did not even question the figures.

Yesterday, I asked the Minister for Public Expenditure and Reform, Deputy Donohoe, if he would re-examine the procurement model that has failed us time and again. In spite of having nine different internal and external reports carried out on corporate governance or internal financial controls in the past two years, it is obvious that nothing has been learned. In recent times, we have had the national broadband plan debacle and the Carillion debacle as a result of which dozens of small and medium businesses lost millions because proper due diligence was

not carried out before the contract was awarded. Again, there was blind loyalty to KPMG and its ruling on Carillion.

My colleague, Deputy Brady, raised again yesterday an issue we have been raising for two years concerning the JobPath scheme, namely, the payment of €149 million of taxpayers' money with very little return to private companies to provide a service already provided by State-funded organisations. I include all citizens in this because everybody pays tax in this country. How long can we go on wasting money? How long will this Government and Fianna Fáil continue to write blank cheques for selected projects while, at the same time, we have to beg for hospital beds so critically ill patients can get vital chemotherapy and other treatment? This is happening while elderly and disabled people are told they are not worth a full hour of home care and they have to make do with a half hour or take their place on the list. In addition, young children wait every day for vital drugs such as Translarna and Spinraza to enable them to function and Valproate victims are ignored.

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

**Senator Rose Conway-Walsh:** Once again, we can just pull half a million euro out of the hat for PwC to examine where it all went wrong. How does the Government think such people feel when they witness such scandalous waste? I can tell the Leader they are enraged beyond words. Will he arrange for both Ministers to come into the House to answer questions on this matter?

**Senator Máire Devine:** Hear, hear.

**Senator Gerald Nash:** It is very clear that when the Labour Party is not around to hold Fine Gael's hand the reputation it has tried to develop for fiscal responsibility is entirely bogus. We can see that very clearly in the way the Government has managed, if one can call it that, in regard to the crisis concerning funding for the national children's hospital.

**Senator Jerry Buttimer:** Well done to Senator Nash. That is the best one in a while.

**An Leas-Chathaoirleach:** The Leader should not interrupt. He will have an opportunity to respond.

**Senator Gerald Nash:** Just eight days after the Taoiseach was made aware of the phenomenal cost overrun in the development of the national children's hospital, he took to the stage at Fine Gael's well choreographed Ard-Fheis and told the public that they could expect to have €3 billion in tax cuts over the next few years. What kind of fiscal responsibility is that? Moreover, what kind of social responsibility is that?

Last week, I giggled when I saw a Fine Gael Deputy progressing his ticket touting legislation by engaging the services of an actor to play the role of Del Boy. The reality is that the Minister for Health and the Minister for Public Expenditure and Reform are playing the role of Del Boy in terms of how flaihiúlach they are with the public finances. They are spending people's money like it is going out of fashion on an out-of-control public hospital. That is a fact. I echo what some of my colleagues have said, namely, that if Fianna Fáil has a problem with this, it knows what to do. Fianna Fáil is as responsible for the issue as the Fine Gael Party. It is propping up the Fine Gael-Independent Alliance Government.

**Senator Terry Leyden:** The Labour Party propped up Fine Gael the last time.

**Senator Gerald Nash:** Fianna Fáil has a responsibility in this matter, whether it likes it or not. We all know about Fianna Fáil's historic mismanagement of the public finances, to put it diplomatically, and where that got the people of this country.

I am extremely concerned to learn from residents in north Louth of plans from an agency operating on behalf of the UK Government to develop a site for nuclear waste in the Mourne Mountains. My understanding of international law as it applies to environmental or nuclear matters is that the Irish Government must be informed, notified and consulted in respect of a project of this nature. The Northern Ireland Executive is not meeting at the moment and the UK is using that as an opportunity to create a dumping ground for nuclear waste in south Down and south Armagh, both of which border my constituency of Louth. I appeal to the Government to take this matter seriously and to inform this House as to whether it has been notified and consulted about it. I also call on the Government to oppose this project with might and main. We all understand the environmental, waste management and health consequences of an issue such as this but given the volatile situation in Northern Ireland in the context of Brexit and the possible threat from dissident republicans, we also need to be cognisant of the security issues at play here. We must make it very clear that this House opposes any moves to introduce a nuclear waste disposal facility on the island of Ireland.

**Senator Terry Leyden:** I second the amendment to the Order of Business proposed by Senator Ardagh.

I ask the Leader to arrange for the Registration of Wills Bill 2016, which was introduced in the Seanad two years ago, to be debated during Fianna Fáil's Private Member's time on Wednesday, 6 March next. I remind the House that the Bill in question has taken some time to progress. There is a great deal of merit in the legislation and I have sent copies of it to all of the group leaders. It would be a mark of real progress for this Bill to be debated and forwarded to the Dáil for further assessment and approval. I will not be proposing any amendments to the Bill because it was vetted by the late, great former Deputy Brian Lenihan, as well as other senior counsel and lawyers. It was first proposed in 2005. It was approved in 2006 in the Seanad but then the Dáil collapsed. Every time the Bill gets as far as the Dáil, that House collapses. I accept that the latter may not be a very good indicator.

**Senator David Norris:** The Senator had better not collapse it again.

**Senator Terry Leyden:** I hope that it becomes a reality on 6 March. The Bill was co-signed by Senators Ardagh and Clifford-Lee, both of whom are very prominent and qualified legal practitioners. It has been given tremendous support in the Seanad over the years from all parties and from independent Senators. I ask that the Bill be passed eventually, bearing in mind that so many wills are mislaid, lost and never found and people are deprived of their rights.

**An Leas-Chathaoirleach:** The Senator has made his point.

**Senator Terry Leyden:** I ask Members on all sides to support the Bill and I ask the Leader to speak to the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, about it.

**An Leas-Chathaoirleach:** We will be debating it further in due course.

**Senator Terry Leyden:** I have already communicated with the Minister and with the leaders of the groups on the Bill. I will email copies of the Bill to all Senators to explain the current

situation.

**An Leas-Chathaoirleach:** That is much appreciated.

**Senator Terry Leyden:** I appreciate the time being afforded to me to refer to the Bill, the first of its kind ever to have been brought in by a Government Senator.

**An Leas-Chathaoirleach:** Everything Senator Leyden has stated has been noted.

**Senator Terry Leyden:** I appreciate the support of my friends in Sinn Féin.

**Senator Billy Lawless:** Members will be aware that it was announced yesterday that the referendum on the right to vote in presidential elections for citizens living abroad has been postponed until later in the year. While I am a little disappointed by that, I am not surprised in light of what has happened regarding Brexit, the overriding issue of the day. That said, I want to ensure that we have all-party support for this referendum and that it will not be kicked to touch. Reference was made to holding the referendum in October and I ask the Leader to give a commitment to that effect because this is a very important issue for all citizens who live abroad.

**Senator Máire Devine:** Health is an issue we cannot get away from. Why should we? The health system is a shambles and always has been but it is more than that now. It is an embarrassment. Yesterday, the Leader accused many of the Members who spoke about the national children's hospital of being hysterical.

**Senator Jerry Buttimer:** I did not use that word at all.

**Senator Máire Devine:** I would call a €2 billion overspend hysterical. I would call the need to overhaul the capital projects contained in Project Ireland 2040-----

**An Leas-Chathaoirleach:** This is today's Order of Business, not yesterday's.

**Senator Máire Devine:** This is the Order of Business. The GPs will be standing outside Leinster House this afternoon. The nurses are on strike and the members of the Psychiatric Nurses Association, PNA, will be joining them next week. We have the longest waiting lists in Europe.

**Senator Jerry Buttimer:** No we do not.

**Senator Máire Devine:** We have a Minister who does not know what he is doing while Fianna Fáil members are sitting around like gillies. I do not know if Senators understand the term but it is a Dublin way of referring to patsies. The Fianna Fáil Party has maintained the confidence and supply agreement but did not ask about or was not made aware of the situation. Are its members not feeling stung by the fact that they were not informed? Did they fall asleep at the wheel? The Minister for Employment Affairs and Social Protection appeared on "Today with Sean O'Rourke" earlier and stated that Fine Gael is known for being prudent with the public finances and for being boring. I put it to Fianna Fáil that it was so bored while negotiating the confidence and supply agreement that it fell asleep and never asked-----

**Senator Catherine Ardagh:** Why did Sinn Féin not enter negotiations?

**Senator Máire Devine:** -----about the €2 billion overspend relating to the national children's hospital. This is not hysteria. In psychological terms, what the Leader is doing is transference. I suggest he looks that up.

**Senator David Norris:** I rise once more to raise the question of the unlawful killing of Mr. Shane O'Farrell by an eastern European drug addict driving an uninsured car.

**An Leas-Chathaoirleach:** A judge has just been appointed-----

**Senator David Norris:** Yes, I thank the Leas-Chathaoirleach for his assistance. That is the point I was going to make. This matter has been ongoing for seven and a half years and during almost all of that time I have been raising it consistently in the House. It is a very long time but the Minister has just announced the appointment of Judge Gerard Haughton to conduct a scoping exercise into matters surrounding this case. The O'Farrell family is extremely unhappy about this because the matter has been ongoing for seven and a half years. The family has been consistently pushing and pushing and at last, seemed to be getting somewhere. The Dáil passed a resolution which is the same as the resolution on today's Order Paper, which is in my name. It gives the full details of the case and calls for an independent inquiry. I ask the Leader to provide time for a discussion on this situation-----

**An Leas-Chathaoirleach:** Is Senator Norris proposing an amendment to the Order of Business?

**Senator David Norris:** No, not today. I thank the Leas-Chathaoirleach again for his assistance. I will be pushing the matter tomorrow if I do not get a positive response today. Fianna Fáil proposed this in the Lower House. I have had some discussions with the Fianna Fáil Senators and am hoping they will support me in pushing this through and making sure that we have an independent inquiry. In the statement issued by the Government, it lists all of the different inquiries that have taken place. It is a long list. The statement goes on to say that the Government expects Judge Haughton to provide the Government with an interim report within eight weeks of commencement. That sounds to me very much like long-fingering. This has gone on for seven and a half years, during which time justice has been denied to the grieving family of Shane O'Farrell. This matter was first raised by me in the House almost seven and a half years ago. We must have this matter discussed and must pass a resolution calling for an independent inquiry.

**Senator Jennifer Murnane O'Connor:** I want to talk about the Revenue Commissioners and the new system for PAYE workers, namely, real time reporting, RTR, which was introduced at the beginning of this year. This is the most significant change to the PAYE system since its introduction in the 1960s but already an issue has arisen regarding teachers. Last month, an end date was incorrectly applied by the Department of Education and Skills payroll software to files submitted to Revenue. This led to teachers being treated as new employees and their pay being subjected to emergency tax. This software problem has affected substitute staff paid on 3, 10 and 17 January. So far, this represents 8% of the payees on the payroll in January 2019. To make matters worse, the Minister was unable to commit to a date by which the issue would be resolved. This new system might streamline a few things but it is not beneficial if it means that workers lose out.

*12 o'clock*

Under this new system, employees who leave a job to start a new one will no longer receive a P45. When employees start a new job, Revenue has put the onus on them to look after their own tax affairs, including moving tax credits from one employment to another. If they do not know this, they end up paying much more tax than is necessary. Revenue is encouraging em-

ployees to set up an online record with it called myAccount. Quite a level of computer skills is required to do this and many employees are complaining about this. They have complained to their employers and banks but they have also contacted me and other politicians because they believe they were not told about this in the proper way. Revenue has not been forthcoming with this information.

I call on the Minister to launch a large and active awareness campaign about this new system. Consideration should have been to those who do not have access to broadband and those who do not have the required level of computer skills. It is a major issue. It is one of the biggest issues that has faced PAYE workers and we need to address it. The Minister is aware of it but a proper campaign to heighten awareness about this new system needs to be introduced.

We will support the doctors who are out in protest today. I listened to what my Sinn Féin colleagues said and I had to let it go over my head. We in Fianna Fail always look after the working people-----

**An Leas-Chathaoirleach:** The Senator's time is up.

**Senator Jennifer Murnane O'Connor:** -----and we will keep working and looking after them.

*(Interruptions).*

**Senator Gerald Nash:** Some 200,000 jobs were lost and the minimum wage agreement went - give us a break.

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

**Senator Michelle Mulherin:** I wish to voice my concern about the lack of supports for women in crisis pregnancies, in particular women on low income who need to attend hospital appointments in Dublin and have to travel from Mayo or other places along the western seaboard to attend the national maternity hospital. Some are in financial difficulties and cannot afford to do so. Based on a case that was brought to my attention, it appears they can approach the Department of Employment and Social Protection and they may or may not get help. There does not seem to be any system within the Department of Health to help them.

The case I wish to highlight is that of a young pregnant woman whose baby, sadly, has been diagnosed with a fatal foetal abnormality. She has had to give up work. She needs to travel to Dublin but has not found any support to do so from the Departments of Employment and Social Protection or Health. This reality must be faced up to when we are providing healthcare for women who are pregnant. This young woman is going to have her baby but she needs help and support to be able to attend her appointments. We spent a lot of time talking about supporting women in crisis pregnancies but if they cannot afford to pay the cost of four or five-hour journey to travel to Dublin and support themselves - some of these women may have other children - then all the conversations we had are a nonsense.

On this issue of serious concern to the women affected, I ask the Leader to approach both the Ministers for Employment and Social Protection and Health to ascertain who is taking responsibility for this area. Perhaps they could come into the House and enlighten us as to what provision and protocols will be put in place to help women so that they will not have to go around begging for money to travel to Dublin for a basic service.

**Senator Paul Gavan:** I also want to raise a health issue. In response to a Commencement matter I tabled this morning, I received confirmation from the Minister of State at the Department of Health that the Government is in breach of an agreement. Payments are due to 7,000 health workers but the Government will not even tell them when the money will be paid. These are support workers, healthcare assistants, porters, theatre assistants, etc. They have gone through the industrial relations process but they have not gone out on strike. The Department refused to meet their union, SIPTU, and the Government has no comment to make on when those moneys will be paid, even though they are due under the agreement. Is it any wonder that the nurses - quite rightly - have taken the decision to strike. I have no doubt SIPTU will take a similar decision because we cannot trust this Government. Even when people go through the process and it is acknowledged money is due to them the Government will not pay them what they are owed.

I call for a debate on this issue but it time for the confidence and supply party to make up its mind. It is no good coming in here to tell us what the Minister has done wrong when Senator Murnane O'Connor continues to support him and when her party endorsed this Government and extended the confidence and supply agreement.

**Senator Jennifer Murnane O'Connor:** What are we to do about Brexit? Are we to do what the Senator's colleagues did up in the North?

**Senator Paul Gavan:** I wish to make a further comment.

**An Leas-Chathaoirleach:** Did Senator Murnane O'Connor not hear what I read out earlier? She was absent. Now be quiet. Allow Senator Gavan to continue without interruption.

**Senator Paul Gavan:** I was amused by the Senator's comments about how her party always looks after the working people. I still remember when the minimum wage was cut by Fianna Fáil. The lowest paid workers in the State were caught and stabbed in the back by Fianna Fáil.

**Senator Jennifer Murnane O'Connor:** Who brought in the minimum wage?

**Senator Catherine Ardagh:** Fianna Fáil brought in the minimum wage.

**Senator Jerry Buttimer:** Who increased it?

**Senator Paul Gavan:** People in the trade union movement will never forget how Fianna Fáil dealt with low paid workers.

**An Leas-Chathaoirleach:** The Senator should address his comments through the Chair.

**Senator Paul Gavan:** Absolutely.

**Senator Jerry Buttimer:** Who restored the minimum wage?

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

**Senator Paul Gavan:** Can we be clear, in summary-----

**Senator Jerry Buttimer:** Who increased the minimum wage?

**An Leas-Chathaoirleach:** The Leader will respond to the Order of Business.

**Senator Paul Gavan:** I call for a debate in this regard. I support the call for both Ministers

6 February 2019

to come into the House but it is time for the confidence and supply party to stop talking and act up in the interests of this nation, and bring down this awful Government.

**Senator Jerry Buttimer:** They have a new jargon today.

**An Leas-Chathaoirleach:** Ciúnas anois.

**Senator Aodhán Ó Ríordáin:** I wish to raise the issue of policing and anti-social behaviour on the north side of Dublin. I am getting increasing exasperated with the failure to get any answers in this Chamber. I tabled a Commencement matter on anti-social behaviour issues, muggings and the escalation of violence in the Dublin 9 area and the Minister who replied to the matter told me that the Minister had no direct responsibility for the area and that it was an issue for the Garda Commissioner. I then raised in another debate the potential for the opening of a Garda station in the expanding Clongriffin-Balmayne area, which will have 50,000 residents in a number of years, and again I was told it was an issue for the Garda Commissioner. Now I have asked this week for a debate after a pipe bomb incident in Edenmore last Sunday, following a gun attack in a pizza parlour in Edenmore on New Year's eve, only to be told by the Leas-Chathaoirleach that I cannot have it because the Minister has no official responsibility in the matter. I am getting sick and tired of this kind of response. We all hear from a Minister in government in Stepside who tells every resident that can hear him that it was his intervention that opened up a Garda station in that plush affluent suburb-----

**Senator David Norris:** With the crime statistics going down.

**Senator Aodhán Ó Ríordáin:** -----against the express advice of an assistant Garda commissioner. Yet when we have had a pipe bomb incident and an attempted murder in a pizza parlour in Edenmore, I am told by the Leas-Chathaoirleach's office that the Garda Commissioner is the person responsible and the Minister for Justice and Equality has no responsibility for it.

**An Leas-Chathaoirleach:** Operational policing matters are a matter for the Commissioner and not the Minister.

**Senator Aodhán Ó Ríordáin:** I am damn sure that if there was a pipe bomb in Laois or in south Dublin, the Minister would be all over it.

**An Leas-Chathaoirleach:** I must ask the Senator to resume his seat.

**Senator Aodhán Ó Ríordáin:** I am sick and tired of getting answers-----

**An Leas-Chathaoirleach:** I do not care how sick and tired the Senator is. I have made a ruling.

**Senator Aodhán Ó Ríordáin:** -----from the Minister for Justice and Equality stating that this is not his responsibility.

**An Leas-Chathaoirleach:** The Senator will now resume his seat.

**Senator Aodhán Ó Ríordáin:** I do not make a northside-southside point very often but I am sick of being told-----

**An Leas-Chathaoirleach:** The Senator is out of order.

**Senator Aodhán Ó Ríordáin:** -----that the Garda Commissioner is the person who is re-

sponsible for resources, not the Minister for Justice and Equality.

This letter is a disgrace. How am I supposed to go back-----

**An Leas-Chathaoirleach:** The Senator is not going to raise it here.

**Senator Aodhán Ó Ríordáin:** -----to the people we represent and say they are getting-----

**An Leas-Chathaoirleach:** The Senator knows as well as I do that operational policing matters are a matter for the Garda Commissioner and not the Minister.

**Senator Aodhán Ó Ríordáin:** This letter that I got from you is a disgrace.

**An Leas-Chathaoirleach:** If the Senator is unhappy with that letter, he can take it up with the Cathaoirleach and the Committee on Procedure and Privileges.

**Senator Aodhán Ó Ríordáin:** It is an absolute disgrace-----

**An Leas-Chathaoirleach:** The Senator is out of order. I ask him to resume his seat.

**Senator Aodhán Ó Ríordáin:** I say once more that I am demanding-----

**An Leas-Chathaoirleach:** The Senator is not demanding anything. He is out of order.

**Senator Aodhán Ó Ríordáin:** I do not give a fiddler's; I want a debate with the Minister for Justice and Equality in here about Garda-----

**An Leas-Chathaoirleach:** Is the Senator going to continue like this? Is he going to continue to disobey the Chair?

**Senator Aodhán Ó Ríordáin:** -----resources on the northside of Dublin.

**An Leas-Chathaoirleach:** The Senator is gone a minute over his time. Will he sit down, please?

**Senator Aodhán Ó Ríordáin:** It is unbelievable that you would send me a letter-----

**An Leas-Chathaoirleach:** I sent the Senator a letter and I stand over it.

**Senator Aodhán Ó Ríordáin:** -----advising me that the Minister has no responsibility in this area.

**An Leas-Chathaoirleach:** I have told the Senator why I sent him the letter. Now sit down.

**Senator Aodhán Ó Ríordáin:** If there was a pipe bomb in any other area of the city-----

**An Leas-Chathaoirleach:** The Senator should resume his seat.

**Senator Aodhán Ó Ríordáin:** -----I am quite sure we would get major political responsibility for it.

**An Leas-Chathaoirleach:** I have told the Senator he can raise this with the Cathaoirleach.

**Senator Aodhán Ó Ríordáin:** This is a disgrace.

**An Leas-Chathaoirleach:** Is the Senator going to resume his seat?

6 February 2019

**Senator Aodhán Ó Ríordáin:** The Chair can understand why certain communities feel they will get no representation from this Government. It is a disgrace.

**An Leas-Chathaoirleach:** Sit down. The Senator is totally out of order.

**Senator David Norris:** The Senator will make the headlines

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

**Senator Brian Ó Domhnaill:** I want to touch on the issue of the children's hospital, what has been said here and the fact that the cost overruns are escalating to in the region of €2 billion. The famous Austrian-born but American business and management consultant, Peter Drucker, once said that management by objectives works but it only works where the objectives are correct. Clearly, the objectives relating to the children's hospital were not correct. The scope of the project, we now know, was all over the place and was not clear. While the Minister is far removed from the day-to-day management operations of the project, nonetheless, the buck stops with him.

We can criticise the children's hospital all we want but this is going to happen again and again. We saw it with the Luas and the port tunnel. The public sector in general, irrespective of which Government is in control, is unable to manage a budget allocation. The financial scrutiny and financial framework need to be in place right at the beginning of a project, and that includes the site selection, which was all over the place for this project so that, ultimately, a political decision selected the site. We now know that it is, in fact, the wrong site, and any cursory glance at the financials shows that the project is involved in all sorts of operations that are nothing to do with a children's hospital.

Accountability must begin somewhere. Officials within the Department of Health and the HSE must be held accountable. This is another glaring example of the lack of accountability within the HSE. We have the resignation of one chief executive, who is replaced by another. The Minister for Health is before the health committee today but all he will do is defend the increase in spending and provide a rationale for it. There is a bigger issue, which is the national planning framework, a massive injection of capital spending over the next 20 years. We now see that the State does not have the capacity, the financial framework or the financial oversight capability to implement that.

**An Leas-Chathaoirleach:** The time is up.

**Senator Brian Ó Domhnaill:** It is regrettable that Dáil Éireann voted against an amendment, which was accepted in this House and which proposed that we would have a vote on the national planning framework. That is not happening because Deputies voted it down, which, in my view, was disgraceful and short-sighted.

**An Leas-Chathaoirleach:** I thank the Senator.

**Senator Brian Ó Domhnaill:** I ask that the Ministers for Health, Finance and Public Expenditure and Reform come before this House so we can have a discussion on the State's capital expenditure programme.

**Senator Keith Swanick:** I wish to raise an issue in regard to health. I spoke in the Commencement debate earlier on the issue of GPs marching today, FEMPI cuts and the provision of an adequate contract for GPs. I was contacted this morning by the parents of a child with spinal

muscular atrophy, about which I and many Senators have spoken in the House. They are still awaiting a date for final approval of the drug, Spinraza, and they are worried the date will be deferred due to the children's hospital overspend. In fairness, we should not keep these people waiting indefinitely, given they and their children are currently in their 17th month waiting for a decision.

This should not be difficult. There are 25 children in the country with this condition. It presents them with a number of burdens. For example, they are wheelchair-bound, they suffer muscular recession, they are in considerable pain on a day-to-day basis and exercise is virtually impossible. We have met many of their family members and all they want is to give their kids the best life they can. We have the means to help them. The means and the treatment is the drug, Spinraza. Given they are now in their 17th month waiting for the announcement, the Government needs to announce the provision of this drug as a priority so the families can put their minds at rest.

**Senator Ray Butler:** I would like to speak about Revenue offices, in particular the reception areas in these offices. I dealt with an elderly lady who had a pension from Germany and she needed to get documentation to fill out the form she gets yearly from Germany. When she rang up the Revenue office, she found it would take five weeks to get an appointment so I decided to bring her to the Revenue office in Navan to get the form filled out. When we arrived at the office, the reception area was closed, the doors were shut and there were big signs on the doors basically saying "Ring this number". However, it takes five weeks to get an appointment.

This is very unfair to people who might have pensions in other countries and who get forms to fill out every year. There is often a time limit in such countries so these pensions could be stopped. In addition, if people want to get on the housing waiting list and need forms signed to get HAP or they are homeless, they have to wait at least five weeks before they can get into the tax office to speak to somebody. Thankfully, we got in that day and when we got in, we were looked after. However, we had to wait for somebody else to come out of the office after a meeting.

It is scandalous to think the reception areas in Revenue offices are closed and this is the new policy all over the country. The personal touch is gone from Revenue. While some people might be happy that the front door of the Revenue office is closed, if the organisation is providing a service, this is a disgrace. We should ask the Minister to come to the House and reverse this decision. We want the doors open and we want people to go in and out of Revenue reception areas and get the service they used to get.

**Senator Kevin Humphreys:** I agree with the Senator that the Minister is a disgrace.

I compliment the Leader and his office on the work they have done to facilitate the dementia group in regard to meeting the Minister for Health next week. I want to express my appreciation to him and his staff. They acted honourably at all times.

The Minister for Housing, Planning and Local Government was in the Chamber yesterday. What is becoming apparent, particularly in Dublin, is that the Part V aspect of social housing is not being delivered on in the communities where it is meant to be. To give some background, similar to Cork, Dublin comprises a number of villages, such as Clontarf, Marino, Ringsend, Sandymount, Ranelagh, Rathmines and so on. Part V is not going to be delivered anywhere in the south docklands and is going to be pushed out to the suburbs. The local authority has

been reported in *The Irish Times* on three occasions stating there will be no affordable housing in areas like Ranelagh, Rathmines and Sandymount, and if anyone is expecting it, they are not living in reality. We are talking about people on substantial salaries of between €60,000 and €75,000 being told they will no longer be able to live in the community they grew up in. That now seems to be Government policy.

The other problem which is coming, including to Cork, Limerick and Galway, is build-to-rent. I will outline what is happening in the Dublin area. Last year some 2,000 apartments were built for the market - for people to get an opportunity to get a foot in the property market and buy their first home. Of the 2,000 apartments that were built, 1,500 were sold to the build-to-rent market, denying young people the opportunity to purchase their first home. This is now moving out of control yet it is facilitated by a preferential tax break for the funds involved. We need to have a conversation before this gets out of hand. It is another issue, like the Airbnb scandal, that is going to impact on property markets right across the country, facilitated by Fine Gael.

**Senator Fintan Warfield:** We are quickly approaching a general election. It would appear there is more nervous energy around these Houses than I have ever experienced in my three years here.

**Senator Jerry Buttimer:** It will be very quick for the Senator.

**Senator Fintan Warfield:** At this morning's meeting of the Joint Committee on Health, the Secretary General of the Department of Health said five tenders were submitted in respect of the national children's hospital. There was a tender for €637 million from BAM, another tender for €768 million, another for €785 million and another for €814 million, which was the highest bid. It beggars belief that nobody in the Department of Health raised an eyebrow at the fact that there was a difference of 20% between the lowest and highest bids or about the prospect that BAM might have done this previously or that this might have been part of that company's strategy. Why were there no red flags or alarm bells? How is it that the Minister did not come across this? There is still much to discuss. We eagerly await the PwC report, which is due on the day that Brexit is scheduled to occur. It is a matter of burying it in the papers. The Fine Gael spin machine is in overdrive.

**An Leas-Chathaoirleach:** I call the Leader to respond and to address his remarks through the Chair. Let us be respectful. The Senators have all had an opportunity to contribute.

**Senator Jerry Buttimer:** I thank the 17 Members who made contributions to the Order of Business.

Eight Members referred to the national children's hospital. We are in Oscar season - people are queuing up for awards but there is no presenter. I assure the academy and Hollywood that there are plenty of actors here who would do a great job presenting because of the level of hyped-up commentary and ill-informed facts doing the rounds this morning.

**Senator Jennifer Murnane O'Connor:** Come on.

**Senator David Norris:** And the Oscar goes to Senator Ó Ríordáin.

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

**Senator Jerry Buttimer:** I hope Senator Norris had the right envelope.

**An Leas-Chathaoirleach:** The Leader will be respectful.

**Senator Jerry Buttimer:** Through the Chair, let me be quite clear about this. I am happy to have the Minister come before the House.

Regarding Senator Ardagh's amendment, the difficulty I have is that the Minister is currently attending the meeting of the Joint Committee on Health and will be in the Dáil later this afternoon. As a result, I cannot give her a commitment to have him before the House this evening-----

**Senator Catherine Ardagh:** Perhaps the Leader could schedule something early-----

**Senator Jerry Buttimer:** -----but I can talk to her after the Order of Business if she likes and give her a commitment to have the Minister before the House at the earliest possible opportunity. I thank the Senator.

As stated yesterday, we are all disappointed by and find it unacceptable to see the overruns relating to the national children's hospital. I did not hear Senator Ardagh or any of the other members of Fianna Fáil talk about the €40 million that was incurred because of Bertie Ahern's delay in respect of the Mater Hospital site. I did not-----

**Senator Aodhán Ó Ríordáin:** Give it a rest.

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

**Senator Jerry Buttimer:** We heard the Senator going on *ad nauseam*-----

**An Leas-Chathaoirleach:** Please, through the Chair.

*(Interruptions).*

**An Leas-Chathaoirleach:** Please.

**Senator Jerry Buttimer:** We heard Senator Nash as well. Senator Ó Ríordáin should give us a break.

**Senator Aodhán Ó Ríordáin:** No one is in charge of anything. The Minister for Justice and Equality-----

**Senator Jerry Buttimer:** Give us a break.

**An Leas-Chathaoirleach:** Please, Leader, through the Chair.

**Senator Jerry Buttimer:** Give us a break. We are-----

**An Leas-Chathaoirleach:** The Chair has ruled. Senator Ó Ríordáin was out of order earlier. We know that. I thank the Leader.

**Senator Jerry Buttimer:** No one is hiding. The Minister has been before the committee. The Minister for Finance has been before the committee. This does not stop people from questioning him. He has been before the Committee of Public Accounts as well. I answered yesterday's questions about the children's hospital and I make the point again now that when it is built, there will be Members of this House at the official opening with their chests out, proudly thumping the table.

6 February 2019

**Senator Máire Devine:** The Leader said that yesterday.

**An Leas-Chathaoirleach:** Order.

**Senator Jerry Buttimer:** And I will repeat it today.

**Senator Máire Devine:** That does not-----

**An Leas-Chathaoirleach:** Senator Devine has had her say.

**Senator Jerry Buttimer:** The Members opposite have been given an alternative to what was to be done. Some of them want to stop the hospital project completely, more of them want to go off and build a new one and the remainder are talking nonsense. If it was a runaway train, we would not be here today at all. The train would be continuing out the gap. That is another ill-informed comment. What we have now is a PwC report in progress, which will come back to us. All of us-----

**Senator Kevin Humphreys:** That is the crowd that said the banks would not fail, is it not?

**An Leas-Chathaoirleach:** Ciúnas at the back, Senators, please.

**Senator Jerry Buttimer:** I will have the Minister come before the House.

Senators Boyhan and Swanick raised the issue of today's NAGP protest and the issues raised by the doctors. It is important we have progress made on the contracts for GPs. The delay is inordinate. Progress needs to happen rapidly. I fully concur that there is now an obligation on the HSE to drive this new contract on.

Senator Nash referred to the proposed nuclear waste site. I had not heard of this proposal until he raised it just now, but it is a matter of grave concern. I hope the Government will outline the views he has articulated this morning in that regard.

I thank Senator Leyden for his correspondence regarding the Bill he has put forward on the registration of wills. I will give consideration to the matter.

I commend Senator Lawless on the work he has been doing with the Irish across North America. I am glad the referendum has been postponed because it will allow for an informed debate on what is proposed. That is an important decision the Government has made.

Senator Norris raised the very tragic case of Shane O'Farrell. As the Senator rightly stated, there is a grieving family who require answers. The Minister for Justice and Equality, on the completion of the GSOC report, has asked Judge Gerard Haughton to engage in a scoping exercise. I am informed by the Minister's office that Judge Haughton will meet the O'Farrell family. The report is to come back in eight weeks. I will give consideration to Senator Norris's request because he was the person who pushed the matter at the beginning. It might be a little premature to have the debate before the finalisation of the report, but I will talk to the Senator again about that.

**Senator David Norris:** I will push the matter to a vote next week.

**Senator Jerry Buttimer:** That is the Senator's prerogative.

Senators Murnane O'Connor and Butler raised different matters concerning Revenue. Both

matters would perhaps be better suited to the Commencement. The Senators would get more expeditious replies.

Senator Mulherin raised the very important issue of supports for women in vulnerable positions travelling from Dublin to the western seaboard. I will ask the Minister to come before the House to discuss the matter.

Senator Gavan referred to his Commencement debate this morning. The Minister's speech, which I have in front of me, does not tally with the Senator's interpretation. However, it is the Senator's prerogative to interpret the reply as he sees fit.

Senator Ó Ríordáin referred to anti-social behaviour on Dublin's northside. To be fair, despite my differences with Senator Ó Ríordáin, there is a need to get clarity as to who is responsible for particular matters. We have written to many different agencies and Ministers only to be told that they do not have responsibility in this area. I sit on a policing forum in Cork. Perhaps Senator Ó Ríordáin-----

**An Leas-Chathaoirleach:** I sit on the one in Kerry.

**Senator Jerry Buttimer:** I appreciate that. To be fair to Senator Ó Ríordáin, this is an important issue. It is a matter of protecting people in communities. It is about ensuring that the operations of An Garda Síochána within the community - I will not name names - are carried out properly, that a thorough analysis of them is carried out and that there is a debate between public representatives and An Garda Síochána. To assist the Senator, this might be a matter to raise at a joint policing committee.

**An Leas-Chathaoirleach:** Yes. That is the proper forum.

**Senator Aodhán Ó Ríordáin:** No.

**Senator Jerry Buttimer:** I am just trying to be helpful.

**Senator Aodhán Ó Ríordáin:** The Senator is doing well so far.

**Senator Jerry Buttimer:** If I said "black", the Senator would say "white" at this stage.

**Senator Aodhán Ó Ríordáin:** No. The Senator is doing pretty well so far.

**An Leas-Chathaoirleach:** Senator Ó Ríordáin is out of order. The Leader is right about policing committees. I serve on one. I call on the Leader to continue.

**Senator Jerry Buttimer:** As part of our role as public representatives, we have an obligation to raise matters pertaining to local communities with officialdom. There is a shield emerging, and it has emerged through its creation by the party opposite, around health in particular such that the Minister is not responsible for the HSE and that in the case of An Garda Síochána, it is an operational matter. It may well be an operational matter, but we need to be able to ask questions about operational matters and receive answers, and I will try to assist the Senator in this regard.

**An Leas-Chathaoirleach:** Is the Leader scheduling debate on the matter? That would be helpful.

**Senator Jerry Buttimer:** Yes, I endeavour to do so. To be fair, the Minister for Justice and

6 February 2019

Equality, Deputy Flanagan, is probably one of the few Ministers who is open to talking about issues and engaging on them. As a general rule, however, we need the opportunity to question officialdom on issues that affect the communities we represent. I agree with the Senator on that.

**Senator Aodhán Ó Riordáin:** I thank the Leader for that.

**Senator Jerry Buttimer:** Senators Swanick and Conway-Walsh referred to Spinraza. The HSE is carrying out an assessment. I appreciate the difficulty and the sensitivity surrounding this matter. I do not have the answer they are seeking, but it is a matter of extreme importance and one that needs to be resolved more quickly.

To respond to Senator Humphreys, we had the Minister here to discuss housing. Again, to be helpful, the points the Senator made would be more suited to a Commencement matter. I thank him for his remarks. I appreciate his patience regarding the dementia and Alzheimer's care issue, which is important. I am glad we have had a resolution to the issue he raised and I thank him for his remarks. I ask Senator Ardagh not to divide the House. I will endeavour to have the Minister come to the House tomorrow or early next week.

**An Leas-Chathaoirleach:** Senator Ardagh has proposed an amendment to the Order of Business: "That a debate with the Minister for Health on the statement made to the Seanad on his behalf in 2017 concerning funding for the national children's hospital project be taken today". Is the amendment being pressed?

**Senator Catherine Ardagh:** No.

**Senator Jerry Buttimer:** I will work with the Senator on a date for the debate.

Order of Business agreed to.

*Sitting suspended at 12.35 p.m. and resumed at 12.45 p.m.*

## **Parental Leave (Amendment) Bill 2017: Committee Stage**

**Acting Chairman (Senator Diarmuid Wilson):** I welcome the Minister of State at the Department of Justice and Equality, Deputy Stanton.

Section 1 agreed to.

### SECTION 2

**Acting Chairman (Senator Diarmuid Wilson):** Amendments Nos. 1 to 3, inclusive, are related and may be discussed together by agreement.

**Senator Ivana Bacik:** I move amendment No. 1:

In page 3, line 24, to delete "subsection (3)" and substitute "subsection (2) or (3)".

I welcome the Minister of State, Deputy Stanton, who is here to deal with Committee Stage of the Parental Leave (Amendment) Bill 2017 in Private Members' time. Labour Party Senators and the Technical Group are delighted to be putting forward this Bill for Committee Stage

debate. It passed Second Stage in the Seanad on 7 November and has already passed all Stages in the Dáil. I commend the proposers of the Bill in the Dáil, Deputies Shortall and Catherine Murphy of the Social Democrats, who ensured that it passed all Stages there.

As colleagues will be aware, this Bill enjoys massive support. We have all been sent emails and messages from people we know and parents who are concerned to see it enacted and say it will make an enormous difference to their quality of life and to their work-life balance and to that of their children. It is an important Bill. We need to debate amendments Nos. 1 to 3, inclusive, in that context. In general terms, these amendments seek to do what the Bill seeks to do, namely: extend the duration of unpaid parental leave, which is currently already provided for up to 18 weeks, by two months, eight weeks, to 26 weeks in total; extend the child qualifying age from eight to 12 years, which would match EU proposals; and ensure that both of these greatly improved reforms will be made available to all parents with a qualifying child. In other words, not just new parents but those parents who have already taken some or all of their leave. Members will be aware that EU directives originally provided for parental leave legislation to be passed in Ireland. The Parental Leave Act 1998 provided for 14 weeks of leave for parents of children up to the age of five. In 2006, that was extended such that parents of children up to the age of eight could qualify, while 2013 regulations extended the number of weeks for which parents could take unpaid leave from 14 to 18. It is worth noting that when originally published the Parental Leave (Amendment) Act 2006, which provided for several changes such as raising the maximum age of the eligible child from five to eight and giving parents the statutory entitlement to take the 14 weeks parental leave in specific means, included an explanatory memorandum noting that no significant costs were anticipated in connection with the legislation and that there would be benefits for employers and industry as the legislation would facilitate the increased participation and retention of women in the labour force. That is an overarching policy objective which we need to bear in mind when we are debating these amendments and the Bill in general. It has a very significant purpose in terms of facilitating the increased participation of parents, particularly women, in the workforce as well as ensuring a greater work-life balance for parents and their children.

I again commend the original proposers of the Bill and all colleagues who supported its passage in the Dáil and on Second Stage in the Seanad. I also commend Fianna Fáil which brought the Bill to the Seanad in its Private Members' time in November.

The amendments which we are urging colleagues to support are largely technical amendments suggested to us by the original proposers of the Bill which aim to ensure that the Bill is fully workable and that its three overarching purposes, namely, the extension of the duration of leave, the extension of the age eligibility limit and ensuring that parents in several categories can take up the leave, will be effective. Those are the priorities behind the amendments. The first three amendments are grouped together.

Amendment No. 1 is a technical amendment to section 6(8) of the Act to clarify that working parents who may have been precluded from taking all of their existing leave before the passage of the Bill because their child was aged over eight years may now take the remainder of the leave up to the new maximum of 26 weeks, subject to their child being under the new maximum age of 12 years. For example, in circumstances where a parent had taken 12 of the existing 18 weeks' entitlement before the child reached the age of eight and the child is now aged between eight and 11, the parent would be entitled to 26 weeks leave less that already taken. It aims to expand the ambit of the legislation to cover parents who have already used some or all of the existing leave entitlement. It is in keeping with the process followed when the 2013 regulations

extended the number of weeks entitlement for parents from 14 to 18. It is a technical amendment to give effect to the stated purpose of the Bill. I ask all colleagues to support it and I particularly ask the Minister to consider supporting it to avoid us having to divide the House on this Bill on which so many of us have received many representations. It is very much in keeping with the stated Government objective of ensuring a greater work-life balance and provision for parents in the workforce. We are all of one mind on the overall purpose of the Bill.

Like amendment No. 1, amendment No. 2 seeks to amend section 2 of the Bill. It proposes a change to section 2(d) of the Bill and would involve a technical amendment of section 6 of the principal Act of 1998. It is based on legal advice to ensure that the age limit of 12 years is properly set down in order to avoid any possible confusion. It provides legal clarity that 12 years is the cut-off point. It further guarantees that working parents who have taken all of their current entitlement will be able to take the further eight weeks of leave as long as the child remains under 12 years, again subject to the new statutory maximum. In circumstances where there is no agreement between employer and employee as to how the leave should be taken, the default position would be for the further leave to be taken in a continuous eight-week continuous period. Obviously, that is subject to negotiation.

Amendment No. 3 is a technical amendment to section 6 of the 1998 Act to ensure that the age limit of 12 years is properly set down and to provide legal clarity that 12 years is the cut-off point. These amendments are drafted in keeping with the mechanism for drafting the earlier extensions to the provisions of the original 1998 Act. We know how important these amendments and the Bill are to parents. The amendments seek to ensure that the stated purpose of the Bill will be made effective such that parents can avail of it.

Today, my Labour Party colleagues in the Dáil will move a motion on children's rights. We very much see this Bill as in keeping with that motion. The Social Democrats, the original proposers of the Bill, also consider it as very much in keeping with greater provision for children in our laws and statutory framework. The Bill should be viewed in that spirit. I urge Senators to support the three amendments and the Bill.

**Senator Lorraine Clifford-Lee:** I also urge all Members to support these very sensible amendments. Senator Bacik clearly outlined why they are required. It makes sense for parents who have already used their current entitlement to be permitted to avail of the extra entitlement which would allow them to juggle their work and home lives. The early years of a child's life are very difficult. Rather than people dropping out of the workforce and the workforce losing vital skills and experience, the Bill will allow parents and their employers to plan a period of absence from the workforce to allow parents to juggle their responsibilities.

It is very important legislation with significant public support and I am very glad that it is before the Seanad. Fianna Fáil was happy to facilitate Second Stage of the Bill before Christmas. I look forward to it progressing quickly because parents cannot wait any longer. They are hanging on what we say and do here today and are waiting to see how quickly the Government will progress the Bill. I am glad the Government has lifted its opposition to the Bill and I look forward to seeing it enacted in its entirety. I would not like any of its proposals to be watered down. It is very important in terms of families' certainty and planning for the future, women's participation in the workforce and allowing working parents to have the maximum involvement in their children's lives. I thank the Minister of State for his attendance. We look forward to the Bill being quickly progressed through the Seanad and Dáil and enacted as soon as possible because the families of Ireland need that to be done.

**Senator David Norris:** The Bill is a response to an incremental situation that has been developing for several years. Provision in this area was not a spontaneous decision of the Irish Legislature but, rather, was instigated by the European Union. The first legislation to address it was enacted in 1998 and provided 14 weeks' leave for parents of children up to the age of five. The next relevant Act, enacted in 2006, increased the relevant age to eight years, while in 2013 the number of weeks of leave was increased from 14 to 18. It is worth noting that Ireland is very much in the lower half of European countries in terms of the amount of parental leave allowed. A very significant number of countries in Europe provide more than twice the number of weeks leave provided for in Ireland. That is worth bearing in mind.

I read all the submissions, including those from IBEC. The Government suggestion that the entitlement be phased in over a number of years originates in an IBEC proposal which was taken on by the Government. In circumstances where we are lagging behind most European countries in this area, we should not accept that proposal.

Like most Members present, I received a very large number of submissions on this issue from people telling their personal stories. All of the submissions I received were from women. One states: "I have two children, aged just 2 and just 4, and have reached a stage where working full time and wanting to be the best mammy I can has me at a breaking point emotionally." That is an example of the strain that people are under.

*I o'clock*

Another one states:

My child is vulnerable and requires additional supports which require on going appointments. As a recently separated single parent, the extension in age from 8 to 12 and in weeks from 18 to 26 being proposed by this particular bill is a vital lifeline for me and many struggling parents in employment ....

That is how significant it is in the lived experience of the people who have been contacting me.

Another letter states: "My parental leave which I have taken for the past 2 years as a 4 day work week ....". That is an interesting and imaginative use of the time. Instead of taking it in a lump, this person has spread it out and it has worked a four-day week for the past two years. It goes on:

... & has allowed me to stay in this role that I love & am successful in, has just run out. I am facing the prospect of having to resign from my current role & seek a role on a part time basis if this bill is not passed.

That is an indication of the urgency of the Bill. The Minister of State is a decent and humane man. I see him nodding so presumably he is in agreement and understands the human dimension of these things. It further states: "This will be at least a 50% pay cut for my family and I will likely never again reach the same level in an organisation if I have to restart in a few years time."

I received a final one in which the woman uses a significant phrase. She states:

Any working parent will tell you of the sense of being emotionally torn between the need to work to provide financially for their child and wanting to spend more time with their

child. Parental leave - although unpaid ...

That is a significant point that not everyone in the debate realises. Some people assume that when one gets this parental leave one continues to be paid by the firm but that is not the case. One does not get paid, so there is a cost to the parent taking that leave. She states: “Parental leave - although unpaid - allows the parent that space to spend time with their child when they need it most - in the formative years.”

These are the arguments that myself and my colleagues are making and there is a strong feeling throughout the House that this Bill should be passed today.

**Senator Ivana Bacik:** Hear, hear.

**Senator Kevin Humphreys:** Senator Norris spoke extremely well about how this issue affects people on the ground. It has been my experience that people have used parental leave in day slots when it was badly needed such as when a child was sick, for a hospital appointment or whatever.

The purpose of the three amendments before the House is to ensure that where the child has passed the age of eight the parent would still qualify up the time the child reaches the age of 12. That is very important. The majority of emails I have received from people on this matter are to the effect that their child is just turning eight and that this Bill will allow them to stay in the workforce. To quote from one email, “This will allow the experience I had gained over a number of years to still be able apply in the workforce”.

We have had many debates on the gender pay gap and women believing they had to drop out of the workforce and then find they had to restart their careers later in life. This Bill allows women especially to stay in the workforce for a longer period in a planned manner.

I compliment Deputies Catherine Murphy and Róisín Shortall on introducing the Bill in the Lower House. Until now, there has been all-party buy-in. The point Senator Norris made is important. We are not going to the far end of the spectrum in this regard. Moving from eight to 12 years of age is very much the middle of the spectrum in terms of what other European countries are providing in respect of parental support. I hope this is part of an incremental step to seeing a better entitlement to parental leave.

I second formally the three amendments. I urge the Minister of State to take them on board but also to deal speedily with the other amendments and, when they are reviewed, to provide Government time to take Report Stage in the Seanad. It is important we give a clear guideline to parents watching these proceedings who are hoping to see the legislation passed quickly and that we receive a commitment from the Minister of State today that he will ask the Leader of the House to provide Government time to make sure that Report Stage is taken.

**Acting Chairman (Deputy Diarmuid Wilson):** There is no need for the Senator to second amendments on Committee Stage. It is only on Report Stage, but his support-----

**Senator Kevin Humphreys:** I am sorry. I am asking the Minister of State to facilitate Government time for Report Stage.

**Acting Chairman (Senator Diarmuid Wilson):** Yes, but there is no need to second Senator Bacik’s amendment. It is only done on Report Stage. I call Senator Murnane O’Connor.

**Senator Jennifer Murnane O'Connor:** I, too, support the amendments and particularly the Bill. Increasing the unpaid leave available to parents by an additional eight weeks from 18 to 26, which can be taken up until the child is 12 years old, offers a great deal of flexibility. This week, 5,000 people signed a petition calling on the Government to support this crucial Bill to extend parental leave. I was heartened to hear last night that the Government intends to support the Bill. However, I would like it not to be left for another two years for it to be implemented. These parents need certainty. Never mind getting up early in the morning. These are working people who happen to be parents who not only get up early but often have been working through the night caring for a child with a high temperature or sitting in an accident and emergency department in a hospital following which they must then do a full day's work, and they never complain.

This is a very positive measure for working parents across the country. It is not just about support, which is very important, but also family time. It is about parents working so hard but being afraid they will not have the option to afford the option of childcare. It is about the need to make sure that in a job one loves one wants the best of both worlds. Parents want to be able to work but also to be able to spend time with their children. That is what this is all about; it is about choice. Parental leave will be beneficial for parents and their children but also for the economy and society in general by improving the framework conditions for the large percentage of women who want to work and stay home with their children.

I support this Bill 100%. That 5,000 people signed a petition this week calling on the Government to support this Bill is an indication to the Minister of State of the strength of feeling about this issue. Every Member here has heard in our clinics and in our own areas how crucial this measure will be for both men and women. I want to give my full support for the Bill.

**Senator Alice-Mary Higgins:** I join others in saying I am very happy to see Committee Stage of this Bill being taken. I hope we will see Report Stage being taken very soon. This is an issue that has been pressed for a long time and I commend all of those in civil society who pushed for it. I recall it being one of the issues we fought for when I was on the National Women's Council.

I thank Deputies Shortall and Catherine Murphy for bringing the Bill to the Dáil. I thank the Labour Party and the Technical Group for providing time for this debate here today and indeed Fianna Fáil, Sinn Féin and others who support. Everybody who knows the decisions and choices families have to make and how important it is for them to be able to plan their lives has come to a point of support for this Bill. I hope the Government will join with us in recognising the importance of it.

Ireland has one of the higher figures in terms of women dropping out of the workforce at a certain point. It has been an outlier. It is an issue that was raised in the country-specific recommendations Ireland got from Europe because it is one of the problems. The decision to drop out of the workforce is often made under pressure. Somebody may have studied and worked for what they are passionate about but the decision to leave is made under pressure because key crunch times come along in families' lives when they cannot achieve the balance.

I was very disappointed to see some business lobbyists coming in with concerns around this Bill and talking about the loss of skills at short notice. I refer to the loss of skills to us as a society when we have women predominantly dropping out of the workforce after years of training and acquiring a level of knowledge knowing, as described in letters similar to those outlined by

Senator Norris, that it will be very difficult for them to get back on the ladder and come back in at that senior level. That is a fundamental problem and it is one we can cut off at the roots.

This Bill is long overdue and very necessary. I support the amendments. I would note two areas where we will need to strengthen the Bill. The Bill is modest as it deals with unpaid leave but we will have to look at paid leave because people have lives. We need to plan for integrated lives, and rather than the quarterly return of any one company, we need to look at the big picture of a sustainable economy and society. Employers need to plan for parts of their workforce, be they men or women, taking leave at different times for different reasons and this leave will need to be paid.

It is important that this goes to age 12 because, like Senator Humphreys said, children have transition points in their lives and parents want to be able to support them. In the longer term, we need to look at 18 as the age. We have a blind spot and research of the Vincentian Partnership shows the difficulties people have, particularly those who are parenting alone. I have raised the issue of supports for those parenting alone with the Minister of State's colleague, the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty. Once a child hits 14 the balancing job which a parent is doing disappears. I have called for jobseeker transitional payments until a child is aged 18, rather than having a parent go onto jobseeker's allowance, in order to recognise the balance of work and care which parents are trying to achieve. There will be key points at 15, 14 and 16 when two or three extra days for a parent can make a crucial difference. That is where we are going, down the line, but this is a huge and positive step forward for now. I am glad we are all supporting it.

A new EU work-life balance communiqué has come out and a new position has been agreed by the European Parliament, the Council and the Commission which is driving us to look at work-life balance. This will probably become a directive in the near future so it is important that Ireland gets ahead and can be one of its champions within Europe. It is important that flexible working arrangements and rights to carer's leave are carried forward. I commend both amendments, which I believe strengthen the Bill, and I commend Senator Bacik and others on giving their time to bring the Bill forward.

**Senator Paul Gavan:** I welcome the Minister and I welcome this Bill. An awful lot of people deserve credit for the Bill. First and foremost are the Social Democrats who took the initiative in the Dáil. I give credit to Fianna Fáil and my colleagues in the Labour Party for their support for the Bill.

I speak from personal experience as I took parental leave after our first child was born. I was managing a large recruitment company at the time. My employer was very progressive and I was able to take the leave in chunks, giving me effectively a three-day week. There was no problem and it made a huge difference to me. One goes on a steep learning curve when one becomes a father. Unfortunately, I ran out of leave and that is why this leave is so important. Like others, I have been contacted by a large number of parents - largely women, which is interesting in itself. The burden should be equally shared but this shows that it still falls largely on women.

We know that the most important thing we do in life, if we have children, is to bring them up. Work-life balance is key but the balance is not right at the moment. There are far too many families who are hard pressed. This is a great opportunity to take a significant step in the right direction. I completely agree with Senator Higgins that we should be looking at paid leave but I will happily accept this as a step forward on which we can all agree.

I fully support all amendments on behalf of our party. I do not know if Fine Gael will support the Bill but I hope its members will as they and the Minister know it is the right thing to do. We have to do more to help working families and this is one significant way to do it. I have great respect for my colleagues in IBEC, though we do not necessarily agree on all issues. I am slightly disappointed in the letter it sent in on this matter. It reminded me of *Hard Times* by Charles Dickens and could have been written by Mr. Gradgrind. One of the lines stated that a fair balance must be met between the importance of achieving a reconciliation of professional and private life and the need to manage a workplace and enhance economic competitiveness. There are some things which are more important than economic competitiveness and I suggest our families and our children are such a thing. Let us all get behind this Bill.

**Senator Aodhán Ó Ríordáin:** Hear, hear.

**Senator Joan Freeman:** I also support the Bill and the amendments. Like Senator Norris, I received many emails on this Bill. I have two daughters who are young women with two children each and they have a daily struggle to juggle their work with their children. They get up at 6 a.m. and get home at 6 p.m. or 7 p.m. They are exhausted and try to spend weekends recuperating and catching up on all the things on which they missed out during the week. One daughter has taken up the current version of unpaid parental leave. She juggles everything so that she can have one day off work during the week to lessen the burden.

The people affected by this are willing to accept a reduction in their salary just to have a proper life balance and to remove some of the stress. We also need to remember that 33% of people who are off sick are off because of stress. This is one way of relieving the stress in our society. I agree with Senator Higgins on paid leave and I know several companies who give paid leave not only to mothers but to fathers as well. That is extraordinary and we should commend it. I am pleased that the Bill caters for existing parents as well as new parents and I am delighted that parents who have used up their weeks will be allowed the additional weeks.

I commend the Social Democrats on initiating this Bill and I commend my colleagues in Fianna Fáil and the Labour Party as this is a wonderful Bill. I look forward to it being implemented.

**Senator Catherine Ardagh:** I agree with all Members of the House on this Bill. It is the one time we have had cross-party support and I am glad the Minister will support it. I welcome the fact that he will not oppose today's amendments.

We have been inundated with emails and phone calls from members of the public on the Bill - predominantly women, as Senator Gavan said. He has been a primary care giver but the burden ultimately lies with women. As Senator Higgins pointed out, we have many amazing women who are trained in various skills but who leave the workforce to the detriment of the economy so I cannot agree with the suggestion that this Bill will impede the development of the economy. The Bill will bring us to the next stage of some type of work-life balance and will give parents flexibility and choice.

We are not talking about paid leave but unpaid leave so it is a very modest Bill. It cannot but be commended to this House and I am delighted to have initiated it here. I thank Deputy Róisín Shortall and the Social Democrats, the Labour Party, Sinn Féin and Fine Gael for coming together and accepting it.

**Senator Victor Boyhan:** I agree with all of what Senators have said but it is important to

6 February 2019

acknowledge Deputies Róisín Shortall and Catherine Murphy, who got the ball rolling. Some of the other groups who are claiming credit for this Bill were quite slow to pick up the ball in response to some of the many emails that were sent some months ago. We had a difficulty in getting time and it came back to other groups to see could it be facilitated. I acknowledge what the Labour Party has done. Senator Bacik has prepared some helpful documents.

I fully support the Bill. It is great that there is a consensus but it took a long time to gain traction and we need to acknowledge that. I never suggested that the Government was totally against it. I have had a look at some of the documentation put out in relation to the Government's commitments in this area. There was some excuse, or suggestion, that it was not analysed enough under pre-legislative scrutiny. The committee took a decision and that is its call, of course, if it decides not to proceed with pre-legislative scrutiny. It cannot be used as an excuse.

It is ironic that this matters falls under the responsibility of the Department of Justice and Equality rather than the Department of Employment Affairs and Social Protection. What does that tell us? It could be argued that the Department of Employment Affairs and Social Protection has a role to play. There has been confusion as to whom parliamentary questions should be addressed. When the matter came before committee, the Minister for Justice and Equality stated that it was not something he wished to discuss at that time and left it to the Minister for Employment Affairs and Social Protection to answer the questions of the committee in January of last year.

I fully support the Bill. I have read the letter from the IBEC and I do not agree with it. We should say that clearly and not be quiet in saying it. IBEC has a view on most things that go on in Parliament, and I have no difficulty with that, but I categorically do not agree with what it suggests about this Bill.

I support everything that has been said here. This will be a good day's work. I take on-board Senator Ó Ríordáin's point that it is important that we have Government co-operation in time. Let us face the fact that the Government would not previously devote time to this issue. I accept, however, that things may have changed in the meantime. I wish everyone well. I particularly acknowledge the cross-party support for this legislation.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I thank colleagues. I have listened carefully to the debate and, as usual in this House, it has been constructive, reflective and positive. I am happy to be here to discuss the Parental Leave (Amendment) Bill 2017. I will be speaking to amendments Nos. 1, 2 and 3, which propose to amend section 6 of the Parental Leave Act 1998.

If I brought a Bill before the House, my colleagues would analyse, parse and try to amend it if they thought there were problems with it. I do not apologise at all if the Government takes on board a Private Members' Bill and analyses, parses and raises concerns about it. We would be derelict in our duty if we did not do that. It is important we have a debate and that it does not become personalised. If any colleague here has a concern about any legislation, he or she has a responsibility, as does the Government, to raise, highlight and debate that concern in a positive way. I am sure colleagues will bear with me when I outline some of the concerns we had with the legislation. I am not stating that the Government is right or wrong but it is important we debate these issues. That is why I was somewhat disappointed that there was no pre-legislative scrutiny on the Bill. Every time we bring forward primary legislation of any sort, there are implications and what we call unknown unknowns. Senator Bacik and I served together on the

justice committee for quite a number of years and I am sure she will agree with me about the value and importance of pre-legislative scrutiny. The latter gives stakeholders an opportunity to have a say. It is quite important that stakeholders, no matter who they are, have a say in a democracy.

IBEC is sometimes equated with big, evil corporations and companies. There is a feeling that business is bad or evil but it is not. Business employs many people and not all businesses are big. There are very small businesses in the SME sector. Big companies can do, take and absorb stuff but small companies that are three, four and five-person operations can sometimes be under substantial pressure. There are a lot of those companies and we also have to listen to what they have to say. It is incumbent on all of us to listen and reflect in a positive way and not to be too negative.

I also want to say that the Government has always been, and continues to be, supportive of the principles of parental leave and supports for working parents and families. We all share the goal of supporting parents to reconcile precious family life and work. Senator Gavan has given his personal experience on that and I can share that. I know what he is talking about. We also share the goal of increasing flexibility and choices for working parents. That is crucially important. The Government announced, as part of the 2019 budget, the introduction of a new paid parental leave scheme which will commence later this year. We are doing it. It will be for two weeks this year and will increase in the following years.

Senator Higgins mentioned the work-life balance directive. Earlier this morning, the EU Committee of Permanent Representatives approved, by a qualified majority vote, the text of the informally agreed work-life balance directive and a letter was sent to the European Parliament Committee on Employment and Social Affairs to say that agreement on first reading can be reached, subject to the Parliament agreeing to adopt the identical text at the plenary session. Ireland supported the text. Let us not talk about the big, bad Government all the time.

**Senator David Norris:** No one did.

**Deputy David Stanton:** We are ahead of the game here. One of the key points of the proposed directive calls on member states to provide ten days' paternity leave to be paid at a rate determined by member states. We are doing it, we brought it in. Some 55,000 dads have already taken that up. I did not hear anybody talk about that this morning. It is done, we did it.

The proposed directive also indicates that member states shall provide for an individual, non-transferable right of nine weeks of paid parental leave per parent before the respective child reaches an age to be determined by member states. We are starting paid parental leave this year.

I listened to Senator Norris who, as always, was extraordinarily astute in his comments. He emphasised that he received a lot of communications, all from women.

**Senator David Norris:** Yes.

**Deputy David Stanton:** Other Senators said the same thing. I chair the committee responsible for the national strategy for women and girls. We had a meeting yesterday. Senator Higgins referred to the number of women who fall out of the labour force, a matter that was highlighted at the committee's meeting. The need to encourage more men to, like Senator Gavan, take on the caring and childcare role was highlighted. One concern I have is that we need to focus on balancing and sharing the caring at home so that women and men share it

equally. If an employer is interviewing two people for a job, the interviewer must not have an unconscious bias against the female applicant because the chances are that the female applicant might get pregnant and take a lot of leave, whereas the male applicant will not. People cannot say that out loud but we all know about unconscious bias. We must also start thinking about this at a higher policy level. What can we do to encourage more men to take on the sharing, caring, child-rearing role and, at the same time, be careful not to support, encourage and nudge women to take on more than they are doing already and not being involved in the workplace? The statistics are frightening when one looks at the graphs.

I invite all the Senators to read the national strategy for women and girls. In it, we stress the need to do a lot more than what is being done.

We have introduced a new paid parental leave scheme which will commence later this year for both parents. We have also brought in paternity leave. The new scheme will initially provide for two weeks of leave and benefits per parent. It is planned to expand the scheme in future years. This support is in addition to the maternity and paternity leave. I am happy to have brought legislation through the Houses in 2016 which provided, as I said, for two weeks' paid paternity leave for dads on the birth of their child. I firmly believe that both parents should be supported to have time with their children. It is crucially important, especially in the first year, but also further on and I heard what Senator Gavan and others had to say about this. In order to further support parents, the Government is increasing investment of childcare, another big aspect of this, to €576 million under budget 2019. This increased investment will provide access to high quality, affordable childcare for more than 175,000 children and improve subsidies to 40,000 others. This is linked to what colleagues have said here about the amendments and taking time off.

We have also introduced a range of new and improved measures to reduce the cost of childcare. These include a non-means tested universal subsidy in excess of €1,000 per year for children under three and significantly increased targeted supports of up to €145 per week through existing childcare subvention schemes. Free GP care for under-sixes also takes financial pressure off parents when they are worried about the health of their child. Senators spoke about being in accident and emergency services and bringing children to doctors. Now people do not have to pay for the under-sixes.

The Government is working hard to make life easier for families. That is why time is being taken to put forward a considered approach that meets the objectives of the legislation, meets the needs of parents and mitigates the costs. We have to support families but we must be realistic.

**Senator Catherine Noone:** Hear, hear.

**Deputy David Stanton:** I am very supportive of increasing the flexibility and choices for working parents and giving them the opportunity to spend more time with their children. That is a worthwhile aim that we all share.

For the record, the Government never voted against this legislation anywhere. We have been supportive of it. I have tried to engage in a positive way throughout the process. We have been introducing other measures as well such as paid leave and paternity leave, so we are ahead of the game in this regard in many areas. We have put our money where our mouth is, or rather the taxpayers' money. At all stages we have sought a compromise that is fair and equitable to

families, parents and employers. “Employers” seems to be a negative word. We are talking about a small operation with three or four people – SMEs. I am sure Senator Gavan knows many such people. We must be careful that we do not put too much of a burden on them too quickly because it might put them out of business. They might not be able to continue. We must be cognisant of that. That is the reason it was a shame they did not have an opportunity to put their case before the committee, because they could have been heard by everybody. However, that is history. Balancing the needs of all stakeholders has been the Government’s driving principle throughout the development of the Bill.

There are costs and operational concerns associated with the implementation of the Bill. There is a disagreement in that regard. In my view there is a mistaken perception that there are no cost implications. However, the Bill, if enacted, will impact on the operation of essential public services. We are all aware of the shortage of staff in many services and if people take time off we must consider whether it will have an impact on families and people with children who need supports such as speech therapy, occupational therapy, physiotherapy and other such services.

On the cost issue, if all eligible parents employed in the health and education sectors alone were to take the additional eight weeks allocation being provided for in the Bill, it would, at a minimum, cost the Exchequer almost €12.4 million per annum based on figures from 2015. The figures were provided by the Department of Public Expenditure and Reform. It is difficult to get information because unpaid leave up to now has not been recorded. However, we were taken aback at the cost when the results of the analysis we sought were provided. Initially, we were all under the impression that there was no cost involved.

**Senator David Norris:** What are the costs made up of?

**Deputy David Stanton:** I understand there are premiums in some of the areas. For example, if a nurse is to be replaced we get an agency nurse in, which is more expensive, and then there are administrative costs, among others. When the costs were added up that is the figure we got. I accept that not everybody is going to take the leave but if the take-up is 10% then the cost is approximately €1.2 million, which is still a significant amount that has to be budgeted for. That is just the public sector in the health and education areas.

I ask Senators to note that these estimates do not include costs arising in An Garda Síochána, the Irish Prison Service, the Defence Forces, in any other rostered public service or in customer-facing units of the public service, including in the Department of Employment Affairs and Social Protection and the Revenue Commissioners. Members can imagine how this figure would rise when all those services are factored in. Nurses, teachers, gardaí, special needs assistants will all have to be replaced for the weeks during which they are on parental leave. That is a fact. It is an issue. Staff will have to be replaced when they are out. It is important to debate these issues, tease them out and be objective about it. Just because it is a Private Members’ Bill does not mean we should all accept it and say it is great. We should be objective, tease it out, go through it and then agree or disagree as to its merits. However, that has not happened to the extent I would have liked.

The Senators’ amendments do not take into account the impact on the public and private sectors of the rapid introduction of this entitlement. We do not wish to deny any parent the leave being proposed. Rather, we wish to nuance how it can be taken. That is what I will propose. In that regard, I wish to inform the House that the Government will be bringing forward

6 February 2019

amendments on Report Stage to sections 6 and 7. The Government amendments will continue to provide for parents to have an additional eight weeks of parental leave, as already provided for in the Bill. However, to be clear to the House, the Government will seek to distinguish those eight weeks of leave from the 18 weeks already available to parents. In this context, the Government wishes to mitigate the impact on the operation of our health, education and other front-line sectors. I wish to hear the views of colleagues on what I have outlined. They should not just knock it because I say it, they should think about it, talk to SMEs, see what they have to say and then come back and let me know what they think.

Our amendments will propose that the additional eight weeks will be introduced in two tranches beginning in September of this year. We want to give a little bit of time. Under the Government proposals, from 1 September, parents will be entitled to an additional four weeks of parental leave and from 1 September 2020, parents will be entitled to a further four weeks. We want to give the public sector bodies I have mentioned and SMEs a chance to prepare for the change. We are still bringing in the change but we are phasing it in. That is reasonable.

I have mentioned that our aim is to maintain the level of services in our health and education sectors. Therefore, we will propose that this leave will be subject to the same criteria as is currently applied in the health and education sectors, namely, that the leave may be taken in a single block of four weeks, rising to eight weeks as the leave is increased over time, in blocks of one week at a time to facilitate shorter holidays such as mid-term breaks and Easter, or in a manner compatible with the operation of these services. Again, I think that is reasonable. We want this to work.

To give a practical example, Senators will agree that our primary education system cannot function where employees seek to take parental leave in a format of a few hours here and there. It would be very difficult to manage that. A shorter working day such as that may be feasible in a back office, but not when it comes to classrooms. To ensure its operation, it is better that parental leave in the primary education sector be taken in half days, full days or multiples thereof. So, in respect of the eight weeks additional leave, we will seek to formalise the existing arrangements already in place in the health and education sectors on Report Stage. That is already happening anyway. There are agreements and memoranda of understanding in place but we want to formalise the situation.

Given the matters I have set out before the House, I ask Senators not to press their amendments and to give the Government the opportunity to present amendments to sections 6 and 7, which are aimed at reconciling the interests of parents with the equal need to maintain essential front-line services. I will give an undertaking that the amendments will respect the spirit of the Bill, which is to give parents an additional eight weeks of parental leave for children up to the age of 12. That will give us time to enable public and private sector employers to adjust to the challenges of introducing an additional leave entitlement. We have listened carefully to all the concerns. We got the emails as well. There were many of them. We agree with what is being said, and the spirit of it. There is no difficulty there, but we are just a little bit concerned about some of the very small companies in particular that might be under a lot of pressure if they had to do this in one go. Perhaps I am wrong. I will listen to what colleagues have to say. I suggest there would be a light phasing-in period to enable a new entitlement to be introduced in an orderly manner in the public and private sectors.

If the Bill is enacted by March it would allow only three months for it to come into effect in June, which is a very short timescale. We are just asking that it should be put off until Septem-

ber to give people an opportunity.

An issue arises about the cost of the Bill and money messages. We have an obligation to let the Houses know the view of Departments that there would be a cost to the State. I was surprised about the level of costs, as I am sure Senators were also. A money message was not sought at an earlier stage but since we got the information back about costs, the situation is the Bill could be unconstitutional if it was passed without a money message. That is something that can possibly happen in the Dáil when the Bill goes there. We do not want to take the chance that the Bill could be unconstitutional. It would be a disaster if the Bill were to fall at that fence if we had all agreed on a formula and passed it. I am keen to highlight the concern at this point about the costs to the State and Members know the implications from a constitutional point of view.

That more or less concludes what I have to say. We all want to support parents. We do not want a problem to arise. We want to benefit families. I ask Senators to consider the compromise I am putting forward. Parents will benefit from the additional leave entitlement. Parents of children up to 12 years will be able to enjoy the entitlement and use any part of their existing entitlement that they may have lost when the upper age was eight years.

By working together on a phased approach, we will achieve a solution to benefit children and families. I will listen very carefully to the responses of Senators to my proposal, which is reasonable. Having reflected on the Bill, there is nothing between us in terms of what we want to do. We should also bear in mind the work-life balance directive which provides that member states shall provide an additional non-transferable right to nine weeks of paid parental leave. The Government wants to move towards paid parental leave for both parents. We will make a start on this in 2019 and follow up in each of the next two years.

**Senator David Norris:** Will that be left to employers or will the Government make a contribution to the payment?

**Deputy David Stanton:** The work-life balance directive refers to a non-transferable right to nine weeks of paid parental leave per parent. What will happen at the end of this year is that parental leave will be treated in the same way as paid paternity leave the Government introduced. I believe the State pays €240 per week to the 55,000 fathers who have availed of it. The same is planned for paid parental leave for each parent at the end of this year.

**Senator David Norris:** If the employers had to pay for the parental leave entitlement, it would threaten small and medium firms.

**Deputy David Stanton:** Employers could top up the payment if they so wished. The State is paying the benefit for fathers and will do so for both parents at the end of this year. Paid parental leave encourages both parents to take parental leave. As I said earlier, we need to encourage fathers to take more of a sharing role in caring for children. We have to be careful that we do not do anything to push the balance the other way. It has gone too far in one direction. I thank Senators for listening to what I have had to say on the Bill and I look forward to their response.

**Senator Ivana Bacik:** I thank the Minister of State for his constructive approach and full response on the amendments and the broader question. I acknowledge that he has worked constructively with Senators. There have been some mixed messages from the Government on the Bill, but I acknowledge that we are all on the same page in terms of the spirit of the legislation.

6 February 2019

I am very glad to hear the Minister of State's very constructive comments and I welcome them. We should all very much welcome the Government's proposals on paid parental leave. That goes without saying, but I should have said that earlier.

Parental leave and paid paternity and maternity leave are not either-or matters. As Senator Norris indicated, Ireland ranks quite low in the European Union in terms of general parental leave provision. This Bill together with the Government's proposals on paid parental leave will clearly elevate us in the EU ranking, which is very welcome. We are in 19th place out of 28 member states. It is very important, therefore, that we make better provision. However, I acknowledge the work the Government is doing separately on that.

The Bill is a modest proposal, as others have said. It is incremental, building on existing entitlements and referring only to unpaid leave. Like Senator Norris and many other Senators, we have all received very moving personal accounts from many parents who rely on existing provision but are running out of leave. They have made arrangements for child care and are very anxious and concerned to ensure they will not have to leave the workforce because they can no longer take time off in unpaid parental leave. They are really struggling as they juggle work and family responsibilities. As a mother of two girls, I know exactly the difficulties many of us have in trying to juggle work and family responsibilities.

I acknowledge the point made by Senator Humphreys that most people do not take parental leave in a block but use it to work a more flexible week. In that way, it provides a very welcome way of ensuring that the precarious balance is maintained. We have been receiving emails in the main from women but like Senator Gavan, I have male relatives and friends who have taken parental leave also.

The culture is changing in the workplace. It is a good point that we need to change the culture so fathers take parental leave. Paid paternity leave has been of major importance because it was the first time that we acknowledged fathers specifically in the workplace. It was the Labour Party and Fine Gael that originally proposed the introduction of paid paternity leave. Acknowledging the role of fathers in the workplace is hugely important, including for gender equality and women's rights. I know from younger male relatives that it is increasingly the case that it is quite acceptable and expected in the private sector, specifically in information technology firms, that young men take periods of parental leave. That is very welcome.

I will now address some of the points raised by colleagues and the Minister of State. I received a letter from IBEC last night. Of course, IBEC is entitled to comment and it is important that we take into account the impact of any changes in workplace entitlements for employers and so on. However, the language used in the letter was unfortunate and grudging. There was no acknowledgement of the positive impact of this type of parental leave legislation, particularly in terms of retention of skilled employees in the workforce. Taking a cold look at this, not from the point of view of children and families but from the point of view of employers and enterprise, it is important that we ensure that mothers and parents of young children generally are facilitated in increasing their participation and retention in the labour force. I refer again to the great explanatory memorandum published by the Government with the Parental Leave (Amendment) Act 2006, which extended the age of the child from five years to eight years. It states:

There will be benefits for employers and industry to the extent that the legislation will facilitate the increased participation and retention of women in the labour force.

The foregoing factors apply equally to the Exchequer in its position as employer to the public service.

In addition, the explanatory memorandum stated clearly:

No significant costs are anticipated in connection with this legislation either in relation to its administration or in relation to compliance with its terms by individual employers and employees. There will be some cost implications for employers arising from the broadening of the parental leave entitlement to employees *in loco parentis* .... However, as parental leave is unpaid this cost will not be significant.

The language used is worth citing because it emphasises the positive benefit to all of us in society of expanding parental leave entitlements and the lack of significance to any costs likely to be incurred as a result of that expansion. I will come back to that point in a moment, but it is useful to quote that document and contrast it with the rather grudging opposition expressed by IBEC to this legislation.

It is important to address the points raised by the Minister of State on the financial implications and the dreaded term money message that he raised in this context. I listened to the arguments the Minister of State made and I am grateful to Senator Frances Black, with whom I have spoken about this. It is of concern to all of us to hear the phrase “money message” or constitutional implications - the Minister of State referred to Article 17.2 of the Constitution - being raised effectively as impediments to the passage of Private Members’ legislation. Article 17.2 refers to the Dáil and is not directly a matter for the Seanad to the same extent. The language used in Article 17.2 is very different from the language used in Dáil Standing Order 179, which is often cited in this context. The Dáil provision has been described by Kieran Coughlan, former Secretary General of the Oireachtas Service and Clerk of the Dáil, in the following terms. In 2017, he wrote that the decision as to whether a Bill requires a money message normally rests on whether the expenditure is merely an extension or variation of an existing activity of the Government or publicly funded body, which does not require a money message, or the imposition of a new legal and definable responsibility, which does require one. If one looks at this Bill, it is patently an incremental improvement on an existing legal entitlement and statutory framework.

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

**Senator Ivana Bacik:** It can absolutely be characterised as an extension or variation of an existing activity of the Government and, therefore should not, and in my view does not, require a money message under the Constitution. This is a point that clearly has broader significance beyond this Bill for all sorts of Private Members’ Bills where the Government is increasingly raising concerns about costs, which are purely incidental, if they can even be characterised thus, and minimal. Again, one looks back at the Government’s language in 2006 concerning that explanatory memorandum - the costs would not be significant and, therefore, no money message was required. Nor does a money message appear to have been required with regard to the 2013 expansion, to which colleagues have referred, where the entitlement was raised to 18 weeks. It is very hard to see, therefore, how the money message cost argument can have any substance in this context.

I am grateful to Deputy Shortall with whom we have, again, corresponded on this issue. She points out that the Parental Leave (Amendment) Bill went through the independent assessment

- the financial implications review by the Office of the Ceann Comhairle - in April 2018. If a significant cost was attached to the Bill directly, the Bill would not have been allowed to proceed beyond Second Stage in the Dáil but the Bills Office and the Ceann Comhairle determined that there was no significant cost arising from the Bill. I know the Minister of State has said that this became apparent later but procedurally, it is hugely important to point that out.

That determination is clearly in keeping with the precedents to which I referred, namely, the precedent from the 2013 extension and the precedent in 2006. Deputy Shortall has told me that a full review of parental leave carried out in the early noughties also did not identify any significant costs associated with such proposals. Patently, as other colleagues have pointed out strongly, the only significant cost that anyone incurs as a result of unpaid parental leave legislation is incurred by parents taking the unpaid leave, which is why so many parents take the leave in terms of a day off per week rather than in the full block because most people cannot afford to take a full block of a month or two, three or four months of unpaid leave. That is the significant cost to be incurred, which is why the argument about cost and a money message is not borne out, particularly when one looks at the language in Article 17.2 of the Constitution and the impact of that.

This is incremental. It simply represents a relatively modest extension of an existing entitlement and to that extent, we certainly do not agree that any money message is necessary and are concerned about the raising of this point, particularly at this time. In any case, that should not be in any way an impediment to the Bill passing swiftly through the Seanad. Clearly, if these amendments are passed here or if the Minister of State brings forward amendments on Report Stage here that are passed, it will have to go back to the Dáil in any event. That might be for another day.

Regarding the point about pre-legislative scrutiny, I was happy to serve on the Oireachtas Joint Committee on Justice and Equality when the Minister of State was an excellent Chairman. We carried out a significant amount of work on pre-legislative scrutiny that was very valuable but the committee decided that pre-legislative scrutiny of this Bill was not appropriate. Again, this is probably the correct assessment given how modest the Bill is and the fact that it builds on an existing statutory framework and that no new policy decision is made within the Bill. It simply expands on existing entitlements for parents.

I am sorry to have gone on somewhat but I did want to address some of the points raised by the Minister of State fairly. The Minister of State has asked us not to press these three amendments. We will press them. I hope the Minister of State will not oppose them strenuously because it would be a shame to divide the House on what are technical amendments at a point where we have all agreed, both Government and Opposition, that we are very much in support of the general principle of this Bill and want to see it passed as swiftly as possible, so it would be a shame to divide the House. We will press these amendments. Deputies Shortall and Catherine Murphy to whom I, again, pay tribute for their enormous work on this Bill, have asked us to put down these amendments. We need to do so to ensure the Bill will be effective.

I note the Minister of State's comments about the amendments he proposes to bring forward on Report Stage. We will all have a look at them when we see the text. We have not yet seen any text. We must see what they propose to do. We are all very concerned to ensure that there is no significant watering down of the principles of the Bill. Again, that is a matter of significant concern and urgency for the many parents who are hoping and waiting to see this Bill passed. As currently drafted, the Bill provides for a three-month phasing-in period so whenever it is

passed, it will already be provided for that section 4 will not come into effect until three months after the passage of the Bill, which is very important. I note the phasing the Minister of State has just told us about. I think he said it would be phased in in two tranches, the first of which will commence on 1 September 2019 while the second will commence on 1 September 2020. I can see that this is a more generous phasing in than the phasing in proposed by IBEC in its letter last night so that is welcome but, again, we must all consult and along with my Labour Party colleagues, I would hope to speak to Deputies Shortall and Catherine Murphy to see whether it would be acceptable to compromise on this. In this regard, we will consult with others and other parents. We all want to work constructively to ensure the Bill passes swiftly. That would be my main aim but I do not want to see it watered down in any significant way. That is as much as I can say about the amendments the Minister of State proposes to bring forward. We will press these amendments and we ask all our colleagues in the Government and on the Opposition benches to support them.

**Senator Martin Conway:** I listened carefully to the debate, particularly the Minister of State's contribution. I agree with him. It was a pity that the Oireachtas Joint Committee on Justice and Equality did not carry out any pre-legislative scrutiny of this legislation. Pre-legislative scrutiny should be the default position on all legislation unless there is a very good reason it should not happen. That said, this is a very progressive Bill. The fact that the Government has engaged in an extremely meaningful way shows how committed it is to endorsing and embracing what the Bill is trying to achieve.

We have all received quite an amount of correspondence and communications on this legislation. It shows how much it affects families. I agree with Senator Norris that the submissions received have been entirely from women, which shows that were this legislation to pass, it would have a significant impact on the daily lives of families and people charged with the greatest responsibility one can be asked to take on in life, which is bringing up children.

Irish society is moving into a space where family and work-life balance do matter. I listened to Senator Gavan. Knowing him as I do - I consider him a good friend - I have no doubt that he did five days work in three days when he took his parental leave. I have no doubt that he compressed a full five days into three days. Many people do. A friend of mine works four days a week and I have no doubt she does a five-day week in those four days. One could call that business and employers partnering with their staff and creating an environment everyone buys in to. People will go the extra mile if they are facilitated. If a company can afford to pay for parental leave, it creates a good environment. I agree that we need to move towards paid parental leave. Why should a company that can afford it have an advantage over a company that is not in a position to pay for it? I believe a partnership between the Government and business needs to be looked at.

I do not believe that looking to introduce this next September is unreasonable. I do not think we should rush for the sake of rushing and not get it right. We are far better off spacing it out and having the proper engagement, consultation and discussions, particularly with SMEs, which make up the vast majority of businesses in this country. I welcome the Minister of State's response to this very important debate. I am very heartened by the fact that he wants to engage in a meaningful way to make this happen in a real way for families in this country.

**Senator Catherine Noone:** I do not want to repeat the comments made by Senator Conway. I commend those who brought this Bill before the House. As Senator Conway said, it is a very progressive Bill. I also commend the Minister of State. From conversations with him

over the past number of years, I know that he is extremely committed to anything that can help women in the workplace.

*2 o'clock*

He has spoken to me about it many times and I know that his heart is completely in the right place with regard to this type of legislation. I have spoken to him on numerous occasions about maternity leave for Members of the Oireachtas. He has been putting a lot of thought into it. I commend him for that. Senators might say that I would say that since he is a Fine Gael Minister of State but that is genuine and I know that he is very impressive with regard to matters such as these.

At no stage did the Government oppose this Bill. I will briefly mention a few significant measures that have been brought into place, not just recently but also when we were in government with the Labour Party. In budget 2019, we announced an €89 million increase in funding for childcare and free preschool provided under the early child care and education, ECCE, programme has been extended as of this autumn. Fine Gael and the Labour Party, when in government, extended parental leave from 14 to 18 weeks. In September 2016, we brought paternity leave legislation through the House, which provides two weeks of paid paternity leave for fathers on the birth of their child. As part of budget 2019, the Government announced the introduction of a new paid parental leave scheme which will commence later this year. It is not by accident because many of us in the party have been at the forefront in trying to bring in measures that make the work environment more equal. I welcome the Minister of State's words and believe that he is genuine. I am not sure exactly what will happen with the amendments but I am generally supportive of the Bill.

**Senator Maura Hopkins:** Like other Senators, I have received much correspondence and calls from many concerned parents about this Bill. As my colleagues, Senators Noone and Conway, said, I appreciate that the Minister of State is working exceptionally hard to find consensus on this important Bill, to try to support working parents. The contribution, which I have carefully listened to, is working towards reaching that consensus. It has numerous benefits for parents who will be able to spend more time with their children, and for children when developing. The Minister of State has pointed out the challenges due to the cost implications in the analysis which has been done but it can have positive impacts for the employer too, in retention of staff, ensuring that skills are retained in the workforce, and supporting working parents by easing the horrendous cost of childcare. I would like to see this Bill progress to the next Stage.

I am supportive of parents in our region. We know that work has been done on paid paternity leave. In County Roscommon, over 200 fathers have benefited from that. We have seen the extension of ECCE. It is not that the Government is not working to support parents. In line with the directive from the EU on work-life balance, there is always more to do to support working parents and I think progression of this Bill would go some way to support parents in spending more time with their children, especially in early years where they benefit significantly from that time and support.

**Senator Jerry Buttimer:** I welcome the opportunity to speak on this important legislation. On this side of the House, despite some of the narrative, there has been extreme activity to try to progress the Bill, as Senator Bacik and other Members know. The Minister of State deserves credit for reaching out. All of us in government support working parents and recognise the motivation of this Bill. We need consensus to arrive at a positive outcome from this Bill. I wel-

come that the outline of what should be achieved is to give more time to working parents to be with their children. Those of us involved with children in education recognise that the critical time is in the early formative years, where parents have a role to play.

I have spoken to some who have taken the time to email and to others on the doorstep. It is a matter of getting the work-life balance right. For some, time is of the essence. I think that consensus, rather than division, achieves results. I deride those who create a different narrative. We all support the principle of the Bill. We all agree and think it is important to promote the benefits that can accrue from this. This is about quality of life. We all want to support parents. It is all about having a positive outcome. That work-life balance is about work, school, home, children and the benefit they can bring to society.

I do not want to sound a discordant note but I do not believe we can dismiss the IBEC email out of hand. I do not speak for IBEC, nor do I wish to speak for it but in any debate, it is important to reflect on what it puts forward, and dismissing its point of view is unfair. Notwithstanding that, I support the principle of the Bill. I believe, with respect to my good friend, Senator Bacik, that it was a gross mistake by the Joint Committee on Justice and Equality not to have pre-legislative scrutiny. I say that having been Chair of a committee for five years in the last Oireachtas, when the Minister of State, Deputy Stanton, chaired the justice committee. It was a committee which conducted pre-legislative scrutiny of important legislation relating to both children and health. I believe as a consequence of the pre-legislative scrutiny that many potential difficulties were ironed out. We heard a number of points articulated which perhaps would not have been heard otherwise. I am a strong advocate of, and firm believer in, the need for pre-legislative scrutiny of legislation.

I have met with a number of people in my area in Cork about the Bill. They said that something has to give, that they had too much going on, and that they as the squeezed middle needed to get something. I believe that in politics and in life, the moderate, centre voice must be heard and listened to. We always have the fringe elements in politics and society. In this case, I have met with a number of very moderate people who want to see parental leave extended. I am glad that we are not opposing it at this Stage. I welcome the Minister of State's input and the way in which he is bringing amendments to this Bill.

The Government has not opposed this Bill. I want people to hear that the Government in this Oireachtas and the last Oireachtas made significant policy changes to support families and children. Senators Noone and Hopkins referred to the budget and the allocation of €89 million for childcare, the free preschool year, the ECCE scheme, and the extension of parental leave. Reference was also made to the paternity leave legislation that was introduced, the restoration of child benefit, capitation in schools and the reduction in the pupil-teacher ratio. These are all significant points made by the Government. I thank the Minister of State and Senators Bacik and Ardagh for their co-operation on this. I hope there will not be an inordinate delay. It is important that we get this right. The last thing we want is to have this Bill declared unconstitutional. One might say this will not happen but there is potential. The Minister of State outlined the position and he has his advice. I thank him for his contribution.

**Deputy David Stanton:** I thank colleagues for their discussion on the three amendments. Senator Bacik is adamant that there is no significant cost to the State. Senator Noone mentioned maternity leave for Oireachtas Members. They are among the few groups who do not have an entitlement to maternity or paternity leave. When we were introducing the paid paternity leave legislation a little while ago, a colleague and his wife were due to have a child and he asked

whether he could avail of paternity leave. Unfortunately, he could not. We should pay attention to this. If we are to encourage younger people into the Houses of the Oireachtas, they should be treated in the same way as everyone else in the State and be entitled to take time out.

I have had discussions with colleagues from some of the Nordic countries, including Sweden and Norway. They always do things better than anybody else - fair play to them. They have a system of alternates so that when an individual is being elected, the name of an alternate is also on the ballot paper. The latter can step in if a member has to step aside and take maternity or paternity leave. The alternate takes over and does the work. One would have to be careful about who one gets to step in, in case they have other notions. Ultimately, the system works in the Nordic countries and in others. It means the people do not lose representation. The group, party or otherwise has a voice in the Parliament and, crucially, the member - mum or dad - can take time out to be with his or her child, as everyone else can. The Seanad might debate and investigate this at some stage. A by-product would be that if somebody resigned or passed away, as happens from time to time, the alternate could take over, obviating the need for by-elections, which cost a lot. This is worth debating. Perhaps it would require a constitutional referendum. I do not know. We need to do what we can, however, to encourage more younger people to enter the Houses. Having a child should in no way preclude or put terrible pressure on Members. In the past, some colleagues in this House have said they were under a lot of pressure when a child came along, and they got no time off at all. That is not right.

On this issue, there is not much between us at all; we are very close. If we believe there are issues that should be raised during a debate, we have a responsibility to raise them. I am not trying to be popular. Sometimes if I say something, it will not be popular but I have a responsibility to raise it for debate. I might get hammered over it from time to time but the responsibility still exists. None of us should be in here to be popular. We should be here to do what is right. If there are issues and concerns, we have a responsibility to put them on the record, bring them to the attention of colleagues and debate them. Ultimately, we might not agree and might divide on matters. So be it; that is democracy. We should at least air the issues.

Cost is an issue. I have outlined how this came about. It is not trivial. As Senator Buttimer said, we do not want this to fall at the last fence. I am concerned about the impact on small businesses. Big businesses can manage. We have virtually full employment, thanks to Government policies up to now. I will play that trumpet. We have virtually full employment, heading to an unemployment rate of less than 5%. Employers are calling to my office saying they cannot get workers. They say they are looking for workers here, there and everywhere and cannot get them. This is fantastic in the sense that I did not believe six or seven years ago that we would be able to say that. It has a knock-on effect for legislation such as this, however. If people take time off, it is harder to replace them because of full employment. We have to bear that in mind, especially in the provision of essential State services. If staff are not available to provide any of the State services I mentioned, because of increased leave, it could have an impact on those services. We physically could not obtain staff. That is not to say we are not supportive of the legislation but we need to give both small businesses and the front-line State services a chance to gear up for this and get ready for it. That is why we should phase in the legislation and bring in the measures next September and the following September. We should give those concerned an opportunity to do this properly and not put them under terrible pressure. That is all I propose.

Amendment put and declared carried.

**Senator Ivana Bacik:** I move amendment No. 2:

In page 3, to delete from “a further period” in line 28 down to and including “that child, and” in line 29 and substitute the following:

“a further continuous period of 8 weeks of parental leave or such further period as agreed pursuant to section 7(1)(b) in respect of that child unless the operation of section 6(2) would prevent the employee from taking parental leave after that date, and”.

Amendment put and declared carried.

**Senator Ivana Bacik:** I move amendment No. 3:

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

“, unless the operation of section 6(2) would prevent the employee from taking parental leave after that date”.

Amendment put and declared carried.

Section 2, as amended, agreed to.

### SECTION 3

**Senator Ivana Bacik:** I move amendment No. 4:

In page 4, to delete lines 13 to 17, and substitute the following:

“(a) in subsection (1) by substituting “26 weeks” for “18 weeks” in both places where it occurs,

(b) in paragraph (a) of subsection (2)—

(i) by substituting “26 weeks” for “18 weeks” in both places where it occurs, and

(ii) in subparagraph (ii) by substituting “26 times” for “18 times”,

and

(c) in subsection (3A)(a)(i)—

(i) by substituting “11 years” for “7 years”, and

(ii) by substituting “the coming into operation of the *Parental Leave (Amendment) Act 2019*” for “commencement of this subsection”.

This is a self-explanatory amendment. It is another technical one.

**Deputy David Stanton:** This amendment is a technical amendment to section 7 of the 1998 Act. It is necessitated by the original intent to increase the entitlement to parental leave from 18 weeks to 26 weeks by the Bill.

Paragraph (a) amends section 7 of the Parental Leave Act 1998 to reflect the increase from 18 to 26 weeks. Paragraph (b) replaces every reference to “18 weeks” or “18 times” to a reference to “26 weeks” or “26 times” for the purpose of calculating parental leave for those parents

working on a *pro rata* basis or informal hours. The amendment in paragraph (c) is a necessary change to ensure that parents who adopt an older child can benefit from their full entitlement to adoptive and parental leave in circumstances that would otherwise prevent them from doing so.

Amendment agreed to.

Section 3, as amended, agreed to.

#### NEW SECTION

**Senator Ivana Bacik:** I move amendment No. 5:

In page 4, between lines 17 and 18, to insert the following:

#### **“Amendment of section 27 of Principal Act**

4. Section 27 of the Principal Act is amended by inserting the following subsection after subsection (2):

“(2A) Notwithstanding subsection (2), a record made under this section in respect of parental leave taken after the relevant day as defined in section 6(9) shall be retained by the employer for a period of 12 years or until the child in respect of whom the leave has been taken attains the age of 12 years, whichever is earliest.”.”.

This is a technical amendment.

**Deputy David Stanton:** Section 27 of the Parental Leave Act 1998 includes provisions relating to an employer’s obligations to keep records on the uptake of parental leave and the manner in which it is taken by employees in their organisation. The provisions of the section also apply to *force majeure* leave taken by their employees. The section currently provides that records must be maintained by the employers in a prescribed manner for a period of eight years, and also obliges employees to keep all relevant paperwork for a period of one year.

The failure of an employer to maintain records relating to parental leave or *force majeure* leave in accordance with the Act may be subject to criminal prosecution, and persons found guilty of an offence shall be liable to summary conviction or a fine not exceeding €2,500. In line with the Bill’s aim to increase the upper age limit of a child for which parental leave is not possible from eight to 12 years, this amendment seeks to modify the reporting requirements in the Act to take account of this change. In essence, the amendment requires employers to retain a record of leave taken by their employees for period of 12 years or until the child for whom the leave is taken reaches the age of 12, whichever comes sooner.

There is, however, a more serious issue in section 7 that must be addressed. I propose to bring forward an amendment on Report Stage to rectify this anomaly. The Department of Justice and Equality has identified a technical issue caused by the Bill’s proposed extension of parental leave from 18 weeks to 26 weeks and its interaction with section 7(1)(aa) of the Parental Leave Act 1998. At present, section 7(1)(aa) provides that leave may be taken in a single period of 18 weeks or in two separate periods of not less than six weeks in duration. However, as section 7(1)(aa) explicitly states that parental leave must be taken in two separate periods, should the Act remain as is, a situation arises where a parent who has taken his or her original entitlement in two separate periods, as per section 7(1)(aa), will not be able to take a third or subsequent period of leave to allow him or her to avail of the additional eight weeks’ leave pro-

vided for in the Bill if the Bill remains unchanged. Similarly, this provision, if unamended, may also prevent a parent from taking the remainder of the 18 weeks' leave that he or she may not have been able to take before the child reached eight years of age. This is a technical problem with the Bill which would make it unworkable that the Government has identified and is correcting, so I ask Senators not to say we are opposing this. This is a serious flaw in the Bill that cannot go unchecked. In brief, the Bill makes no provision to allow a parent who has already taken his or her leave in two separate periods to avail of the additional eight weeks' leave being provided for in the Bill. The Bill creates an entitlement to an additional eight weeks' leave but, for a certain group of parents, provides them with no way of taking it.

As it stands, this issue renders the Bill unworkable. I, therefore, propose that the Government will introduce amendments on Report Stage to rectify this issue and to ensure that all qualifying parents receive their entitlement to leave. I believe that correcting this anomaly is in the spirit of the Bill, which seeks to make it easier for a greater number of parents to benefit from the leave. Here is an example of the Government being positive, proactive and supportive, so to people who said we are opposing this I say, "Go away."

**Senator Ivana Bacik:** I thank the Minister of State for his positive and constructive response.

Amendment agreed to.

Section 4 agreed to.

Title agreed to.

Bill reported with amendments.

**Acting Chairman (Senator Diarmuid Wilson):** When is it proposed to take Report Stage?

**Senator Ivana Bacik:** Next Tuesday.

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

Report Stage ordered for Tuesday, 12 February 2019.

*Sitting suspended at 2.25 p.m. and resumed at 3 p.m.*

### **Data Sharing and Governance Bill 2018: [Seanad Bill amended by the Dáil] Report and Final Stages**

**Acting Chairman (Senator Gerry Horkan):** This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 148, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question, "That the Bill be received for final consideration", the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. For Senators' convenience, I have arranged for the printing and circulation of the amendments. The Minister of State will deal separately with the subject matter of each related group of amendments and I have also circulated a proposed grouping in the

House. Senators may speak only once on each grouping. The Minister of State has tabled a number of amendments which arise from the changes made to the Bill by the Dáil. In view of the number of amendments and to avoid repetition of debate, I propose that amendments made by the Dáil and related amendments tabled by the Minister of State will be taken together in related groups. Decisions on the amendments tabled by the Minister of State will be taken when discussion on all groups of amendments has concluded. I remind Senators that the only matters that may be discussed are the subject matter of each grouping of amendments made by the Dáil and the amendments tabled which arise out of the amendments made by the Dáil.

**Senator Alice-Mary Higgins:** Am I right that the four amendments on the supplementary list are to be discussed subsequent to the other groupings?

**Acting Chairman (Senator Gerry Horkan):** No, amendment No. 4 will be discussed with group 1 and amendments Nos. 1 to 3, inclusive, will be discussed with group 3.

Question proposed: "That the Bill be received for final consideration."

**Acting Chairman (Senator Gerry Horkan):** I ask the Minister of State to speak on subject matter of the amendments in the first group.

**Minister of State at the Department of Finance (Deputy Patrick O'Donovan):** I thank the Seanad for the opportunity to return to the House. I am dealing with amendments Nos. 1, 2, 24 and 25. Is that correct?

**Acting Chairman (Senator Gerry Horkan):** And Seanad Report Stage amendment No. 4.

**Deputy Patrick O'Donovan:** As the House knows, the legislation is key to delivering on the public service reform commitments, expanding digital delivery of services and making greater use of data. It also provides for stronger governance and transparency by public service bodies in the way they share and manage data. The Bill was initiated in the Seanad and we had a very useful and constructive debate in the course of its passage through the House, to which I referred in the Dáil. I took a lot of consideration of the debate in the Seanad and I look forward to the continuation of that today.

The first group of amendments is in respect of the Long Title of the Bill, the Taxes Consolidation Act 1997 and the National Shared Services Office Act 2017. Amendments Nos. 1 and 24 relate to the inclusion of a new section, section 74, which has the effect of amending the Taxes Consolidation Act to allow other public bodies to accept the Revenue online service digital signature when providing services to the public. These signatures are used extensively by businesses for the filing and payment of taxes and duties, and these amendments should allow for a greater number of transactions between businesses and public bodies to be carried out online.

Amendments Nos. 2 and 25 provide for a technical amendment to the National Shared Services Office Act 2017 to correct an error in that Act with the Irish translation of the name of the office. Amendment No. 2 also adds a reference to the Ministers and Secretaries (Amendment) Act 2011 to the Long Title of the Bill to reflect that this Act is amended by section 73 of the Bill.

Senator Paddy Burke will be proposing a further amendment to section 74, which I hope the Seanad is in a position to support.

**Senator Alice-Mary Higgins:** The grouping is predominantly technical and deals with the issue of what may be included, the language and so forth. Some of the concerns in the

supplementary amendments will arise on group 3. I had one question on amendment No. 24 in respect of the digital signature but I have had clarification from the Minister of State's officials, which I am sure he will confirm, that this is only a digital signature in respect of the Electronic Commerce Act and does not extend to any other digital signatures that may be used in other contexts. The phrase is used in other contexts although the meaning seems clear here. While I am satisfied, the Minister of State might reconfirm that fact.

**Deputy Patrick O'Donovan:** It is as the officials have communicated to the Senator.

**Acting Chairman (Senator Gerry Horkan):** That concludes the first group. I ask the Minister of State to speak on subject matter of the amendments in the second group.

**Deputy Patrick O'Donovan:** Group 2 comprises amendments Nos. 3 to 5, inclusive, which relate to section 7 of the Bill. The Seanad will recall that in regard to a number of the amendments made on the floor of the House, I said there may be a need to make technical amendments to ensure the wording is completely sound from a legal point of view. Most of the amendments we are considering today fall into this category; they are technical in nature and the changes proposed are being made on foot of the advice that I and the Department have received from the Office of the Attorney General.

In respect of this group of amendments, the Seanad will recall that it approved two amendments to section 7 that were intended to make explicit that if any part of the public service identity were to contain special category data, it could not be shared under this legislation. In fact, that was a fundamental part of the discussion we had. An issue arises with these amendments in that they only apply to subsection (2) of that section of the Bill and it is not clear if they apply to any other subsections, even though subsection (3) also refers to public service identity. Therefore, to avoid any doubt, the Dáil has agreed to delete the original two amendments and instead create a specific definition of "public service identity" in section 7(5) that explicitly excludes special category data which had applied to the entirety of this section of the Bill.

**Senator Alice-Mary Higgins:** I recognise that the exclusion of special categories of personal data as defined under Article 9 of the GDPR is a concession the Minister of State has made following our debate in the Seanad. I was very happy when he was able to accept the amendments in the Seanad and I, of course, had concerns when I saw they were being revised.

The removal of the phrase "and compliant with Article 9 of GDPR" is perhaps not necessary, although we need to be cognisant of it. There is a concern that the amendment proposes that "public service identity" has the same meaning as it has in section 262 of the Act of 2005 and shall not include a reference to special categories of personal data. While I understand this might be addressed again later, I would like to have it clarified. My concern is that what the Minister of State is inserting simply states that there will not be a reference to special categories of personal data within the Social Welfare Consolidation Act 2005. I have had extensive debates with the Minister, Deputy Regina Doherty, about what do or do not constitute special categories of personal data, specifically around the question of what does or does not constitute biometric data. The Minister and I are not in agreement at this point but I believe a time will come when that will be clarified by rulings in the European Court of Justice because it is an issue in regard to photographs in particular.

My concern is that the original changes to the legislation referred in a wider sense to the special categories of personal data whereas amendment No. 5 proposes that the section "shall not

include a reference to special categories of personal data". I do not anticipate that the Minister will seek to include a reference to special categories of personal data but if special categories of personal data are there, for example, as determined by the European Court of Justice or others, I would want that additional security. The Minister of State might clarify whether, when he says references to areas of public service identity that constitute special categories of personal data shall not be included in this data sharing Bill, that will have a wider meaning than that they will not be referenced in social welfare legislation.

There is an important difference between special categories as defined under the GDPR, the interaction of which is yet to be determined, and special categories as referenced within our national legislation. The Minister of State might clarify this in regard to amendment No. 5. I do not have a material problem with amendments Nos. 3 and 4, apart from the fact that I would like to insert references to Article 9. I am happy to let them go.

**Deputy Patrick O'Donovan:** As I said in the Dáil and the last time I was here, I am not making any changes to the Social Welfare Consolidation Act, and nor can I. In this Bill I am trying to reflect what is in that Act and, in doing so, it is not our intention to create any special categories of data. The Senator will be aware of some of the discussion we had in the Dáil around this issue. We came up with amendment No. 5 to reflect both the intention of the existing legislation not to create any categories of special data and the Attorney General's advice.

The GDPR is one of the cornerstones of the legislation. We have had regard to existing legislation and have had long discussions on the premise of this Bill. We have no intention of deviating from the existing Social Welfare Consolidation Act. I understand the concerns of Senators and I am sure they will come up again in relation to some of the other amendments.

**Senator Alice-Mary Higgins:** I have a procedural question.

**Acting Chairman (Senator Gerry Horkan):** The Senator may only speak once on each grouping.

**Senator Alice-Mary Higgins:** It is a technical question to the Chair. We have two amendments on the same lines on Report Stage. Is there any material interaction between those amendments?

**Acting Chairman (Senator Gerry Horkan):** We are dealing with each of the amendments in groupings.

**Senator Alice-Mary Higgins:** I want to clarify if what happens to amendment No. 5 will have any impact in respect of amendment No. 6. They are placed in the same location within the Bill.

**Acting Chairman (Senator Gerry Horkan):** We will either pass or not pass the Dáil amendments as a block. Amendment No. 5 is being dealt with in group 2 while amendment No. 6 is being dealt with in group 3.

**Senator Alice-Mary Higgins:** In that case, amendment No. 6 will not be affected if amendment No. 5 is passed.

**Acting Chairman (Senator Gerry Horkan):** We are passing them as a block. They are not up for individual decision.

**Senator Alice-Mary Higgins:** I take the point. There is no danger of an intersection.

**Acting Chairman (Senator Gerry Horkan):** I will not pre-empt the result but it is all or nothing.

**Senator Alice-Mary Higgins:** In respect of those amendments, I am happy for the issue of Article 9 definitions to continue at the European Court of Justice.

**Acting Chairman (Senator Gerry Horkan):** That concludes group 2. I ask the Minister to speak on the subject matter of the amendments in group 3.

**Deputy Patrick O'Donovan:** Group 3 comprises amendments Nos. 6, 7 and 13.

**Acting Chairman (Senator Gerry Horkan):** It also includes Seanad Report Stage amendments Nos. 1 to 3, inclusive.

**Deputy Patrick O'Donovan:** Yes. Amendments Nos. 6, 7 and 13 provide that public bodies cannot ask for a public services card or access a public service identity as the exclusive basis by which a person may verify his or her identity in order to conduct a transaction or access a service. It is crucial to the construction of the legislation that the public service identity includes some of the following: PPS number; name; address; date of birth; place of birth; and any other data that can be used to identify a person. The advice of the Attorney General is that any of these data that are collected are public service identity data. These amendments mean that the Government would have to provide services to citizens who choose not to provide basic information such as a name, an address or a date of birth. People could choose not to use their public services card, passport or driver's licence as forms of identification, as they all contain elements of the public services identity, and still expect to access a service. This will effectively grind certain key services to a halt. Services that are not popular, such as the collection of taxes, local authority rents, accident and emergency charges, jury duty, recouping social protection and agriculture overpayments and the application of penalty points, all rely on the public service identity set. The fundamentals of this legislation could have a cascading effect and unintended consequences for other legislation.

By withdrawing the element of the public service identity, we could find ourselves being forced to provide services and, in some cases, financial supports to people who choose not to provide basic information. The amendments place an obligation on every public body to provide an alternative method of identity verification which does not include the public services card or the public service identity. On account of the broad definition of the public services identity, as provided by the Attorney General, there will be no way to provide services to people who refuse to provide the information. This will create significant confusion across a range of public services, including social protection, housing, health and all other services that rely on the public services identity data to provide services. The provisions in the Bill place an impossible obligation on public bodies to find alternative ways of establishing identity. I note that the amendments have been tabled to delete these provisions and I ask that the Seanad support them.

**Senator Alice-Mary Higgins:** There is a fundamental misapprehension here and there is a danger of misleading people. I commend Deputies Wallace and Clare Daly on their work in respect of the amendments. The amendments were put forward in response to the issues of coercive consent and the importance of people being able to use another way when they choose to have their information used for verification.

One amendment refers to the public services card and a person's access to the database where the public service identity and information dataset is currently compiled. It proposes that this should not be the exclusive basis by which a person can verify his or her identity. There is an onus on persons to verify their identity and in many of our services, such as the application for a driver's licence since the changes were made in respect of certain grants by the Minister for Transport, Tourism and Sport, Deputy Ross, people verify their identity to the satisfaction of the relevant authority or Minister without reference to the public service identity dataset. Government has a goal to ensure that the public service identity dataset becomes the main, and perhaps the exclusive, reference for this but, at the moment, there are other options in a number of areas. The situation is described as catastrophic by the Minister but it already exists. We have a number of situations in which persons are accessing services and they have one option. This is not true for every case because not all public bodies are specified bodies. Not all public bodies or Departments are currently covered by the Social Welfare Consolidation Act and have access to the public service identity dataset. Persons are accessing services and their identity has been verified possibly by the public services card or by another means, and it only has to be by one other means. For example, the Government is very attached to the SAFE 2 mechanism of identity verification, which was invented by it and the Department of Public Expenditure and Reform. If that is deemed satisfactory then there is nothing to stop legislation saying, "by public service identity ... by reference to ... by access". If I am an official who wishes to verify somebody's identity to my satisfaction or if a Minister wishes to verify somebody's identity to his or her satisfaction, I may have reference to and access the public service identity dataset or I may, for example, accept a passport or another form of verification. I may ask for bills or I may even require that the person would go through a full SAFE 2 identification process on a case-by-case basis. Few people will take that option but there is nothing to preclude such an option.

I hate to challenge the Attorney General directly. However, the reading, as determined by the Attorney General is wrong in terms of GDPR because the wording suggests that a person's name and date of birth are information that belongs to the public service identity dataset. My name, address and date of birth may well be in a dataset or on a database that can be accessed but the database does not own that information because one of the fundamental core principles of GDPR, which takes precedence - and the Minister of State has acknowledged that the GDPR takes precedence in this case - is the principle that a person's information is his or her information. If it was the case that we could not look for somebody's name, address or date of birth other than by accessing this dataset, I could not sign up for a gym membership or get a video rental card because my name is, theoretically, not something that can be verified separately; it is something that can only belong to this dataset. That is a chilling argument and is why I must push back on it as an argument. The idea that each of those elements of information, which are personal to the individual, are somehow intrinsically linked to, and belong to, this dataset does not stand up and it is a concern. I met the Minister of State's officials and that is why I tabled a number of amendments. It is disappointing to see some of my amendments rolled back but I accept, in good faith, that there was an attempt to work with them and with the principles that we agreed on. However, this particular argument does not stand up and it is a concern.

I am sure that 99.9% of people are happy to have their information stored on the public service identity dataset and to have that be a speedy and easy means by which their identity is verified. However, a number of people are concerned about the matter. Their concerns are reasonable because the Data Protection Commissioner, DPC, has concerns in respect of how the dataset is accessed and used. We do not know the detail of what the resolution of those concerns have been because the Government has declined to publish, as has the commissioner,

the reports of her section 10 inquiry into the public services cards and public service identity. There is a big question mark over the mechanism by which people authenticate their identity and many unknown concerns in respect of data protection. The amendments in the Dáil, particularly amendment No. 6 because it is so reasonably worded, simply ask that this mechanism not be the only and exclusive mechanism. Let us remember that persons may be on the dataset due to being in receipt of social welfare services, for example. The amendments mean that even if the dataset is there that an official accessing it - this does not undermine the existence of the dataset - might not be the exclusive method for verification. I am confident that the provision does not prevent somebody accessing information such as birth certificates, proof of address, utility bills, date of birth or any of that other information. An official may choose to access other information pertinent to the person who seeks a service without logging into and accessing this particular dataset. The provision is clear and, therefore, I cannot support the changes in that regard.

**Deputy Patrick O'Donovan:** I thank the Senator for her contribution. I do agree at all with her assertion about the Attorney General and her sweeping statement that “the Attorney General is wrong”.

**Senator Alice-Mary Higgins:** In this small respect, the advice seems to be.

**Deputy Patrick O'Donovan:** The Senator made the assertion that “the Attorney General is wrong”. I disagree because the Attorney General has given us advice on what constitutes a public service identity, and I have outlined the elements that would construct a public service identity.

The most important part of the section that we are dealing with is not the exclusive means. Section 7(6) states:

A specified body may not make presentation of a public services card or access to a person's public service identity the exclusive basis by which a person may verify their identity in order to conduct a transaction or access a service.

The most important words are “to conduct a transaction or access a service”. Conducting a transaction could be adding penalty points to someone's licence, assessing a tax liability, a demand from the Department for Agriculture, Food and the Marine for the return of an overpayment or a request to undertake jury duty. If the amendment was accepted and the Bill was sent to the Phoenix Park to be signed by the President, the criminal justice system would collapse in the morning because we would be unable to call people for jury duty. Some people might relish the opportunity of being unable to call people for jury duty. In general, we would not like that to happen because people could avail of this provision as a loophole and say that they will not provide their names, addresses, PPS numbers and dates of birth. A person may decide not to provide any information to the State in order for that transaction to be transacted between me and the State. The transaction could be defined as me participating, for instance, in jury duty, repaying underpaid tax or recouping an overpayment from the Departments of Employment Affairs and Social Protection or Agriculture, Food and the Marine. As a Minister of State, I must take the advice of the Attorney General on this matter and he has been explicit in this regard. These amendments were discussed at length in the Dáil. I acknowledge that outside interests are intensively lobbying, in good faith, for these amendments to be made. However, I must take the advice given by the Attorney General and the net effect of the amendments would be the grinding to a solitary halt of our public services to deliver services in some cases if people

decided that they would not co-operate.

The Senator said that we could co-operate by other means, for instance, by showing one's passport. How would one get a person's passport in the first place if he or she has decided not to provide his or her birth certificate? If a person walks into a Garda station but has decided not to provide proof of evidence, because it is covered in the public service identity that has been defined by the Attorney General, which Senator Higgins disagrees with and is entitled to do so-----

**Senator Alice-Mary Higgins:** To clarify, the amendments do not prevent somebody being required to verify his or her identity; they refer to the means by which a person is identified.

**Deputy Patrick O'Donovan:** Hold on a second.

**Senator Alice-Mary Higgins:** We need to be very clear.

**Deputy Patrick O'Donovan:** The legislation clearly states: "A specified body may not make presentation of a public services card or access to a person's public service identity the exclusive basis". What would be the basis if that provision was deleted? Are we supposed to be vague and describe a person as living five houses up from the second house on the left? If a person decides not to co-operate because of what has been provided for in the amendment under the definition of "exclusive means", then there are no other means.

**Senator Alice-Mary Higgins:** There are multiple means that are already in use.

**Deputy Patrick O'Donovan:** I do not want to have an exchange over and back with the Senator but she has already said that someone could come forward with a passport. How would he or she get that passport in the first instance if he or she was not going to accept that the public services identity card is one of the exclusive means? There has to be a means for the State to engage with the citizens who are availing of services or, in some cases, being pursued by the State. With the greatest respect, it is a bit like Brexit. They are taking out the stuff we use at the moment but are not providing us with any means. It is a bit like the backstop, "We do not like it-----"

**Senator Alice-Mary Higgins:** On a point of order, nothing is removed in this. What is provided for in these amendments are additions so let us be clear. That is not removed as a mechanism from the-----

**Deputy Patrick O'Donovan:** It makes it very clear that it ties the hands of the State in terms of trying to identify a person because it makes it very clear that we cannot use on an exclusive basis the public services card or access to a person's public services identity.

In respect of my accepting the definition of a public services identity, which is name, address, PPS number, date and a whole pile of things like a mother's maiden name, nobody has provided me with a mechanism as to how I can provide public services tomorrow if this Bill was enacted and nobody has come up with a suggestion if that was to be simply walked over. It is on that basis that I am looking for support.

**Acting Chairman (Senator Gerry Horkan):** That concludes group 3. I call on the Minister of State to speak on the subject matter of the amendments in group 4.

**Deputy Patrick O'Donovan:** Group 4 consists of amendments Nos. 8, 9, 11 and 22. Amendment No. 8 concerns the issue of commercial activity. It provides that public bodies

may not share data where the body receiving the data is involved in commercial activity where the use of that data could give the body concerned a commercial advantage over other operators in the same market. When we debated this in the Seanad, there was broad support so I hope that is the case again today. The House will recall that I gave a commitment to add a provision to this effect when the Bill was before the Dáil and this is what I have done.

Amendment No. 9 to section 13 of the Bill sets out an explicit requirement that data sharing under this legislation shall not be lawful unless it is necessary for the performance of the functions of the public bodies concerned and that any sharing is proportionate to the functions of the public bodies involved and to the GDPR rights of the data subjects concerned. I know the Senator spent a lot of time on this the last time I was here.

Similarly, amendment No. 11 to section 19 requires that as part of the data sharing agreement, the parties to the agreement must provide a statement setting out why the data sharing is necessary and proportionate. That is worthwhile as well. These amendments strengthen the wording regarding the necessity for proportionality regarding sharing originally proposed and accepted by the House.

Amendment No. 22 concerns the clarification of the data sharing agreements. It is a technical amendment to section 55 to make explicit that the data protection officer shall certify that any data sharing agreement is in accordance with Article 5.1 of the GDPR where the data protection principles are set out.

**Senator Alice-Mary Higgins:** I am happy to support amendment No. 7.

**Acting Chairman (Senator Gerry Horkan):** We are not dealing with amendment No. 7. We are dealing with amendments Nos. 8, 9, 11 and 22.

**Senator Alice-Mary Higgins:** Amendments Nos. 8, 9 and 10.

**Acting Chairman (Senator Gerry Horkan):** No, amendments Nos. 8, 9, 11 and 22.

**Senator Alice-Mary Higgins:** I acknowledge that the Minister of State is seeking through amendment No. 8 to address the concern we debated in the Seanad previously, which was my concern that the definition of “public body” effectively includes private companies that are under contract to the State. There is quite a wide scope in terms of “public body” and there were concerns.

To an extent, this measure is positive. The provision addressed by the Minister of State seeks to ensure that there would be no distortion in competition in trade. For example, a private company providing a public service would not be able to use that information to have an advantage over another private company. I recognise that the Minister of State is addressing my concern a little in respect of the distortion of trade. However, I would have liked if we had not only addressed it in terms of the potential victim being another company but in terms of the rights of the data subject.

Even where there is no competitor in sight and, therefore, no distortion of competition or trade, there is a question of ensuring there is no inappropriate use of data gathered. Obviously, that should not be happening anyway but it is a concern. I am conscious that we have framed it in terms of competition law, which is positive, but I feel there might be scope for strengthening it in terms of rights law as well. I accept it as a positive step.

Amendment No. 9 is fine. I have one concern about amendment No. 11. This replaces the question of necessary and proportionate, as had been worded originally. I respect the fact that the tests of necessity and proportionality are core to the GDPR and that much of what we did in the Seanad and what has been done in the Dáil is around copper fastening that. My concern is the way it has been replaced in amendment No. 11. It applies the proportionality test not only to the disclosure of information but the safeguards applicable. I want to be very clear. I need the Minister of State to clarify and reassure us in the House that a situation will not arise in which we are told that the safeguards need to be proportionate and that we need to limit the safeguards that are put in place. I do not want to create any perverse pressure against safeguards which are, of course, core. Could the Minister of State clarify matters? In general, I am happy that the Bill has been strengthened in terms of the issue of necessity and proportionality. In terms of proportionality in general, it is very important that we do not go to anything like the idea of a once-only principle because they have been misused in the past but instead have a strong principle of consent to each purpose.

**Deputy Patrick O'Donovan:** Amendment No. 11 can be read in conjunction with amendment No. 22, which inserts the words “is satisfied that the agreement is consistent with Article 5(1) of the General Data Protection Regulation”. I understand that there has been a lot of discussion about necessity and proportionality. Having reflected on it with the Attorney General, we have strengthened the Bill in terms of the references to the GDPR and pre-existing legislation that have been inserted.

Regarding the test for and definition of proportionality, it refers to balancing two competing priorities - the needs of public bodies and the needs of the customer, for want of a better word, the person engaging with the public body. The data sharing agreement has been put out for public consultation and has gone through the governance board arising out of the possibility that observations are sent in from people.

On top of that layer regarding necessity and proportionality, there is reference to the GDPR and a strengthening of governance as well by way of the board that will assess the data sharing agreement to which all of this will be subjected in the first place. Having reflected on it, which was primarily due to the debate that took place here as opposed to the other House, and I said this in the other House, the Attorney General has strengthened the legislation and has taken on board many of the concerns.

Regarding necessity and proportionality, we do not want to put in a subjective test that might present a difficulty around assessing whether one side is right and the other wrong. On foot of the Senator's request the last time I was here, we have strengthened it by way of the tests to which she referred as well as strong linkages with the GDPR, on top of the existing strong reflection on governance of each of the individual agreements that will be put in place. Notwithstanding the concerns the Senator expressed, in general, the Bill is far stronger now. We may fall out over the dataset or some other issue but I am sure we will reach an agreed conclusion at the end of it.

**Acting Chairman (Senator Gerry Horkan):** That concludes the discussion on group 4. I call on the Minister of State to speak on the subject matter of the amendments in group 5.

**Deputy Patrick O'Donovan:** Group 5 consists of amendments Nos. 10, 21 and 23, which concern the reporting requirements under the Bill. I accepted an amendment to section 17 in the Seanad that will provide that an Oireachtas committee could request the Minister to furnish

it with a copy of any data sharing agreement made under the legislation. Accepting this amendment has an unintended consequence of removing the original requirement under section 17 that the data sharing agreements be made in writing. Amendment No. 10 reinstates the original wording that it provides for this.

As regards the provision for sending data sharing agreements to the Oireachtas committees, I decided this was better placed in section 60, which covers the Minister's obligation to publish all data sharing agreements. This is provided for by way of amendment No. 23.

Amendment No. 21 is technical in nature. It refers to section 52 to improve clarity and readability of the section.

**Acting Chairman (Senator Gerry Horkan):** Does anyone want to speak on Group 5?

**Senator Alice-Mary Higgins:** As these amendments reflect the strength and reporting we looked for, they are fine.

**Acting Chairman (Senator Gerry Horkan):** That concludes the discussion on group 5. I ask the Minister of State to speak on the subject matter of the amendments in group 6.

**Deputy Patrick O'Donovan:** Group 6 relates to amendments Nos. 12, 19 and 20. Amendment No. 12 deletes section 21(6) which provides that this section is without prejudice to the rights of the data subject in respect of any or all data controllers. This has been deleted on account of significant concerns raised by the Attorney General that the wording, "This section is without prejudice to", introduces legal uncertainty as regards whether data subjects would have full access rights under the GDPR in respect of any data sharing agreements made under the legislation. Basically, it implies that there is prejudice in other sections of the Bill and that gives an erroneous impression that the GDPR does not apply in its entirety to the legislation. I know that is not the intent of the House.

Acting on the Attorney General's advice, the Dáil has agreed to delete the provision. I assure this House that the deletion of the provision does not in any way affect the data subject's right to access, rectify or delete his or her personal information as provided for under the GDPR. A person wishing to exercise these rights in respect of a data sharing arrangement made under the Bill would be entitled to apply to any of the public bodies that are parties to such an arrangement in accordance with their rights under the GDPR.

Furthermore, as the Seanad is aware, the Bill has a number of specific provisions that uphold and enhance these rights, in particular, the personal data access portal provided under Part 8 of the Bill. In addition, I will ensure that the data governance board issues guidance that emphasises that people can exercise their GDPR rights directly with any public body that is a party to the data sharing agreement.

Amendment No. 19 removes the provision at section 46(6) that any contract the data governance board enters into in respect of consultancy shall be subject to public competition. This provision was deleted on foot of significant issues raised by the Attorney General. Public procurement law applies across all public bodies and it is not the norm to specify in legislation that it particularly applies to one type of contract. The Attorney General's advice was that this provision could call into question whether other procurement law applies to some public bodies but not to others or to some types of contracts but not to others. For this reason, the provision was deleted by the Dáil. I reassure the House that the public procurement laws apply to the

data governance board in the same manner that all laws of the land would apply to such a body.

Amendment No. 23 relating to the data governance board is a technical amendment to section 47(6) concerning the membership of the data governance board to add the word “persons” which is inadvertently omitted from the text.

**Acting Chairman (Senator Gerry Horkan):** I thought we were dealing with group 6, which relates to amendment No. 12.

**Deputy Patrick O’Donovan:** Sorry.

**Acting Chairman (Senator Gerry Horkan):** The Minister of State made reference to amendment No. 23, but I thought we had done that already.

**Deputy Patrick O’Donovan:** I am sorry. This is amendments Nos. 12, 19 and 20.

**Acting Chairman (Senator Gerry Horkan):** We were on group 6, which is amendment No. 12.

**Deputy Patrick O’Donovan:** Yes, I also addressed amendments Nos. 12, 19 and 20.

**Acting Chairman (Senator Gerry Horkan):** We were to deal only with amendment No. 12.

**Senator Alice-Mary Higgins:** I have one concern, which is in respect of the data controller. I appreciate the concerns of the Attorney General regarding the wording and the need to avoid the implication that there is prejudice elsewhere. Nonetheless, in this legislation we are setting out a clear process whereby individuals can seek information and redress and a clear pathway whereby they should contact the lead agency. This applies in circumstances where there may be two or three data controllers or two or three different bodies that are sharing data and are party to an agreement under the GDPR. Obviously, a person can go to any one of those parties. However, if the concern was that we would be seen to close things off elsewhere, the fact that we specify how they can go to the lead agency and outline the steps to do that, without mentioning anywhere in the Bill that they can go to other data controllers, there is a concern about persons being even aware of that.

One of the obligations under the GDPR is to make sure that people can get practical access to information on how to exercise their rights. For example, if the Department of Employment Affairs and Social Protection was a lead agency in respect of a local bus service such as LocalLink, it should be the case that a person knows he or she can go to another body that may be much more local and more relevant, rather than believing the only route is to go to the lead agency. I know that, realistically, we will end up with a few lead agencies within very large networks. In the previous debate, the Minister of State mentioned potentially thousands of data sharing agreements. It is neither efficient nor satisfactory for persons to feel they have to go right to the top with a query when a smaller party to the agreement closer to them might be the relevant person to contact. This Bill does not take away their right to do that but our hope when we inserted this change was to make them aware that they can do that. If the Minister of State is removing that clarification which states that people can go to other parties and the four other signatories to this data sharing Bill, I ask him to indicate how he intends to ensure, first, that individuals are made aware that they can go to any of the parties in a data sharing agreement and, second, that the smaller parties in the data sharing agreement which may not be lead

agencies are aware they have a responsibility to answer questions from individuals and do not simply shunt people up the line to a lead agency.

**Deputy Patrick O'Donovan:** To go back to what individuals will know and when they will know it, one of the provisions we included in the Bill, and one I was very keen on at the outset, is the personal access portal. This will give a person real-time information in terms of what information, if any, a body has accessed about him or her. I also said that when the Bill becomes law, as I hope it will, it is my intention that guidance will be issued by the board to agencies, including the lead agencies, setting out what they must do.

The Senator is right. I envisage thousands of agreements will be required. As I said previously in the House, we are in limbo at the moment regarding the collection and sharing of information.

In terms of what will be done by way of clarity, as sought by the Senator, I noted previously the construct of the data governance board and the requirement on it to provide guidance and information to agencies. In addition, real-time information will be available to citizens and will make a major contribution and will be part of the scaffolding that will make all aspects of the Bill work. If the Senator and I can see in real time what information relating to us is being accessed, what information about us is available and the type of information about us that is being shared, to borrow a phrase she used, that will have a chilling effect and create the deterrent the agencies need. Unfortunately, historically and recently in this State we have seen that data have not been properly handled. That is the reason we want to try to mitigate that.

I discussed this in the Dáil at length with Deputies. The deletion of the subsection clears up the position in respect of the maintenance and management of the dataset. I understand the concerns about the number of these agreements, the management of them, people having their say and being able to keep on top of matters. It will be difficult, there will be many of them, they will be onerous and require considerable attention from people who are interested in this area, but that is what is required. We need put this on a legal footing. We need to start by acknowledging that thousands of these agreements could be put in place. I hope that allays the Senator's concern.

**Acting Chairman (Senator Gerry Horkan):** That concludes the discussion on matters relating to group 6. I call the Minister of State to speak on the subject matter of amendments in group 7, which comprises amendments Nos. 19 and 20.

**Deputy Patrick O'Donovan:** I took the opportunity earlier to refer to procurement contracts. I will not repeat what I said but it is the advice of the Attorney General that procurement law applies to all bodies and that rather than specifying that in Bill that we would delete it because it would cause confusion for everybody else.

Regarding amendment No. 20, the governance board is technical in nature and that was a typographical error.

**Acting Chairman (Senator Gerry Horkan):** Does Senator Higgins wish to speak to the amendments in group 7?

**Senator Alice-Mary Higgins:** I accept the rationale for the removal of the issues relating to procurement but nonetheless those issues stand. I look forward to engaging with the Minister of State on this matter because I will be bringing forward legislation in respect of procurement

in the future. These issues can be tackled within the wider scope of procurement law. In that context, I am happy to leave the matter to one side.

I welcome the Minister of State's acknowledgement that there are issues relating to data and the governance of data. We have seen it recently in respect of the hospitals and persons accessing services. It is important that we have a very robust governance system. That system will be strengthened somewhat from here on.

**Acting Chairman (Senator Gerry Horkan):** That concludes the discussion on group 7. I do not think the Minister of State wants to come back in at this point.

**Deputy Patrick O'Donovan:** No.

**Acting Chairman (Senator Gerry Horkan):** We will move on to the amendments in group 8. I call the Minister of State to speak on the subject matter of the amendments in that group.

**Deputy Patrick O'Donovan:** Amendments Nos. 14 to 18, inclusive, are technical amendments to section 44, which relates to the personal data access portal. Amendment No. 14 is a minor rewording of the provisions for users to view data sharing agreements, and taken with amendment No. 15, to move the text to section 44(2)(c), which is a more appropriate location for it. Amendments Nos. 16 to 18, inclusive, are technical amendments, to make reference to the new section 44(2)(c) so that public bodies have a basis to provide the data sharing agreements to the portal and that the provision of the data sharing agreement only occur on request from the data subject.

**Acting Chairman (Senator Gerry Horkan):** We are dealing with amendments Nos. 14 to 18, inclusive.

**Senator Alice-Mary Higgins:** The data portal is a core element and it is a positive. The GDPR gets thrown in as if it is an obstacle, something complicated or a reason we cannot do things. In fact, the regulation is - and should be at its core - an empowering element. One matter the European Union has got right is ensuring that people have the right to access their information and data.

I appreciate the position in respect of the data-sharing agreement. This again comes to back to the supplementary amendment No. 2 and the fact that we are dealing with bodies that provide services and those that propose to provide them. There is a concern in that regard. The Minister of State might confirm that those who access data portals will not simply be able to just search for a data sharing agreement that they know they might be part of but data sharing agreements that might not know they might be part of. One of the concerns is the language in certain parts of the Bill to the effect regarding circumstances where public bodies propose to provide services to people. It is important to ensure that it will be made transparent and that the mechanisms for persons to take action will also be made clear. I acknowledge that the Minister of State has strengthened the Bill by ensuring, as I requested, that it deals with data breaches. That is important, particularly in the context of the very concerning data breaches which occurred in hospitals and elsewhere and by which individuals were affected.

**Acting Chairman (Senator Gerry Horkan):** Does the Minister of State wish to respond?

**Deputy Patrick O'Donovan:** No.

**Acting Chairman (Senator Gerry Horkan):** That concludes the discussion on group 8. I ask the Minister of State to speak on the subject matter of Group 9, namely, amendment No. 26.

**Deputy Patrick O'Donovan:** This is a technical amendment to delete the Dún Laoghaire Harbour Company from the Schedule to the Bill. As Senators are no doubt aware, the Dún Laoghaire Harbour Company was dissolved on 3 October 2018 and its assets and liabilities transferred to Dún Laoghaire-Rathdown County Council. Since the company is no longer in existence, we have removed it from the Schedule.

**Acting Chairman (Senator Gerry Horkan):** Is Senator O'Higgins satisfied with that?

**Senator Alice-Mary Higgins:** Yes.

**Acting Chairman (Senator Gerry Horkan):** That concludes our discussion on group 9.

We will move on to Report Stage amendments to the Bill, as passed by Dáil Éireann. Amendment No. 1 is a Government amendment. It arises out of amendments made by the Dáil. It has already been discussed with group 3.

Government amendment No. 1:

In page 10, to delete lines 25 to 27.

Amendment put:

The Seanad divided: Tá, 23; Níl, 8.	
Tá	Níl
Burke, Colm.	Black, Frances.
Burke, Paddy.	Conway-Walsh, Rose.
Butler, Ray.	Devine, Máire.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Maria.	Higgins, Alice-Mary.
Clifford-Lee, Lorraine.	Mac Lochlainn, Pádraig.
Coffey, Paudie.	Ruane, Lynn.
Conway, Martin.	Warfield, Fintan.
Hopkins, Maura.	
Horkan, Gerry.	
Lawless, Billy.	
Lawlor, Anthony.	
Leyden, Terry.	
Lombard, Tim.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
Noone, Catherine.	
O'Donnell, Kieran.	
O'Mahony, John.	
O'Reilly, Joe.	
Ó Céidigh, Pádraig.	

Reilly, James.	
Richmond, Neale.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Rose Conway-Walsh and Alice-Mary Higgins.

Amendment declared carried.

**Acting Chairman (Senator Gerry Horkan):** Amendment No. 2 is a Government amendment. It arises out of amendments made by the Dáil. It has already been discussed with group 3.

Government amendment No. 2:

In page 14, to delete lines 15 to 19 and substitute the following:

“(I) to verify the identity of a person, where the first or second mentioned public body is providing or proposes to provide a service to that person;”.

Amendment put and declared carried.

**Acting Chairman (Senator Gerry Horkan):** Amendment No. 3 is a Government amendment. It arises out of amendments made by the Dáil. It has already been discussed with group 3.

Government amendment No. 3:

In page 33, to delete lines 25 to 27.

Amendment put and declared carried.

**Acting Chairman (Senator Gerry Horkan):** Amendment No. 4 is a Government amendment. It arises out of amendments made by the Dáil. It has already been discussed with group 1.

Government amendment No. 4:

In page 51, to delete lines 12 and 13 and substitute the following:

“by the substitution of “An Oifig Náisiúnta um Sheirbhísí Comhroinnte” for “Oifig Náisiúnta Seirbhísí Comhroinnte”.”.

Amendment agreed to.

Question, “That the Bill, as amended, be received for final consideration,” put and declared carried.

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

**Senator Paddy Burke:** I wish the Minister of State well with the legislation. It is an important item of legislation.

**Acting Chairman (Senator Gerry Horkan):** I wish the Minister of State and everybody

concerned well with the enactment of the legislation.

Question put and agreed to.

*Sitting suspended at 4.10 p.m. and resumed at 4.30 p.m.*

### **Commission of Investigation into Mother and Baby Homes: Statements**

**An Leas-Chathaoirleach:** I welcome the Minister for Children and Youth Affairs, Deputy Katherine Zappone.

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I welcome this opportunity to update the House on the Commission of Investigation into Mother and Baby Homes. In particular, I would like to update Senators on the commission's fourth interim report and the responses I am progressing to the issues which have emerged from the commission's work to date. As Senators will be aware, the commission submitted a fourth interim report to me in December of last year, which I published after securing Government approval on 22 January. This report is available to view and download on my Department's website.

The commission advised that it would not be able to issue its reports within the previously agreed timeframe and requested an extension of one year to allow it to complete its work in full. Government has agreed to this extension request and the commission is now due to submit its final reports by February 2020.

In making a case for an extension, the commission outlines the sheer scale of the work involved in investigating the matters set out under its terms of reference. This investigation includes multiple lines of inquiry relating to the operation of quite different institutions over a period of more than three quarters of a century. The scope of the terms of reference and timeline for this commission has always been ambitious and we remain ambitious for the outcome of the commission. The public interest, but most importantly the interest of former residents, is best served by facilitating the commission to conduct the comprehensive analysis required to make accurate and robust findings on the extensive range of sensitive issues before it. I know that many former residents have been eagerly awaiting the completion of the commission's work and I understand that many who contributed to the process and shared their information are disappointed and frustrated by this development.

The commission's fourth interim report provides an update on the important work of its engagement with former residents and others connected to these institutions. It has captured the personal experiences of 519 witnesses through the work of its confidential committee and now expects this process to be completed by the end of January. Hearing these stories grounds the work of the commission in the lived experiences of those who spent time in these institutions. The commission is continuing to take evidence about conditions in the institutions from former residents, workers and the authorities that ran the institutions and this work is not yet complete. The commission also stated that its wide terms of reference have necessitated the collection and analysis of a vast range of documentary material relating to the institutions under investigation. While this process is ongoing, I confirm that my Department has furnished the commission with all relevant records in its possession.

6 February 2019

Significantly, however, the commission now plans to deliver a substantial report on the burial arrangements for persons who died while resident in these institutions by 15 March 2019. The report will include extensive technical reports prepared in the course of the commission's work on the site of the former mother and baby home in Tuam, County Galway, and the commission's assessment of burial arrangements at other major institutions. I will seek formal Government approval to publish the report as quickly as possible after I have had an opportunity to consider its findings.

On receipt of the report about which we are speaking, I consulted with the commission to explore whether any of its three reports could be completed in advance of February 2020. The commission is strongly of the view that it will not be possible to complete any of its reports in isolation from its companion reports. When I met with Judge Yvonne Murphy, I was reassured by the absolute commitment of the commission to establish the full facts of what happened to women and children in these institutions. I accept that the commission is using its best endeavours to conclude the investigation as quickly as possible. The chair wants to conclude matters and I know Senators want the same thing. It is clear that the commission is seeking to collate and analyse information on these institutions at a level of detail that has never been done before. This will greatly assist public understanding and possibly assist individual citizens in relation to their personal story and experience. I can confirm that the extension of time for the commission will not impact on the planned forensic excavation of the Tuam site. These are separate processes. However, the commission's burials report is expected to assist and inform the ongoing work to advance the legislative and operational arrangements for this priority project. If a decision had been made not to grant the extension sought, the commission would effectively be obliged to submit incomplete reports this month. Clearly, such a scenario would ultimately undermine its findings and the opportunity within this process for Irish society to acknowledge and to start to understand the harrowing manner in which single women and their children were often treated during this period would be placed at risk.

In these circumstances Government's approval of an extension was the only viable option. Government will continue to make available whatever resources and supports are required for the commission to continue its vital work. The commission has confirmed that despite the extension, it expects that the total costs will remain within the initial costing estimate of €21.5 million.

In regard to Tuam, in October 2018, the Government approved the recommendation for the phased forensic excavation of the available site of the former mother and baby home there. As Minister responsible, I was honoured to make a recommendation to colleagues, which was not only supported by the best experts in science and the law, but most importantly was informed by the voices of survivors, their families and loved ones. Implementing this decision will not be straightforward. New legislation is needed to provide specific lawful authority for the proposed course of action. The preparation of legislation is a key priority within my Department and a new dedicated unit has been established for this task, with additional staff from other Departments expected to be assigned to the unit in the coming weeks. The wider interdepartmental group on Tuam, led by the Department of Children and Youth Affairs, will continue to assist in terms of strategy and overall approach for the project. Scoping of the required legislation has commenced. There is no precedent for this kind of project in an Irish context, and it is vital that we get it right, in the interests of the survivors, relatives and the dignity of those buried at the site in Tuam. The approach taken will be further informed by the forthcoming report in March by the Commission of Inquiry into Mother and Baby Homes into burials at these institutions.

In parallel to the legislative project, work will be carried out on sourcing appropriate expertise to carry out the works on the site. As Minister, I will continue to examine the ways we can respond to the wider concerns of the advocates, families and survivors.

**Senator Victor Boyhan:** I welcome the Minister to the House and I thank her for her reasonable approach. Clearly people are disappointed and upset, but I do not doubt the Minister's commitment and one thing I have learned from my long-term involvement in all of these issues is that it is important that we are honest in our approach. Far too often people have been misled - the victims in institutional care have been led up and down the garden path - when promises were made but not delivered. The deadlines were not met. This is the real challenge. We have to be fair and honest and we have to set out the stall.

At the same time we have to acknowledge the pain that people feel. What struck me when I listened to many of these people was that they had an opportunity to tell their story. This is where Mrs. Justice Mary Laffoy did so much good work in acknowledging the importance of that opportunity. It is very clear that getting their story out and, more important, not being judged for it and being believed, was cathartic. I have spoken to many people and I have always found that when a person is acknowledged and believed, it gives the person a sense that somebody is listening to his or her story; I include my own experience in this. We all seek validation about the stand we take in life and we like to be believed, whatever about our differences. That is so important.

The Minister has given us an overview and has spoken about the fourth interim report and the reasons for the extension, which are reasonable. This is important in respect of Tuam.

I want to mention one group, the Bethany Home survivors group because they are constantly in touch with Members of the Seanad. Having examined documentation and spoke to a number of lawyers, I am firmly of the view that the State had a definite responsibility for the Bethany Home and the children who were there, neglected or abandoned because of the actions or the inactions of the State. It is not good enough any more for the arms of the State to keep telling this group that they are sorry it will be another year. I am in the Seanad two and a half years and from a group of ten who came to see me, three men are dead - one died from ill-health, another from cancer and the third died of natural causes. They yearned for somebody to listen to them tell their story. They have been on a long journey. The Church of Ireland has not taken responsibility for its involvement. The State had a responsibility to these children and, by its action or inaction, did not do enough for them. The surviving residents have made a strong case. Indeed the Commission has suggested that it sees no reason they were not included in the original redress scheme. The Minister knows and I know that to the initial redress scheme and the schedule of institutions that were attached to that scheme, many more institutions were added subsequently. It happened for some but it did not happen for Bethany Home residents.

We have to talk about apologies but we also have to talk about forgiveness and all that goes with it. In many cases these people have fought for so long, and experienced such pain, agony and hatred, they are embittered and angry and have a certain hatred for the establishment. We need to do something about that. I would like the Minister to deal with these people, particularly those from Bethany Home. What can we do to help them? I would like the Minister to look again at this whole area of therapeutic jurisprudence. This is a school of law that was developed in America in the 1980s and concentrates on the law's impact on a person's emotional and psychological well-being; it regards law as a social force that produces therapeutic and anti-therapeutic consequences. It sees the role of lawyers as capable of expanding to guard

the psychological well-being of their clients. I think there is something in that. I will send the Minister the details of a paper that was written on that subject. People want justice and they want to get on with their lives. Some people will never be able to move on. When replying to the debate, could the Minister specifically deal with the people from Bethany Home?

I am hearing from highly placed sources that Cabinet Ministers, whose names I have but will not name, have made it very clear to the Minister and to others that they are not prepared to expose the State to the payment of any additional money under a redress scheme. They will talk about counselling, services, health and housing issues, but they are not prepared to follow the proven established way in respect of redress, which we have adopted and which is very similar to the Canadian scheme. I acknowledge the scheme had its shortcomings and was not the answer for a lot of people, and yes a lot of people got a lot of money but they do not have it now. People were taken advantage of. People turned to other issues and alcoholism and gambling and I would know some of these people. We have to have redress and for anyone who has been in a residential institution, for which the State had responsibility, we must be there to support them.

I acknowledge that the Minister has done the right thing and the honest thing. I would not have expected any less from her. I know it is most difficult. The Minister has told us that it needs another year, and we must stick with that. Perhaps she might look at Bethany Home and any other groups from such establishments wishing to come within the scheme's remit which the Minister, her departmental officials and the Attorney General can be satisfied fall within the remit of the State's responsibility

**Senator Catherine Noone:** As we are all aware, and as the Minister has outlined, following the tragic findings of Catherine Corless's research back in 2012, the Commission of Investigation into Mother and Baby Homes was established. This commission of investigation was established by an order of the Government. The sole aim of this commission is to provide a forum for persons who were formerly resident in the homes or who worked in these institutions to provide accounts of their experience; as informally as possible in the circumstances and with due empathy and understanding.

There has been continual progress from the previous Government's work. The Government has worked tirelessly on promoting and giving closure to the Mother and Baby Homes scandal. I know the Minister has worked very hard on this issue to try to bring about a resolution, insofar as it is possible in the circumstances.

Following the Commission's fourth interim report request, the Government has indeed agreed, as has been alluded to, to extend the research and investigation for another year to February 2020. This is the third extension that has been granted by the Government and I believe we should give the commission as much time as it needs to facilitate its very detailed and cumbersome work and difficulty in contacting various witnesses, who are in other countries around the world. It is strongly believed that this extension is crucial in the interest of completing and finalising the research on what has been described as a chamber of horrors in Tuam. The Commission's fourth interim report has stated that it has met with 519 former residents or others who have connections to the institutions under investigation. These meetings were held across Ireland and England. As of the end of last month, 26 more individuals have been heard also on the issue. The report states that some of these individuals are resident in the United States and I believe technology such as Skype was used to connect with people for the purpose of getting as much information as possible for the report. Some cross referencing research still has to be

completed with regards to registers of entry, exit, birth and death. Considerable work remains to be done in this Department to ensure the account of women and babies is correct.

In the cases where individuals cannot be heard in person, I understand the commission is making arrangements to have affidavits sworn. That process takes considerable time. I know from my work as a solicitor over the years that it is painstaking and detailed work. There are many logistical issues also with that type of work.

The commission's recent report also stated that it has only recently received extensive material from the Departments of Health and Children and Youth Affairs, and more material is on the way. The commission has 100,000 pages of documents that include "some detailed returns made to the department by mother and baby homes and local authorities that were responsible for children in various institutions including mother and baby homes, and for boarded out children". My understanding is that these detailed documents are being analysed meticulously and cross referenced with other data, which is detailed and cumbersome work.

The commission recognises the help that has been provided by the HSE, which has been providing documents. Nevertheless, it has been disconcerted, which is alarming, by the limited data the HSE has given, which seems to be a consequence of a poor archive system in the organisation. That is not good enough. It raises a number of questions as to the reason the executive has provided so little data or why it can only provide so little data. For instance, one of the institutions under investigation by the commission is The Castle, Newtowncunningham, County Donegal, in which the HSE was intensively involved. The executive has been unable to provide any material on its involvement with the institution, which is concerning.

It is essential that the commission be given sufficient time and resources to fully comprehend the extent of this horrific situation in order to properly cross reference all the information and material it has to hand and provide as comprehensive an account as is possible of the pathways of the children concerned.

Moreover, the fourth interim report noted that following the Government's decision to carry out a forensic excavation of the burial ground at the Tuam children's home, the commission has received more information on past burial practices in other institutions under investigation. It will need more time to properly investigate these matters.

As stated in its report, the commission aims to publish an interim report on burials, which the Minister mentioned, in the first half of 2019, which is soon enough. According to the report, that has not been done yet for two reasons. First, some new information has been acquired over the past few months and has not been fully investigated. Second, section 34 of the Commissions of Investigation Act 2004 requires that the commission send a draft of the relevant part of its report to any person who is identified or identifiable from the draft report. That is, again, detailed and cumbersome work.

Despite how appalling and dreadful the entire investigation is, the commission's reports and the conclusions of this investigation are essential to victims and those concerned by this morbid, gruesome and macabre episode in Irish history. In a sense, as citizens, we are all concerned by this event. That must not be forgotten and buried in the past. If insufficient closure is provided by this investigation, the mother and baby homes' atrocities will continue to taint the present. To fully provide closure, we must work toward having the full and absolute extent of facts so that we can ensure this deplorable and grim episode of Irish history never happens

again. A fully comprehensive and detailed report needs to be finalised. I am supportive of the extension of time for the commission's investigation until it is extensively finished and there are no longer any missing pieces to this horrific scandal. I wish the Minister well with her continued work on that.

**Senator Fintan Warfield:** When an extension was given by the Government in February 2018, Sinn Féin reluctantly gave its support. We shared the sentiment expressed that it was important that we got this right and that the investigation would be as thorough as possible within the terms of reference. However, my colleague, Deputy Denise Mitchell, noted her concern at the time that the commission seemed to be under-resourced and was sceptical about its ability to deliver within 12 months.

Given that recent discoveries have been made and that the interim report did not disclose the extent of the files in November, in terms of the number of pages, as it did in measuring every other discovery, it seems somewhat disingenuous to be so unclear about how long this will take relative to the work carried out.

Additionally, it is clear from the report that the commission is increasingly and frequently frustrated by the HSE. The report goes into the details of the commission's dealings with the HSE and it is clear there is not a strong working relationship in that regard. The reports refer to aspects of this relationship with comments such as:

[However,] it is difficult to understand how relatively recent documentation is not available ... it is clear that the HSE does not have any system ... of storing or archiving material.

The HSE has been unable to provide any documentation on its involvement [in The Castle, Newtowncunningham, Co. Donegal].

If there are issues in the way the commission of investigation and the HSE are interacting, which are contributing to the delays, what action does the Minister commit to take to resolve those? Has she had any interactions with the Minister for Health regarding them?

How did a large number of files in the possession of the Department of Health only come to light last month, a year past the original deadline for the publication of the report and four years on from one Department handing over documents to another Department? What interactions has the Minister had with the Minister for Health on that?

The delays in the publication of this report have had a devastating effect on survivors, particularly elderly survivors, as other Senators have mentioned. The announcement has prolonged fears they may not be alive to see redress put in place. Unfortunately, the State, and the institutions of the State, have a poor track record in this regard. Will the Minister give assurances to those survivors' groups that every effort will be made to ensure truth and justice for elderly survivors?

Survivors' groups also noted this announcement, along with previous announcements relating to the mother and baby homes, was made through the media before survivors were notified. They were informed through news outlets. Given its sensitive nature, I hope the Minister will relay that to departmental staff working on this issue and that whatever breakdown occurred on this issue can be rectified.

I am disappointed that this report has to be delayed by another 12 months, that survivors

will have to wait another year and that the dark chapter of this State's history cannot be put to bed. I do not believe anyone involved working with the Department or in government wished for a delay to the report but if operational and resources issues within the commission led to that, new discoveries or consent to release names are not the sole reason for the delay. I hope the Minister and Government will take this on board and work towards the complete report publication in 2020 as survivors do not deserve delays caused by issues that could be overcome with political resolve.

**An Leas-Chathaoirleach:** I call Senator Higgins. Does she wish to divide her time?

**Senator Alice-Mary Higgins:** Is there one slot? What time does the debate conclude?

**An Leas-Chathaoirleach:** The Minister will be called to conclude at 5.50 p.m.

**Senator Alice-Mary Higgins:** How long is this slot?

**An Leas-Chathaoirleach:** Ten minutes for spokespersons and five minutes for other Senators.

**Senator Alice-Mary Higgins:** I will share time with Senator Ruane.

**An Leas-Chathaoirleach:** What way will the time be divided?

**Senator Lynn Ruane:** Eight minutes and two minutes.

**Senator Alice-Mary Higgins:** I thank the Minister for coming to the House.

*5 o'clock*

While the extension of the investigation can, in some senses, be understood, the Minister will appreciate that it has caused deep disappointment and upset for many. Survivors have been waiting, planning and living their lives in the expectation that a resolution would be arrived at this spring. They were very shocked and disappointed coming into the Christmas period to learn that there would be a further postponement of any form of resolution for them.

I understand there are two components. There is the task of unravelling the great architecture of containment, abuse and exploitation that existed within our State and there is the imperative to ensure that those who endured and survived those systems are given resolution and satisfaction. Unfortunately, neither of these goals is being satisfied currently. At the point when it was realised that yet another interim report would be coming rather than a final report, it would have been preferable to have, accompanying the interim report, a list of interim recommendations, findings and actions that would be taken by the State. An interim report from the commission of investigation in May 2017 called for the reopening of the redress scheme or the introduction of a similar scheme. At the time of that call, there was a recognition of those who had been in the Bethany Home and those who had not been given satisfaction and redress. In the context of that interim recommendation, I ask the Minister to explain why we have not seen the reopening of the redress scheme or the introduction of a similar, alternative scheme happening in parallel with the further untangling of this very complex architecture of abuse.

I presume the Minister can confirm that the Government now accepts the fact of abuse and neglect and that what remains to be discovered and investigated is the scale and the many strands of that abuse and neglect. Given that there is that principled recognition and that there

have been public apologies, surely we need to move in parallel and open redress schemes. The possibility of introducing a new redress scheme has been talked about and that should be examined further. The indemnity scheme that was originally signed also merits further consideration. We must look at deepening responsibilities and the aforementioned scheme cannot be allowed to stand as is but must be expanded.

The Bethany Home survivors have been mentioned and in the context of the multiple strands, my concern is that it will continue. I have spoken to the Minister previously about women in psychiatric institutions, some of whom have spent their lives there because of postnatal depression. I have also spoken about those who attended day schools and the children who lived in mother and baby homes and who also suffered abuse. These are all of the strands that must be untangled and they will continue. We must, at a certain point, announce the beginning of the next inquiry. That must happen.

I am concerned about the confidential committee and the intersection between it and the investigation. I have raised this concern previously because many of those who took the brave step of testifying and giving their stories to the confidential committee have not been supported with counselling and other supports. This is an issue that has come up again and again. I would be happy to see the budget expanded if the supports given to those engaging were also expanded. Crucially, many of those who testified to the confidential committee believed that they were giving testimony and evidence and yet, the investigation is happening in a separate space. Those who wanted their stories on the record and who believed they have given sworn evidence on what happened to them to the confidential committee have found that much of that personal testimony and experience is not necessarily coming through the evidentiary strand as well as through the committee. That must be addressed. The 519 people who have engaged with the confidential committee should be given the option of having their experiences reflected in testimony and on the record. It is a major step to speak up and the people who have done so should not have their stories disappear. I ask the Minister to outline the supports that will be given to those going through the process. Supports must be provided to these people, many of whom have reduced life expectancy because of their experiences. There is also a need for on the ground supports for those engaging with the system now.

I welcome the Minister's decision in respect of Tuam. The forensic investigation is important but I am glad that she has clarified that it will not delay the final report further. We must look at the Bessborough home again, where there were 472 infant deaths in 19 years. Many of those infants died from malnutrition. Alongside the forensic investigation of burial sites, we must also look at forensic accounting. What will be done on forensic accounting? Very clever company structures are being brought in now to ensure that moneys are moved and resources are not accessible and that we do not have clarity on issues like the exploitation of labour. The accounting is important because it represents a double abuse. People were abused and now very modern accountancy methods are being used to ensure that their records are inaccessible and that they do not get financial redress. That is true for individuals who may take cases, as well as for the wider State.

I ask the Minister to address these concerns and to do something. Let us do something in 2019 for these survivors. I would like the Minister to be the one who has the opportunity to do something but I am concerned that the delays may limit her in that regard.

**Senator Lynn Ruane:** I will be concise. I wish to echo what Senator Higgins has said. I fully support her call for a preliminary report while we await the final one and for redress

to happen in parallel with the ongoing process. When I read the latest interim report, I was startled to discover that the HSE and what was previously the north western health board was intensively involved in the running of an institution under investigation, The Castle in County Donegal, as recently as 2006 but has been unable to provide any documentation. That is a cause for concern on a number of levels, not only for this investigation but for other areas too. The HSE, which is a public body, has said that it is unable to provide information to the investigation. In that context, should we be concerned that other bodies like Tusla, to which the HSE is transferring data, will also be a line in a report to the effect that information requested does not exist or is inaccessible? What is happening with regard to The Castle in Donegal? Does the Government simply accept it when the HSE says that it has no information or does it investigate further to determine why it has no information pertaining to an institution with which it was heavily involved? Either this is a sinister matter and the HSE has refused to supply or has destroyed the information or it was completely incompetent and kept no information up until the early 2000's. I am not talking here about the 1940s, 1950s or even the 1960s. I am talking about the period between 1984 and 2006. I do not understand that line in the interim report and ask the Minister to provide more information on it and to outline what the impact might be in the context of the Information and Tracing Bill 2016.

**Senator Rónán Mullen:** I come from County Galway and I know many people in Tuam. A friend of mine is a local historian there. People have been following the Tuam story very closely and taking the temperature on the ground. One major issue survivors have is with the fact that despite their pleas to the Minister when she met them in Tuam during the summer, they are still getting news of reports and important decisions being made by the Minister by way of news bulletins or opinion pieces in their local newspaper. The most famous of those reports is the one issued by the Mother and Baby Homes Commission of Investigation in March 2017 which confirmed the presence of foetal and infant remains on the site in Tuam. That report clarified that the septic tank that was discovered had been decommissioned and filled with rubble and debris. One does not have to be an expert in the laws of physics to extract from that statement that the septic tank did not contain bones or that it may have been filled with other materials. It seems bones were discovered in a separate structure, the purpose of which the commission has "not yet determined". Yet I found myself in recent days hearing Audrey Carville on "Morning Ireland" referring to remains disposed of in a septic tank. The thought struck me that sensationalism is not the friend of truth telling. It is not the friend of the cause of survivors to truth or an acknowledgement of their experience. Despite the clear report, the headlines which dominated international newspapers implied that the commission of investigation's report had reported that nuns had mistreated children and disposed of their bodies in a septic tank. That is the story that went around the world. I suppose it was a narrative of cruelty in life followed by disrespect in death.

Does the Minister agree that this kind of sensationalism does no good to anybody? It does a disservice to the important process that the commission of investigation has of finding out the truth, and that everybody involved deserves not to have the truth pre-empted. I was listening to another item on Brexit this morning on "Morning Ireland" and I heard a member of the business community in Northern Ireland gently deprecating the over-egging of the pudding by a journalist trying to get the best headline. He did it in a very diplomatic way. It seems to me that this is part of the culture that we have to contend with. I would be grateful if the Minister were to agree with me that that culture does not help anybody.

In the context of what I have been talking about, I spoke to the family of one elderly woman

6 February 2019

who now resides in the UK. To the best of my knowledge she is probably one of the only surviving mothers of the institution there. The family was very annoyed that she had to be subjected to those kinds of headlines instead of getting a sensitive telephone call to outline the true facts. We have seen headlines to the effect that the Irish State did it to its own children and murdered them by the thousands by neglect and hate. Another article in the Irish news section of the *Irish Independent* referred to “Banished Babies and the price of life in Ireland’s Mother and Baby homes”. That article said that babies were allowed to die, were murdered in effect. Kevin Higgins, a lawyer familiar with the issue, says the deaths were “at least manslaughter”. One newspaper has called the scandal “our little holocaust”. I ask the Minister to agree with me that these headlines are not just inaccurate but extremely unhelpful and prejudicial to the future impact of the truth telling the commission is charged with.

I commend the Minister on setting up at the time a factual information telephone line. As I understand it, when contacted, it contradicted much of what the newspapers were saying. I put on record that we should all be concerned by excessive exaggerated language that is not based on fact. In that context, I ask the Minister to commit that the investigation will identify the causes of death of the infants. Could she put on record that the causes of death will be published? That is the single biggest message about this story so far that went around the world. Somebody once said that a lie is halfway around the world while the truth is getting its boots on. There will have to be honesty about our past and a facing up to its harshness and cruelties. However, using the vacuum of information for propagandistic effect can never be ethical. All sides of the House should be able to agree on that.

I ask the Minister to avoid survivors and others being hurt by untrue headlines in the future. Given the sensitive and personal nature of this topic, it is most desirable to have direct contact in as far as that is possible with those most directly concerned. The Minister could help by putting on the record of the House that in future the Department will contact survivors and survivor groups more directly to furnish them with reports and decisions before RTÉ gets the story or the press conference takes place because we have seen distortion and the consequential upset that causes.

I hear the bell so I will finish by saying that it is most important that the commission of investigation gets this right. It is to be supported in its work. I would rather the work were done right and be slightly late than that it would be rushed, but that is all the more reason to be careful the vacuum does not lead to inaccuracy, sensationalism or polemics. All of that is unhelpful to the important role of careful truth telling so that we can have a better understanding of our past and make our obligations to those who have survived and those who have been most affected. In fairness to them, it is not compensation that is highest on their agenda. Very often, it is contact with a mother or family member. Their concerns should be foremost in all of our deliberations.

**An Leas-Chathaoirleach:** Does anyone else wish to contribute?

**Senator Alice-Mary Higgins:** I suggest that a vacuum is not-----

**Deputy Katherine Zappone:** That is one concern.

**An Leas-Chathaoirleach:** I am sorry but the Senator has had her chance to contribute. I call on the Minister to conclude.

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I thank Mem-

bers for their very helpful and reflective observations and contributions. I have noted all of them and I will try to answer as many as possible in my response. It is clear that in their comments and questions Senators also feel deeply about these issues. They represent very well the people who come to them. In Senator Boyhan's case, he is one of those people. That is very helpful in terms of the work that I am doing. It is also the approach that I have tried to take.

As many speakers said, they share my frustration and the deep disappointment that is felt following the request by the commission of investigation for an extension. That is why I asked to speak at length with Judge Murphy to try to understand more deeply the reasons for the request for this extension. Having had the opportunity to meet her, I asked her whether she is fairly certain at this stage that the commission will conclude on time if is provided with an additional year. She indicated that to the best of her knowledge, she believed it would conclude on time. In effect, she wanted to ask for a full year so that she would not have to come back again. That is the reason I have stated here and also in the Dáil at other times that I believe the commission is making its very best endeavours in terms of the work that it is doing and also in estimating at this stage the timing for delivery of its reports. I also asked whether we could have one of the three reports a little bit earlier, as I had done previously, but the commission is adamant that the best interests of the survivors, their families and the State would be best served if the reports are issued together in the context of the confidential committee and the social history as well as the investigative findings of the report.

Senators are aware that the commission of investigation is independent. As such, the powers that I have are to meet, ask questions and try to understand better and, on that basis, to make a recommendation to the Government on whether to extend the term of the commission on foot of the recent request. I do not have the power to tell the commission it must complete and deliver its report now.

I understand that recognising testimonies as part of the public record and providing witnesses access to testimonies are live issues. These are matters for the commission of investigation because it is an independent body. I have, however, spoken to the commission about these matters.

I would like to address the issue of the discovery of records, which the commission referenced in its fourth report as one of the reasons it needed more time. The narrative of the fourth interim report does not, in my view, fully reflect the enormous logistical technical and legal challenges that are being addressed, particularly by my Department and the Department of Health. The time taken is a direct reflection of the scale and complexity of the process. It is evident from the interim reports that these challenges have been experienced by the commission, in terms of the enormity of what it wants to cover, and by the Departments of Children and Youth Affairs and Health, in the context of accessing and discovering the appropriate records for them to investigate. My Department has co-operated and liaised with the commission in regard to discovery. The discovery of records to the commission commenced in February 2016 - not March 2018 as mentioned in the report - with the production of 208 files.

I will try to provide a sense of the scale of task. It is worth noting that over 340,000 inactive files were examined and categorised for relevance, utilising over 100 search terms. My Department works with the Department of Health on the preparation of the records the commission requested. We retained the services of legal counsel and a team of documentary counsel for the duration of this work. The historical paper files were digitised and indexed prior to delivery to facilitate ease of access. Over 730,000 individual pages were digitised and reviewed

for relevance and my Department has delivered over 1,000 digitised files to the commission. Records were typically produced within two to four weeks of receipt of an order for discovery. As I understand it, from the perspective of my Department, there are no outstanding records that have been requested by the commission. It may request more but what it has asked for up to now has been provided. In terms of the Department of Health, there may be a small number of active files still outstanding but they are working on that. On the HSE, we only became of the deficit of documentation when the commission of investigation delivered its fourth interim report. The commission has the power to intervene regarding the provision of this information. It is not appropriate at this stage for me to interfere with the investigative process that is being undertaken by the commission of investigation.

Senator Mullen referred to headlines that sensationalise matters. I agree with him in that regard. The Senator will be aware that I have met many of the resilient survivors and their families on numerous occasions, both in Tuam and in these Houses. I understand the pain in that regard from their perspective. Not all of the journalism relating to this matter has been sensational in nature. The way in which the survivors have engaged with journalists and other members of the media in a responsible fashion has assisted in terms of raising the issues and in the establishment of the commission. It has also given rise to ongoing pressure to bring the process to a conclusion. We must have regard to the way in which the Government needs to respond once the process has been completed.

The Senator also referred to communication with survivors. Earlier in this process, we were sensitive to the need to put in place mechanisms of communication, including providing an information update once a month on our website. We have email addresses for anyone who wants to give us information, including stakeholders who want to be communicated with. We also have telephone numbers for people who do not have access to email. My understanding is that efforts were made to provide for the type of direct communication to which the Senator referred. At this stage, we are doing that very well.

In the context of what was reported in *The Irish Times*, as stated previously in the Dáil, it did not come from my Department. I do not know how the information relating to the fourth interim report got out. We are aware of the issue and we are trying to respond proactively. For example, in terms of the Government's most recent response to the fourth interim report, this was communicated via email to the stakeholders pretty much as we got the decision from Cabinet.

In the context of the request from Peter Mulryan and others to have their DNA samples taken now as distinct from waiting until we get the law, etc. in place, I telephoned Mr. Mulryan and spoke to him directly. Along with the special rapporteur and officials in my Department, I have put in place a process to identify the ways in which this could be done. I hope the special rapporteur will report on that matter and indicate whether we have a sufficient legislative framework in place to enable us to respond to the request positively. I accept the key issue involved and we are trying to respond more proactively in respect of it.

Senators Boyhan and Higgins raised the issue of redress for the survivors of Bethany Home, which is important. One of the recommendations contained in the second interim report suggested that the Government, subsequent to the Ryan report commissioned by the Department of Education and Skills, reopen the redress scheme for the survivors of Bethany Home. The Government considered the recommendation and ultimately decided not to do so at that time because Bethany Home was being investigated by the commission. Strictly speaking, there are not findings from a commission in regard to that home that would allow for the pursuit of

individual redress. That was the rationale. However, that is not to say that the mother and baby homes commission, in making its findings and recommendations, will or will not make recommendations in terms of individual redress. The Government will have to consider all recommendations made. The survivors in terms of Bethany Home are part of that process.

**Senator Alice-Mary Higgins:** Survivors are dying in the interim.

**Deputy Katherine Zappone:** I am aware of that.

**Senator Alice-Mary Higgins:** I know.

**Deputy Katherine Zappone:** I have brought all of those issues to the attention of my colleagues. I am explaining the decision but I am also noting that it is not a matter that is closed forever. I, too, have received a lot of representations from members of that institution, most recently, in the context of the collaborative forum's report. Senators will be aware that I established a collaborative forum to run alongside the commission process to examine, as alluded to by Senator Higgins, what we can do now as distinct from waiting until the commission provides its investigative findings and other reports. The collaborative forum, the members of which are representative stakeholders of the various institutions, provided me with a report just before Christmas which is now being considered by the Government. Discussions are ongoing with some of my colleagues on how we can respond to its recommendations, some of which particularly regard health and well-being supports which were also referred to in the second interim report. I will go to Government as soon as possible in regard to responding as positively as possible to some of the recommendations and, at least, those which can be progressed sooner. Some of the recommendations seek quite substantial change. That is not to say that it cannot be done, but it may take longer to implement some of them. I have a desire to see how my and other Departments that are implicated in the recommendations of the collaborative forum can respond as positively as possible. That is not the case in the context of individual redress because we must await the findings of the mother and baby home commission in order to conclude whether it would be appropriate to make those kinds of decisions.

I have probably addressed most of the questions. I appreciate the deep and careful reflections of Senators on the report and the extension, and the desire of all present to find better ways for the State to allow the process of truth telling to fulfil its potential healing value for survivors, as referred to by Senator Boyhan. That may occur in the privacy of a commission but many survivors and their families want it to take place in public to a greater degree in order to make the country aware of its collective responsibility for what happened, which is a necessary ingredient of preventing it from happening again.

*Sitting suspended at 5.30 p.m. and resumed at 6 p.m.*

### **Community and Rural Support Schemes: Statements**

**Acting Chairman (Senator Tim Lombard):** I welcome the Minister of State at the Department of Rural and Community Development, Deputy Seán Canney, to the House.

**Minister of State at the Department of Rural and Community Development (Deputy Seán Canney):** I thank the House for the invitation to address it on a topic of fundamental

importance to the social fabric, cohesiveness and resilience of Ireland. I am pleased that Members from across the political and geographical spectrum are present, which is testament to our shared understanding of the significance of community and rural support schemes.

The Department of Rural and Community Development has a clear, people-centred, mission, which is to promote rural and community development and to support vibrant, inclusive and sustainable communities throughout Ireland. Every policy it makes, every programme it shapes and every activity it supports is informed by this mission. We are determined to see all of Ireland thrive, socially and economically and we recognise the interdependence between the two. We have clarity of purpose and our schemes are central to achieving our aims.

Communities play a key role in driving growth and we see it as the Government's duty to harness that capacity and foster social cohesion. Cohesive communities are not just better places to live because they are fairer and they value diversity; they are also more competitive and attractive to investors. It is a mutually reinforcing proposition that investment leads to job creation, which, with the right supports, can contribute to broader socioeconomic and community development. Let me clarify what I mean by community development. Our vision of community development at the Department is about providing communities with a better chance of making choices for themselves and playing a key role designing and delivering appropriate solutions that address their specific circumstances. This understanding of community development empowers and engages people and seeks to harness local knowledge and experience. It is about fostering collective action and cultivating cohesion in our communities and wider society. To support urban and rural communities, my Department provides funding for a range of programmes and schemes which operate throughout Ireland.

I will outline the funding available, as well as details associated with the specific schemes under the Department's remit. Under Project Ireland 2040, the Government has committed €1 billion to the Rural Regeneration and Development Fund over a ten-year period to support rural economic development and to help build strong communities. The fund has been allocated €315 million for the period up to 2022, with €55 million set aside in my Department's budget for successful projects in 2019. The first call for applications for the fund closed at the end of September 2018 and there was an excellent response from across the country, with 280 applications received. In November 2018, the Minister, Deputy Ring, announced the first 18 successful category 1 shovel-ready projects for funding. The projects being supported received wide acclaim and should deliver benefits to the communities concerned. An announcement will be made shortly detailing further successful applications from the first call. A second call for applications is expected to take place later in the year.

The community services programme, CSP, delivered more than €40 million in 2018 to more than 400 community organisations countrywide, providing local services through a co-funded social enterprise model, with funding provided to support the cost of staff. The programme typically supports organisations to provide services and facilities that would otherwise generally be unavailable. Examples of organisations that will benefit from the programme include Tralee Community Care, which provides daily hot meals to older people and a local crèche and special needs school and Energy Action which provides home insulation and energy efficiency services for older people in the Dublin area. In 2019, €46.2 million has been committed to the CSP, which will support more than 2,000 posts in more than 400 organisations.

LEADER is a multi-annual programme for the period 2014 to 2020 and has a budget of €250 million over that period. Some €220 million of this funding has been allocated to the

local action groups, LAGs, throughout the country who deliver the programme in accordance with local development strategies. These groups provide funding locally to projects that address economic, social and environmental challenges faced by rural areas. The remaining €30 million is available for schemes to be delivered at a national level. There was a significant increase in both project approvals and expenditure in 2018 due to efficiency gains and process improvements. Almost 1,700 projects have been approved for funding of more than €58 million. A further 379 projects with a value in excess of €22 million are currently going through the approval process.

The town and village renewal scheme was introduced in the second half of 2016 to arrest the decline of rural towns and villages and to harness the regeneration potential to support economic recovery. Almost €53 million has been approved for more than 675 projects throughout the State. The outdoor recreation infrastructure scheme provides funding for the development of new outdoor recreational infrastructure. It also supports the maintenance, enhancement and promotion of existing outdoor recreational infrastructure in Ireland. The scheme offers three separate measures: measure 1, the maintenance and promotion of existing infrastructure, with a maximum grant €20,000; measure 2, medium scale repair-upgrade and development of new small and medium infrastructure, with a maximum grant of €200,000; and measure 3, repair-upgrade and development of larger more strategic projects, with grants of between €200,001 and €500,000. Since 2016, €41 million has been invested in approximately 600 projects.

The CLÁR programme is a targeted investment programme, which provides funding for small scale infrastructural projects in rural areas that have suffered the greatest population decline. The aim of CLÁR is to support the sustainable development of identified programme areas by attracting people to live and work there. The funding works in conjunction with local funding and on the basis of locally identified priorities. Since 2016, €25 million has been invested under the programme, supporting 1,270 projects.

The local improvement scheme, LIS, supports improvement works on small private or non-public roads in rural areas. Some €38 million has been allocated to the LIS since September 2017, with more than 1,200 roads benefitting from support. There is a continuing demand for funding under the local improvement scheme, LIS, in rural communities across Ireland and so an allocation of €10 million was secured for the scheme in my Department's Estimate for 2019.

The Social Inclusion and Community Activation Programme, SICAP, 2018-2022, is Ireland's primary social inclusion intervention, delivered locally with funding of €190 million over a five-year period until 2022. The programme has two main goals, which I will summarise as supporting communities in addressing social exclusion and equality issues to create more sustainable communities and supporting disadvantaged individuals to improve the quality of their lives through the provision of lifelong learning and labour market supports. SICAP is co-funded by the Irish Government and the European social fund Programme for Employability, Inclusion and Learning 2014-2020. The programme supported more than 25,000 individuals in 2018.

The community enhancement programme provides capital funding to communities across Ireland to enhance facilities in disadvantaged areas. Typical enhancements under the programme could include the renovation of community centres, community amenities, improvements to town parks, common areas and spaces, CCTV equipment and energy efficiency projects. Some €12.5 million was allocated in 2018, with an additional €500,000 for the men's shed fund. Over 3,000 projects have been supported under the community enhancement programme

in total.

The seniors alert scheme encourages community support for vulnerable older people in communities through the provision of personal monitored alarms to enable them to live securely in their homes with confidence, independence and peace of mind. Following a review in 2017, the scheme has been a resounding success. Some €6.984 million was spent in 2018, supporting 19,000 new participants that year.

The scheme to support national organisations provides multi-annual funding towards core costs of national organisations in the community and voluntary sector, with a focus on organisations that provide supports to those who are disadvantaged. The current three-year scheme concludes on 30 June 2019 and the next iteration of the scheme commences on 1 July. A total of €16.7 million has been allocated under the current scheme to 71 different organisations.

Some €7 million was invested in 2018 to support library capital projects and services, including new builds, redevelopments, refurbishments and new mobile libraries, as well as a comprehensive programme to enhance digital capacity across our 330 or so public libraries. Up to €6 million has been allocated for 2019.

The Programme for Peace and Reconciliation is an EU-funded, cross-Border programme which supports peace and reconciliation in Northern Ireland and the Border counties of Ireland. In 2018, we provided almost €4 million to support actions under the themes of shared spaces and services, building positive relations and children and young people. A further €5 million has been allocated for 2019.

I am very pleased the European Commission's proposals for the next round of cohesion policy for 2021-2027 includes a specific proposal for a special new PEACE+ programme to build on earlier work.

The TidyTowns competition is certainly one of our best known and longest running schemes. Since its inception, the landmark competition has grown from 52 entrants in 1958 to 883 entrants across 26 counties in 2018. The Department made €1.4 million available to TidyTowns committees to assist them in their preparations for the 2018 competition and made a similar amount available in 2018 to assist with preparations for the 2019 competition.

The walks scheme facilitates the development and maintenance of many of Ireland's key walking trails. The scheme currently covers 39 trails, with payments made to approximately 1,900 private land holders to maintain those trails. In line with Government commitment to increase the number of walks covered by the scheme, funding was doubled in budget 2019 from €2 million to €4 million.

The Department is also initiating a review of the scheme which will inform decisions regarding its expansion. The Department will be inviting local development companies and local authorities to submit expressions of interest in respect of trails that meet specific qualifying criteria for consideration for inclusion in the scheme in the coming weeks.

The Department invested €3.5 million towards volunteer supporting organisations in 2018. Last December, I launched a call for input paper on volunteering. This is the first step in developing a national volunteering strategy. I would urge all interested parties to engage with this important initiative and provide my Department with their views by 14 February.

My Department's officials are also tasked with identifying and addressing potential barriers to the roll-out of the national broadband plan. This includes the ongoing co-funding of local authority broadband officers across the country with a subvention of €42,000 per council.

My Department continues to support local authorities as they draft their digital strategies. These strategies will set out each council's digital roadmap to ensure that the benefits of high-speed broadband are fully realised in each county. My Department has also awarded more than €500,000 to local digital innovation projects that will provide real, tangible benefits to citizens. One such initiative in Galway city has seen the installation of a thermal imaging camera to monitor a bridge over the River Corrib. Over the years, several people have entered the river from this bridge and it is hoped that this initiative will assist responders to help those in difficulty.

**Senator Paul Daly:** I welcome the Minister of State to the House and thank him for his comprehensive report on all the schemes and budgets within his Department. I live in rural Ireland and will have to be a little bit critical. Great efforts are being made and money is being spent but there is a lot more to be done. It is an area of the country in desperate need of progression. Throwing money at an issue may not always be the solution and we have to involve the people who live in these areas. The best example, which we learned through progressive governments and regimes, is in our health service and we spend so much on it. It is not all about money and we need to get down to the fabric of the make-up of rural Ireland. We need to include the people of rural Ireland. Some of the schemes the Minister of State mentioned are good and helpful but may not always touch the nerve centre where they are needed.

Rural communities are struggling with stripped down services. Bank branches, post offices and Garda stations are closing and there is an ever-present threat of rural crime, which is a major issue, and something that calls to every neighbourhood in rural Ireland. The threat of crime needs to be addressed.

The Government's record is one of stripping away at rural Ireland's existence, leaving massive deficits in terms of service provision, substandard infrastructure and reduced supports. Meanwhile, farm incomes have been hit by severe price volatility across all sectors, jeopardising the family farm as the basis of Irish agriculture, while, as we all know, Brexit presents an existential threat to sector. The reality is that Government decisions are damaging the attraction and viability of living and working in rural areas.

An issue I have raised before, which may not be under the remit of the Minister of State, is that there seems to be a concerted effort to avoid giving planning permission in rural areas. It may not be under the Minister of State's remit, and it may not be Government policy, but, from talking to my colleagues in different counties and in urban areas, for some unknown reason, it seems to be increasingly difficult with more barriers being put up for one-off housing in rural areas. We can talk all day long about funding and the fabric of rural Ireland but if people cannot live there, that is the kernel of the issue. We need to keep people in rural Ireland and facilitate people who are there. People are the solution to every problem. There seems to be an almost concerted effort to avoid giving people the chance to live in rural Ireland.

A two-tier recovery has developed in this country, whereby growth is concentrated in certain areas, especially in the larger cities. The European Commission has confirmed that "regional imbalances across the country remain in investment, economic growth, competitiveness and innovation". Some 45% of Irish GDP is concentrated in Dublin, while the greater Dublin area

accounted for over 60% of total employment gains nationally in the 12 months to September 2018. The economic recovery in this country is centralised, with even the Minister for Rural and Community Development saying that Ireland is imbalanced. This is a *de facto* acknowledgment that the Government is failing rural Ireland. Shockingly, more than 500,000 rural households and businesses will have to still wait until 2023 at the earliest for State intervention to receive moderate speed broadband. That is more than ten years after the national broadband plan was first launched in 2012. The ultimate test will be what additional new funding will be ring-fenced for this plan and for delivery. Yet worryingly, a tender has yet to be awarded for the national broadband plan, with serious questions surrounding the whole process.

Meanwhile, the LEADER rural enterprise funding stream has seen its budget cut by €150 million. It has proven to be a bureaucratic mess for many LEADER companies. It is a damning indictment that out of a €250 million funding allocation, 85% of the total LEADER funding remains unspent after year five of the 2014-2020 programme.

In the confidence and supply arrangement to facilitate a minority Government, Fianna Fáil responded to the needs of rural Ireland and extracted policy commitments to be implemented over the Government's term in office. Examples of this include developing new community development schemes for rural areas. Achievements to date include the reversal to cuts made to the farm assist scheme, increased rural social scheme places as well as the reopening of the CLÁR programme and local improvement schemes.

In the budget 2019 negotiations, Fianna Fáil successfully campaigned and got agreement from the Government for €48 million in additional areas of natural constraint, ANC, funding in 2018 and 2019. Funding alone is great but may not always be the answer. Rural people are very versatile, innovative and passionate and sometimes they just need leadership and direction. What I am going to say may sound like a contradiction but we have to be cognisant of how we spend money in rural Ireland and of the effect some of the projects we spend it on will have. In my term on the council, I spent a long time fighting for broadband and for a RuralLink transport system, both of which were delivered. I am not taking the credit for that. However, I live in a small town which is seven miles from a bigger town and while RuralLink is providing a great service, it has backfired in that it is drawing people from the smaller town to the bigger town in order to do their shopping. I do not know how we will overcome this problem. It is a service that is needed but it is having the opposite to the desired effect or outcome we wished for when we looked for it. We can fight and argue all day about broadband its associated problems. However, broadband in rural areas is a necessity for people to do business but by installing broadband, we are opening up a worldwide market for people to do shopping, etc., so we are going to have to have a plan B there to protect the small shopkeepers in rural Ireland. It is a catch-22. They are necessary commodities and services but we need a plan to run alongside them so they become part of inclusion and are of benefit to the rural area without hindering them in certain ways. There should be a bit more joined-up thinking in regard to schemes and the money being spent in rural Ireland. We must include people by providing them with services and schemes which are beneficial to them. As I said, the most important aspect of reviving and revitalising rural Ireland is facilitating people to live in rural Ireland.

**Senator Lynn Ruane:** I thank the Minister of State for updating us on the ongoing work in his Department in relation to community and rural support schemes. As always, I will give out about the lack of development where that word appears after the word "community". I would again like to articulate the concerns I articulated at the meeting of the Joint Committee on Rural and Community Development last year, that the community development part of the Minister's

brief has become lost in the rural focus. I strongly believe the community development brief belongs in a different Department given the wide range of issues under this brief. Community development has become somewhat lost. The Minister may disagree but that is how it looks to me and that is what I am hearing from the community development sector. As he knows, it is a sector in which I worked for the majority of my adult life and it is a real shame because there is such a need for community development at the moment.

When thinking about the Minister of State's visit to the Seanad today, I asked myself why we need community development. As I see it, community development is about profound transformative change and is a sign of a robust strong democracy. It works much more towards a deep participative democracy and not the highly centralised one that we have today. It asks questions as to what it means to live a good life, to be happy or to flourish. Asking such questions brings one to understand that not everyone has the same opportunities to follow his or her dreams. The deck is stacked against this and it is due to the endemic nature of inequality in Irish society.

We know the landscape of inequality well and the causes of it. We also have excellent frameworks for understanding the problems and what needs to change, and I refer the Minister of State to the equality framework in *Equality: From Theory to Action* by John Baker *et al.* The landscape metaphor is real, in that inequality is literally built into the fabric of our towns and cities. The poor live together and the rich live together and never the twain shall meet. The difference is that the poor have no choice. Powerful groups monopolise privilege and power in various ways. They have control over resources and to a large extent over our political and educational institutions. Powerful groups also control media institutions and the core messages that they convey.

One message that poorer people are consistently given is that they are responsible for their own failure. Community development is one part of a broader egalitarian movement to change things in Ireland. I am a product of that. I met people on projects who told me there was another way and they were right. The community development sector has been the subject of a relentless onslaught in recent years, and it continues today in new forms. If one is interested in the detail of what has happened it has been chronicled in the work of Brian Harvey and others. He estimated that more than a third of all funding to the community sector was removed during the austerity period. The dismantling of the national community development programme and its replacement with the much more narrowly focused social inclusion and community activation programme, SICAP, was hugely significant and has profoundly negative consequences. Eight consecutive austerity budgets gutted the community sector at every level and in every part. Neither the structures nor the money have been restored nor is there any sign that they will. It is a sector which has no formal pension system. A strong argument can be made that austerity suited those in political power to settle other scores and to destroy any possible forms or sources of dissent and even competition. No part of the community sector was spared. All this was done to pay bank debt and today it is as if it never happened at all.

They must have put something in the water. The project closures, the programme cuts and the shorter time have become the new normal, but despite appearances austerity did not end and it continues in the community sector right up to the present day. It has just donned a different garb. The community sector is now prey to new regimes of discipline and control and a reorientation of power to the centre. State agencies, like the HSE and the city councils, are redrawing the landscape in colours that suit them. The unwritten command is that if they fund the sector, they can tell it what to do. We can see this in the review of drugs task forces cur-

rently being carried out by the HSE where the HSE is disregarding the new national drug and alcohol strategy and writing its own set of rules. These new regimes are being brought in under the seemingly irrefutable logic of good governance. This manifests itself in ever-increasing demands for quantitative evidence of inputs, outputs and throughputs, performance indicators and logic models. The focus of these is usually on the automatised, isolated individual who, it seems, has emerged from a nowhere place of no relations of care, and will cure all of their own ills through acts of sheer individual will. The refusal to acknowledge the existence of the economic and social context within which lives are lived and how these need to change has become a *de facto* policy of State agencies. The focus becomes ever narrower, instrumental and depoliticised. Community development becomes wrapped up in employment and training structures. Projects have become part of a commissioning process whereby those with the lowest bids win the contracts. We must ask ourselves whether we think it is good to have, properly fund and support an egalitarian community development sector. Does the Minister of State think it is good and valuable? Much needs to be done, not least by showing some bottle with regard to State agencies doing what they like regardless of what the Minister of State and other Ministers think. The clearest sign the Minister of State could send is restoring funding to the sector and re-establishing the national community development programme with the haste that it deserves. The reforms needed to make this a reality are possible and we can work together towards them.

Would the Minister of State be willing to meet representatives from the community sector, listen to their concerns and engage on where we go from here? I would be happy to organise this. As matters stand, people involved in the majority of these community development projects feel that they have no relationship with the Minister of State or his Department due to the rural aspect of the brief. I would like the opportunity to rectify some of those relationships.

**Senator Maura Hopkins:** I welcome the Minister of State. I shared a platform with him on the Joint Committee on Rural and Community Development. I am aware that he is a champion for rural Ireland. I commend him on the work he is doing to ensure that the maximum investment possible is delivered to rural areas. Last year alone, the Department of Rural and Community Development delivered almost €22 million to communities across Roscommon and Galway, the country with which I am most familiar.

Schemes such as the community enhancement programme, CLÁR, the local improvement scheme, seniors alert, the community services programme and town and village renewal funding are essential for the delivery of services in our communities. These schemes are the primary means by which the economic recovery can be felt in rural areas. I was happy to hear Senator Paul Daly refer to the reintroduction of some of these programmes. I am reminded of the local improvement scheme and the CLÁR scheme. They are key hallmarks to indicate that we are in an economic recovery. I commend the Department and all of the officials who work on these schemes for turning them around in a short timescale to ensure that funding is delivered directly into the communities. I am reminded specifically of the town and village funding and outdoor recreation infrastructure funding. The rural regeneration and development fund is a flagship element of Project Ireland 2040. The Minister of State does not need to be reminded about ensuring that there must be balanced regional development.

The trends relating to employment figures are positive. However, there is a significant concentration of growth in Galway city in the west and there is a need to support towns across the region. We had an interesting debate at this morning's meeting of the Joint Committee on Rural and Community Development about working from home and the use of digital hubs. I am reminded of the digital hub attached to the library in Ballinasloe and to Roscommon County

Council's offices. These provide significant potential to enable people who live in rural areas to work remotely and to benefit from the existing infrastructure and broadband. Those hubs are currently underutilised. This morning's debate was important and I am interested in what the Minister of State had to say about foreign direct investment companies looking at whether there is potential for employees to work remotely when they are setting up. The committee and the Department need to ensure that we provide the necessary infrastructure and use existing resources to allow as many people as possible to work in rural areas.

I am aware, through my connection with and involvement in different committees and community groups across the region, that many volunteers submitted applications. I am reminded of the outdoor recreation infrastructure which provides a significant benefit for our region. We are delighted that almost €1 million has been given to the Beara-Breifne Way, which is being developed. Much work has been done and there is still more to do. We would like to see the outdoor recreation infrastructure fund continuing to support the tourism potential and the routes off the Beara-Breifne Way, which is a key objective of that fund. Many volunteers are involved, whether in Tidy Towns or in making various applications. We rely heavily on them to support rural villages and towns. The Minister of State spoke about his remit in the context of broadband officers. There is significant concern about the rate of progress of the national broadband plan. It is a key player in levelling the field and ensuring that we receive our fair share in services. Almost every week, I speak with schools about increasing the level of digital technology. There are significant challenges relating to broadband in our schools. Rural communities are affected and we need to see action as quickly as possible.

I want to mention a number of funding announcements which have a positive benefit. I recently visited the Triest Press printing company, which is a social enterprise company based in Roscommon town. It supports individuals with intellectual disabilities. It received €70,000 last year under the community services programme. I emphasise the importance of that funding to support people in employment. Another example is Midland Warmer Homes, which received approximately €63,000 in dormant account funding. It provides a service for energy upgrades across Roscommon, Galway and beyond there. We know there are challenges in rural areas. I know about them because we face them every day. We need to be positive and proactive in trying to deal with them.

I do not agree with Senator Paul Daly on some matters. However, I agree that we need people and jobs in rural areas if rural communities are going to remain vibrant, for people to enjoy the great quality of life in rural areas.

**Senator Rose Conway-Walsh:** I welcome the Minister of State. This is a very important session. I commend and thank all of the volunteers connected with all of these schemes, which the Minister of State has outlined, and all the workers and participants on the schemes. They make a huge and valuable contribution to communities all over the country.

I want to make a few points on community development. I welcome every one of the schemes outlined and think there are many good schemes. However, my God, this Government and the Government that was in office in 2009 and 2010 cut the heart out of community development in this country. I know that because I witnessed it. It really was torn apart. I believe it was torn apart because it was a threat to the political establishment in that it was empowering people and building the capacity of people within communities. We could see it working. I worked for many years in the community development sector and I could really see the difference it was making. Instead of that, we now have a plethora of schemes but we have people tied

up in form filling, counting numbers and recounting them. It is an issue of power and control and that worries me.

It was the wrong way to go. It was a very deliberate move. It was first mooted in the White Paper in 1999 where the Government started to look at how we could control community development organisations. These were people who were thinking for themselves and thinking outside the box but the Government set about trying to control and politicise them, which is an awful shame. We now have many of the programmes and schemes where the governance and bureaucracy ties up people's minds. It is a great loss to rural Ireland and other parts of Ireland that people are now caught up with form filling and making deadlines because they have to apply in the short gap between one date and another. The inflexibility around it all means there is little room for creative thinking.

We have had projects like the digital hubs. I will give an example of one of the projects that ran for a number of years under the community development programme. It was a computer programming project for children between the ages of eight and 15. We recognised that if we could get those children excited and passionate about computer programming, we could then tie that up with things like the transatlantic cable. We envisaged that we would have whole communities where there was a cohort of young people who were into computer programming and who would advance their education in that direction. There would be this human capital within communities and people would be able to stay at home, have their families at home, live in their communities and bring the heart back into communities. Of course, what did the Government do? It introduced savage cuts. Community development projects had up to 60% of their funding cut and they were then closed down. The reason I believe they were shut down is that they could not be controlled by the Government. There were all of these community responses that could happen near to the ground with very little money. Now, however, I find it very hard to get excited about community development.

This threatens volunteerism. For St. Patrick's Day parades or similar events, we now see that due to the bureaucracy and the insurance schemes that are necessary, fewer and fewer volunteers are coming forward. Volunteers are tired and worn out with the bureaucracy and governance. They then look at something like the children's hospital and they see the governance is not there. Governance is for the little people on the ground. There are programmes that cannot buy a packet of biscuits without going through a whole procurement process of tenders to get the best price and everything else. I am not saying there should not be governance, of course there should, and there should be accountability for any public money. However, it is weighted against the smaller schemes in a way it should not be.

I want to touch on a few of the schemes, the first being the community employment, CE, schemes. One of the most pressing issues is the lack of referrals. There are 1,990 vacant CE places advertised online and that figure has remained high for some time. Obviously, these are community-based roles, such as for childcare assistants, caretakers and support workers, many of which would not exist in towns and villages were it not for CE schemes. The first thing supervisors will say when it comes to the lack of referrals is that it is the Department's preference to refer people to JobPath over CE schemes. Some €140 million has gone to JobPath. I ask the Minister of State to look at the contracts and the mistakes that were made in JobPath. I ask him to look at the deals that are being done there, where people are being double-referred or taken off schemes to be put on JobPath because we have guaranteed these private companies X number of participants to give them revenue. It is wrong. This is €140 million that could be put into local employment and real community development. This needs to be looked at. That

is why my party colleague, Deputy John Brady, brought forward a motion this week to stop referrals being made to JobPath. It is wrong and it does not add up.

Community employment is dying on its feet. Participants must be paid a minimum of €50 extra per week because we have to give them an incentive. The other big issue in regard to the CE schemes is the occupational pensions for CE supervisors and assistant supervisors. This was recommended by the Labour Court. We are asking the nurses to go back to the Labour Court and use its mechanisms to make deals yet this was a ruling it made. Where are the occupational pensions for supervisors and assistant supervisors of CE schemes? Please right that wrong. There will be a strike. This has been pushed and pushed. These people have been waiting but they have not got a pay rise for ten years. We will have a strike, which will mean the most vulnerable people in communities will be left without the vital services these schemes are delivering.

Another issue that can be dealt with very simply is to extend the age limit on the CE schemes from 66 to 70 to give people the choice to go on until the age of 70. Many people at that age are healthy and vibrant and make a huge contribution. They have huge experience and knowledge within their communities.

More flexibility is also needed in the rural social scheme to enable preferred relations, such as nieces and nephews, to be attached to herd number. I ask the Minister of State to look at this issue. The rural social scheme is a great scheme but it is too restrictive in terms of who can take it up.

The Government has to bring back the training funds for all of these programmes, whereby people could go and get proper training. Again, this was about empowering people and providing them with small resources that would give them huge returns. The programmes need to have proper training funds.

The Tús programme is only a one-year programme so participants are just beginning to gain confidence and skills when they have to leave. It is not right to build up people's expectations and then knock them down again. I ask the Minister of State to look at this. It needs to be a multi-annual programme rather than a one-year programme, so we can make the most of it. In addition, disability allowance recipients should be allowed to avail of this scheme, given people get disability allowance for many reasons.

I am tired of talking about the layers of bureaucracy for LEADER programmes, although I know some work has been done on this. The LEADER scheme has been completely politicised and brought in under the local authorities. It was operating in Ireland as a model of best practice throughout Europe. What did we do? We went in and destroyed it. It comes back to the power and control issue again. In Mayo, for instance, funding for the LEADER programme has been cut by between €10 million and €12 million. The Minister thinks that because he advertises every LEADER programme, it somehow gives the illusion that more money is available. There is little room for community responses to key issues under SICAP.

My heart was broken by what this and the previous Government did to community development because we could have very different communities when it comes to building the capacity of people and generating human capital. The Minister of State needs to be careful because the volunteers in this country are worn out and worn down but perhaps that was the intention in the first place.

6 February 2019

**Senator Victor Boyhan:** I welcome the Minister of State and thank him for his detailed report. I acknowledge what other Senators have said. These are good schemes but we all accept that more funding is needed for them.

I am particularly interested in the Department because it is relatively new. It is good at telling its story and it has a very interactive website. Clearly, there is a lot of news and spin but the Department is good at that, which is not a bad thing. I interface on a regular basis with all of the 900 plus councillors around the country for various reasons and use an awful lot of their information because it is important to communities and I find it valuable. Local councillors like to hear about the activities of the Department because they touch on communities and assist in expanding the capacity of local communities to empower themselves and get on with projects. However, funding is an issue. The town and village renewal scheme is effective but there is not enough money for it. Senator Conway-Walsh's comment on funding was correct. I acknowledge regulatory arrangements must be in place but there is significant bureaucracy, red tape and forms for relatively small amounts. In some cases groups have been turned for funding because of the way they dealt with their applications. My experience of the LEADER programme and the town and village renewal scheme is positive. I would like them to have more money, given more people are interested in the scheme.

The Tidy Towns scheme is fantastic and even in my community, volunteers are doing what the local authorities should be doing and they are exhausted. I agree that we should encourage people to improve their communities but, for example, where the Tidy Towns committees are active, the local authorities have pulled back and volunteers now clean the streets. Some groups find it difficult to get their local authorities to dispose of the waste and stuff that they have cleaned up. However, on the whole the scheme is good. The seniors alert schemes and others are basic measures. While it is great to talk about them, they should form part of the standard support provided to communities.

I welcome the fact that the Minister of State has come to the House and I welcome his update on the schemes. I suppose we would all say here that we need a hell of an awful lot more money for them but I wish him well. I acknowledge that this is a relatively new Department but it has stayed focused. However, I have heard all the announcements and I am not sure that so many of them need to be made. The Department announces them, then it announces it is doing them and then it announces it has done them. The press people in the Department are busy and they have worked well to tell the story. Well done.

**Senator Alice-Mary Higgins:** I warmly welcome the Minister of State to the House. I hope that we can have him here again because these areas are of great interest to all of us.

I will speak to a couple of the schemes in a moment but I would like first to pick up on some of what was said by my colleague, Senator Ruane, and Senator Conway-Walsh. This is not necessarily an indictment of or reflection on the Minister of State but it is important to acknowledge the impact that austerity measures had on the community development sector. I worked in the community and voluntary sector at the time. I was part of the attempts to organise against cuts in the early period of austerity in 2008 and 2009. We had marches and we had a little logo. Many of these projects were scattered and involved a small number of staff and part-time staff. The sector was not the same as some larger sectors that managed a resistance. There was significant defamation at a time that community development, community spirit and cohesion were most needed.

We must think constructively about where we must go now. At the time national organisations such as the Combat Poverty Agency, considered how one interrogated, and not just identified, challenged and combatted poverty, and the National Consultative Committee on Racism and Interculturalism, worked on ways to integrate communities. In that same set of austerity measures there were cutbacks in community development. Outspoken people raised useful red flags about the problems on the ground, which should have been welcomed. This was not just true in Ireland but across Europe. The European Union has acknowledged that a social pillar must be introduced to repair the great damage done to society and social cohesion in Europe. The loss and atrophication of social cohesion is measurable in the Eurobarometer figures during the period of austerity. It was regrettable that some of those who were most outspoken and generous and who took risks to highlight the issues were sometimes some of the first community development projects to either be absorbed into others or be shut down. The Community Workers' Co-operative in Galway was one of the first to take a strong hit for having a challenging voice.

Within the community development projects that remained there was another problem but, thankfully, there is potential for it to be addressed. We had the 40:40, 10:10 rule. I love that the mission statement on Department's website states: "To promote rural and community development and to support vibrant, inclusive and sustainable communities throughout Ireland". That wider work of building and engaging the community had to move through a grid of what I call 40:40, 10:10 which meant 40% of all the time and resources had to go to training, 40% had to go to employment, and only two 10% envelopes left for community development. Only a small amount was left for youth groups that worked to make young people engage and know themselves as citizens at a time there was no work. Only 10% of funding was left for groups who worked with young people, children, and who were carers or groups that supported people who had disabilities. I encountered the cutbacks when I worked with older people. Some of the brilliant initiatives that had been happening in the empowerment and engagement of older people were atrophied. There was shrinkage in the work of building the fabric of society done by community development groups.

I recognise and like the aspiration that the Minister of State mentioned about "providing communities with a better chance of making choices for themselves and playing a key role designing and delivering appropriate solutions", which is key. One of the great principles of community development is that the community is empowered to recognise what it needs and say, "This is what matters to us, this is what will work for us and this is what we need". There is an unfortunate problem sometimes that in the patchwork of schemes that have been introduced since, with each of them is trying to do good work, they are focused on specific work with specific targets and parameters. The space and flexibility that the community development sector had to empower people to set the agenda and identify ideas that might start in one town but go on to become a national change has been impacted. The ideas for the future of Ireland come from our communities as well and are not simply something that land on a top-down basis. We need to recognise economic, social and transformative ideas and ingenuity that emerge. I say this to the Minister of State because I can see that he is passionate about this brief and recognises the great asset of rural and urban communities.

*7 o'clock*

There are two or three issues I wish to highlight. I welcome the outdoor recreation infrastructure scheme, and the public and shared spaces initiatives. There are strands of funding through the LEADER programme and some funding from the Department of Transport, Tour-

ism and Sport. In terms of public and shared spaces within our urban communities, in particular, there is a challenge now. We want more housing and we need housing that is better. We need to identify spaces. For example, in Dublin 8, we know that many people would like to see the Player Wills site used for social housing, yet Weaver Park is shutting down. We need to recognise that those green spaces and shared spaces are part of the fabric of what makes a community. It is important there is resourcing of public and shared spaces in our urban communities as well as in rural communities. That is really vital. I have spoken about this previously in terms of the pollinator plan. There is almost an ecology and an ecosystem within each place and it is the social as well as the environmental space that needs to be nurtured.

I commend my colleague on the work in Ballaghaderreen - I know Senator Hopkins has encouraged and supported it - to build that excitement around, and support for, communities that are growing and expanding and that have new arrivals coming into them. That is somewhere the Minister of State can play a vital role. It is important resources come with that. For example, communities that take in new members, bringing a vibrancy back to their main streets, have a need for extended bus services and extended health resources. We should ensure that we do not just build houses and apartments on the outskirts of Dublin, for example, but that we plan the resources, the schools, the parks for the children and the people who will live in the area. Similarly in our rural communities, when we bring in people to the community, we should also provide the resources to strengthen and create a vibrant life.

I have a major concern about voluntary bodies, such as Citizens Information services in our towns and communities. One of the most regrettable decisions has been the decision to move away from the autonomy of local Citizens Information services right across Ireland. It is a decision which will haunt the Government. I am a member of the Joint Committee on Employment Affairs and Social Protection and we were deeply unhappy with how we heard about the roll-out of that process. The Minister of State may want to examine this from the perspective of his brief.

I refer to the role of arts centres throughout the country. We know there are tensions and difficulties whereby one place may have an arts centre while another place has a sports centre or community centre. Sometimes there can be a false sense that if a community has one centre, it will not get another centre when, in fact, each centre is doing different but very complementary work. Recently, the Arts Council did an audience survey that looked at the importance of the arts, not just for artists but for the audiences and what it meant for them to have access the arts at local and community level and I ask the Minister of State to look at that.

I commend the digital innovation scheme in regard to the bridges in Galway. I know many people have very tragically lost their lives in Galway, so this scheme is very positive.

Perhaps we could discuss the manner of procurement within SICAP and other funding so we do not have a situation whereby the way in which that funding comes out prohibits the security and the enthusiasm of long-term planning within the sector.

**Senator Maria Byrne:** I welcome the Minister of State to the House. I am positive about the schemes. I will speak from my experience of living in the west, in a city which has many rural villages on its outskirts. From working with those communities, I find that a number of the schemes that come under the remit of the Department of Rural and Community Development have been positive and life-changing for the people living in the local communities. The theme of the Department is about promoting rural and community development and support-

ing vibrant, inclusive and sustainable communities. That is a line that is so important when it comes to communities throughout Ireland.

I want to discuss the rural regeneration development fund. A number of communities in my area have benefitted from this. The community in Murroe in east Limerick has been told it will receive €3.8 million but the letter has not gone out. I pay tribute to the many volunteers because all the applications were put together by volunteers from the community. Murroe is a village surrounded by many other villages and everything had closed down except one pub and a petrol station with a shop. The community knew it had to do something. It looked very closely at the remit of the Department and put together a very successful project called the Murroe Field Project, with a community centre, an incubation centre where there would be lifelong learning and classes in the community, which is under the remit of the Department. It is installing a skate board park, an all-weather pitch and running and walking facilities. It is about bringing people of all ages together. In regard to the all-weather pitch, the work is being done by volunteers and this project has brought the community together. Many people have given their skills and their time to this project. Their application had a great many strands that were inclusive of all ages and encompassed all the areas the Department covers, such as the CLÁR programme and the local improvement scheme.

Many roads and footpaths are not covered by the local authority as they are viewed as side roads but funding under the local improvement scheme has had a significant impact and the community now has a pathway into the village. It has been really positive. I compliment the Minister of State on the funding and I know funding will be available again this year for projects.

Up to 19,000 people benefited from the seniors alert scheme last year. This scheme allows people to live in the security of their own homes and to feel secure within their own homes. People may be living on their own and might fear rural isolation as there might not be a house in sight, with the nearest house a mile down the road. However, they have benefitted from the seniors alert scheme in that they get a device and nominate people so that if anything happens, once they press the button on the device, someone is there within minutes. It has been of great benefit to people living on their own. These people feel they can live comfortably in their own homes, otherwise they would have to go to nursing homes or sell up and move to the nearest village or town. The Department is making a significant investment in rural areas.

In the community centre in Murroe, the plan is to hold different classes. The community has spoken to the ETB and is going to get funding to provide tutors and buy computers. This is all about creating an environment of lifelong learning for different age groups because whether we are young or not so young, one is never too old to learn.

The proposed funding of €1 billion over a ten-year period is a significant investment. I hope we will see greater investment in the future. I want to see other villages benefitting in a similar way to Murroe. It is about putting life and soul back into the community. Other villages will benefit as well, and both the local soccer club and rugby club in Newport use the all-weather pitch for training. As Senator Higgins said, it is about sharing resources. It is about putting facilities in the centre and attracting people from outside. I urge the Minister of State to keep up the good work. The Project Ireland 2040 investments outside Dublin are to be commended.

**Senator Tim Lombard:** I welcome the Minister of State to the House. I was with him on Sherkin Island the day before he was appointed. He was very much involved in this space be-

6 February 2019

fore he became a Minister. He has knowledge of this issue, his heart is in it and he understands it. He gave a wonderful presentation this afternoon which explained all 18 schemes in which his Department is active.

I will focus on two. The town and village renewal scheme is one of the most important and has been rolled out since 2016. It represents major funding, at €53 million, which has been driven into the heart of local government structures. It re-energises villages and towns in rural Ireland. I believe we can do even more with the scheme. The biggest problem in rural Ireland is the derelict houses in villages and towns but the powers to deal with this are not being used. The powers to which I refer lie within the local authority structures. In the 1970s, the town council in Kinsale made 27 houses subject to a CPO and changed the outlook of the town, which thrives today. Cork City Council did the same in the 1990s under Joe Gavin. . A strategy is needed to ensure local authorities use the unique powers they have, which at the moment they are slow to use. We should create a scheme to ensure we get movement in these villages and towns. In Innishannon, there are 14 derelict houses in what is a small village. We could create great benefits for our housing stock, for society and for Ireland Inc. so I implore the Minister of State to engage with local authorities and convince them to use the powers they have. The county managers are reluctant to use the powers, though a few have done so. The powers could be used in cities like Dublin. I travel through Dublin and ask myself how we can allow so many houses to sit there derelict. We need to put pressure on local authority management to move on this.

**Senator Alice-Mary Higgins:** Hear, hear.

**Senator Tim Lombard:** The second scheme I will focus on is the seniors alert scheme, which is unique. This is a game changer. It will change the quality of life of people in their homes by giving security to them. The household benefits package provides free travel and free electricity units, and it may even include free telephone rental now. The seniors alert scheme should be under the package as well and we should push the Department of Employment Affairs and Social Protection to do this. At the moment, community alert groups engage with people of a certain generation and tell them what they can get but we need to do more because we need to ensure everyone can get this. It should be part of the household benefits package on reaching a certain age. It gives security to people who might be living by themselves and feeling secure in our homes is all we want from life. Providing for that in this package would streamline the scheme and benefit all our elderly.

The Department is a shining example of what can happen when there is energy and drive behind something. It has done a lot in a short time. I acknowledge the contribution of the Minister of State given his energy is behind these projects.

**Minister of State at the Department of Rural and Community Development (Deputy Seán Canney):** I thank speakers for their contributions. I came here to listen as well and I will take up Senator Ruane's offer to go into the community in parts of Dublin. It is important to see everything at first hand. As a local activist myself, I know the feelings behind a lot of what has been said this evening. We know what austerity caused.

I agree with Senator Paul Daly that it is not all about money. I was in Tubbercurry a couple of weeks ago for the launch of the smart towns initiative, where I saw some money and a lot of local spirit creating something special, which we will replicate in other towns. All the agencies come together with the local authority to pursue one synchronised agenda. Whether it is the

heart of a city or a rural area, this is the secret weapon.

I smiled when Senator Conway-Walsh said her heart was broken. I thought it was September and her county was in the all-Ireland final again.

**Senator Rose Conway-Walsh:** No, these are bad times.

**Acting Chairman (Senator Catherine Noone):** It will happen next September.

**Deputy Seán Canney:** The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, is overseeing an interdepartmental review of the CE scheme. I believe that if a person aged 55 or over is on a scheme, he or she should be left on it because of his or her chances of getting employment. We should target jobs for younger people. I am a great believer in the rural social scheme and I have worked hard to get more numbers into it. It is not, however, a training scheme so we cannot give money under a job activation programme. It is a social inclusion scheme, it is brilliant and we need to support it. One can find something that is not right in any scheme and we are reviewing the CE scheme to see how we can do it better.

Senator Boyhan said we were not giving enough money while Senator Daly said we were giving too much. Perhaps we will split the difference. If public money is spent, there has to be a strategy and a way to measure outcomes. We cannot just throw money at projects.

Senator Hopkins mentioned an enterprise centre in Ballinasloe. We often think about constructing the buildings and we put a great deal of energy into that. When we have done it, however, we do not look at how we are going to manage and sustain what we have built. Sometimes we do not look at that before we start. We talk about sustainable projects. A project is not sustainable if the building is completed but is not full within a certain period. We must work on that.

Senator Lombard referred to villages. When I drive around big and small towns, I also count the houses that are abandoned. We do not need planning permission, we just need to renovate the houses and put families in there. That would be doing something right. We recognise that within the Department and we have created a living town centre project. We have a pilot scheme whereby we picked six towns and we have allocated funding to local organisations to come up with plans for those towns. They will probably come back with six different ways of doing what they need to do because the circumstances are different. The assets in the towns could be different and the outcomes could vary. We are providing money to these organisations to allow them to draw up their plans. If those plans are workable and sustainable, we can put them forward for consideration under the rural regeneration fund and bring them to fruition. There is a recognition of what has been said and more joined-up thinking is required to ensure progress.

Senator Lombard also referred to Joe Gavin and others who were involved in the CPO. There is the stick and there is the carrot. We are offering a carrot to get people involved and to try to create something different. I think we will achieve that.

I have seen at first hand how effective the seniors alert scheme has been. Senator Byrne referred to a project in Limerick. The one thing about that project is that it is multi-use. In that context, Senator Higgins spoke about arts centres and sports centres. My view is that we should have one building that is multi-use. For example, we have a network of libraries around the country and we are now rolling out digitalisation in them. We also have what is called the

6 February 2019

open library where one can visit a library from 8 a.m. to 10 p.m., 365 days a year. Libraries can also be used for other purposes. We must do more of that. We are doing some positive things.

All of the schemes are under review at any time to ensure that we do not just think we are doing something right but that we look at the outcomes. Changes were made to LEADER funding last year to make sure the operation of the scheme and the application process was streamlined. That has worked but it will be under review again. When I say it has worked, what I mean is that more applications are coming in but the funding must be allocated. We have three years following the closure of the scheme to spend all the money. We are putting pressure on the LAGs to ensure that the money is spent.

It is great to get an input from people who are working in communities, rural or urban, and who understand what is going on. I thank Senators for their input. I am delighted to have the opportunity to talk to them.

We talk about all that we are doing, but we face a profound challenge in the form of Brexit. I am conscious that those who may be affected most by it are rural communities or communities that are in disadvantaged areas. It is a bigger challenge for us in our Department than for other Departments and that is something we must bear in mind. We are working hard to minimise the potential negative effect of a no-deal Brexit but it is imperative that we continue to cultivate resilience, which we have in the communities, and to nurture the volunteerism that exists and to encourage it further.

Building resilience and cohesion among communities in a strategic manner is our best way to ensure sustainable development throughout the country. We talked about regional development, but I call it balanced development. I chair the task force relating to the Atlantic economic corridor and we will create a counterbalance. Broadband is an issue we discussed this morning. One of the guests at the meeting stated that broadband is not an inhibitor to working in rural communities because many people can work from a hub within a town or village even if they cannot work from home. That would be a big draw to keep people living locally, working locally and adding to the economy as well as having a better quality of life rather than spending two or three hours in a car travelling to work every day.

We must be positive about what we are doing. The Department is new, it is positive and it is showing its mettle. I am delighted to be working with the Minister, Deputy Ring. I compliment the Minister of State, Deputy Kyne, who was in the Department prior to me on all the work he did. The officials in the Department are also up for the challenge. I am lucky and privileged to work with such a great bunch of people. I again thank Senators for their contributions.

**Acting Chairman (Senator Catherine Noone):** I thank the Minister of State. That concludes our debate on No. 4. We will not suspend the House before the next business starts. I welcome some friends and associates to the Gallery. We will move on to No. 5 presently.

### **Hallmarking (Amendment) Bill 2016: Committee and Remaining Stages**

**Acting Chairman (Senator Gerry Horkan):** The Minister, Deputy Humphreys, is very welcome back yet again to the House.

Sections 1 to 17, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

**Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys):** I thank the Senators for their contribution to the debate on the Hallmarking (Amendment) Bill 2016 and recognise their support for this measure. As I said, jewellery is an expensive commodity in the lives of consumers, and it is important that people be assured that they get what they pay for. This is an important Bill. It gives consumers the confidence they should have that what they purchase is genuine. I thank Members once again for their great co-operation and I look forward to getting the Bill enacted.

**Senator Jerry Buttimer:** I compliment the Minister and her officials. This is very important legislation, not least because, as the Minister rightly said, it is about ensuring that people get what they pay for and that it is genuine. We have seen a growth in television programmes such as “Antiques Roadshow”, and then we had the whole cash for sale issue. I commend the Minister. I said here a number of weeks ago that the Minister is doing a tremendous job. I encourage her with her officials to highlight the importance of this Bill for the ordinary citizen because, as she said, jewellery is expensive. Let me add that I do not have anything of high quality. It is important we highlight the importance of the Bill and what the Minister has done in it.

**Acting Chairman (Senator Gerry Horkan):** I echo Senator Buttimer’s sentiments. The Minister seems to be the good news Minister at the moment, coming in here with gift vouchers and hallmarking. I was here for the Second Stage debate, during which we had some-----

**Senator Jerry Buttimer:** Do not forget jobs.

**Acting Chairman (Senator Gerry Horkan):** The Minister is not delivering legislation on that matter. We had a short debate last week on Second Stage. I was in the Chair for that as well. We did not need too much debate today as there were no amendments to the Bill. Well done, Minister. I thank all the Members for their co-operation both last week and today.

Question put and agreed to.

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

**Senator Jerry Buttimer:** Maidin amárach ar 10.30.

The Seanad adjourned at 7.35 p.m. until 10.30 a.m. on Thursday, 7 February 2019.