



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 8 Bealtaine 2019

Wednesday, 8 May 2019

Chuaigh an i gceannas ar 2.30 p.m.

Machnamh agus Paidir.
Reflection and Prayer.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: I have received notice from Senator Victor Boyhan that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Housing, Planning and Local Government to make a statement on the funding options available to Clare County Council for the regeneration and upgrade of the public realm, community amenities, sports and leisure facilities in Shannon, County Clare, to address the social and economic decline in the area.

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

The need for the Minister for Employment Affairs and Social Protection to review the current position whereby a person may qualify for a bus pass on medical grounds but becomes ineligible if he or she is in receipt of payments from the Office of Wards of Court.

I have also received notice from Senator Aodhán Ó Ríordáin of the following matter:

The need for the Minister for Education and Skills to ensure the temporary site for the Killester-Raheny-Clontarf Educate Together school will be within the catchment area.

I have also received notice from Senator Robbie Gallagher of the following matter:

The need for the Minister for Health to make a statement on the future of Caridas House, Drumconrath, County Meath.

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

The need for the Minister for Justice and Equality to provide an update on Garda re-sourcing in Limerick city and surrounding areas.

Of the matters raised by the Senators that are suitable for discussion, I have selected those raised by Senators Boyhan, Colm Burke, Ó Ríordáin and Gallagher and they will be taken now.

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I regret that I had to rule out of order the matter raised by Senator Kieran O'Donnell on the ground that it is a repeat of a Commencement matter raised on 4 April, 2019.

Nithe i dtosach suíonna - Commencement Matters

Regeneration Projects Funding

Senator Victor Boyhan: I thank the Cathaoirleach for selecting this Commencement matter and welcome the Minister of State at the Department of Housing, Planning and Local Government, Deputy Phelan, to the House. One might ask why I am raising a matter connected with Shannon.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I can guess why.

Senator Victor Boyhan: I actively engage with councillors from all parties and none and some months ago, I met Gerry Flynn, an independent councillor, to discuss Shannon. I do not have to give anyone a lecture about Shannon. The town has a population of approximately 10,000 people and Clare County Council has had responsibility for it since 2014. There have been a number of reports, including a local area plan and a county development plan. There is a reluctance on the part of Clare County Council, as demonstrated by a look at planning files and engagement as part of the public consultation process, to develop the town centre of Shannon outside SkyCourt, the private shopping centre. Everyone who knows the town will be aware that all of the commercial activity takes place around this commercial and privately-owned building that was once under NAMA but which has since been sold. There are issues in that regard.

The people in Shannon and their elected representatives want a high street. There is no high street there. I know the town well because I have friends who live there and who work in the aviation business. There is nowhere to walk. There are places without footpaths and there is a deficit of facilities. Everyone wants a sense of place, a place to which they belong. A number of surveys and reports have been commissioned, including the Shannon town environment local area plan. It was supposed to be completed between 2012 and 2018, but nothing happened. It has been extended further to 2023.

The residents and public representatives are talking about the creation of a public realm, a place they can call their own. Planners call this “place making”, and it is really important. They wish to see the development of An Bóthar Mór road as a main street, which is part of the vision set down in their plan, and to ensure that the vision for the town extends beyond the town centre, which is privately-owned and to which there is limited access. There is no right of access or public access. In essence, this is about streetscaping, increasing recreational sports facilities for the community and improving the quality of community life, including arts and cultural development, which are at the core of every town and place. It concerns place finding. I spoke to a person who worked in Intel. I asked this person why he or she left, and was told that while the job was great and a great house to live in, the people in Shannon believe it has been neglected, that regeneration and urban renewal has not occurred and that the sense of place has been lost. People are of the view that they cannot stay there.

I will not speak at length about the national planning framework. I welcomed it and have always supported it. I see its potential. However, my concern is funding, access to programmes for regeneration and the building of a sense of place in the heart of Shannon.

Deputy John Paul Phelan: I thank Senator Boyhan for raising this issue and providing me with the opportunity to discuss the support available under the urban regeneration and development fund, URDF. The URDF is a flagship element of Project Ireland 2040, comprising an allocation of €2 billion in the national development plan, NDP, to 2027, with €58 million available in 2019 and an overall Exchequer allocation of €550 million earmarked for the fund up to the end of 2022.

The URDF was established to support more compact and sustainable development through the regeneration and rejuvenation of Ireland cities and large towns, in line with the objectives of the national planning framework and the NDP. This is to enable a greater proportion of residential and mixed-use development to be delivered within the existing built-up footprints of our cities and towns and to ensure that more parts of our urban areas can become attractive and vibrant places in which people choose to live and work, as well as to invest in and visit. Bids were invited from public bodies for funding under the URDF and a total of 189 applications were received by the Department under the first call for proposals. There were a number of such proposals from County Clare, but I cannot recall the exact figure at the moment. On 26 November 2018, the Minister, Deputy Eoghan Murphy, announced initial URDF support of €100 million for a total for 88 projects throughout the country. The applications received concerned a wide variety of themes and sectoral areas, from urban regeneration and public realm works to enabling strategic infrastructure to leverage further development, and cultural and amenity development. Applications received fall into two categories, namely, projects that are ready to go and, second, funding to support the initial development of projects, also referred to as master planning or feasibility, to ensure a pipeline of projects into the future. As part of the first call, Clare County Council was awarded urban regeneration and development fund support, including for the advancement of a master plan to enable planning for future projects in the Shannon area. The Department continues to engage with successful applicants from the first call, including Clare County Council, to agree project composition and sequencing, establish project cost certainty and manage URDF allocations. Once that process is complete, the Department will review the first call, and lessons learned will inform any refinements required for the next call.

In the meantime, Clare County Council should, in anticipation of the next call, consider further projects that might address the social and economic decline in the Shannon area. The Department of Rural and Community Development administers the rural regeneration and development fund, an allocation from which may be available for appropriate projects in the Shannon area. For sport and leisure facilities, we expect an announcement in the not too distant future of a call for new applications to the sports capital programme. In addition, the town and village renewal scheme is another scheme administered by the Department of Rural and Community Development that might be a source of funding for the Shannon area.

I am somewhat familiar with Shannon town, but I do not know it as well as the Senator does. Will he clarify what he said regarding the development plan? Clare County Council has secured funding for the master plan setting out what development should happen in the town and its surrounding areas into the future. The clear indication from the Department is that it is interested in developing Shannon, but there must be a properly planned series of programmes and initiatives for the greater Shannon area. Perhaps the Senator's colleagues in the council might be in a position to indicate when that master plan will be concluded.

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Senator Victor Boyhan: I thank the Minister of State for his response. The Shannon town and environs local area plan was intended to be realised between 2012 and 2018 but has been extended to 2023, allowing time to work out all the concepts, objectives and projects. As I said, there have been three different plans over 16 years. One need only walk around it to see how desperate the place is, despite its great potential for rejuvenation in the context of the Rebuilding Ireland plan. The Minister of State's response gives me the basis for a document I will send to the councillors in Clare, of all parties and none, this afternoon. It will give them an opportunity, in the run-up to the local elections, to put pressure on their political groupings and Deputies. We need to get political in our demands, which is what I would advise all councils throughout the country. It is about having something to build on, generating debate, having town hall and community meetings. As someone who has been down to Shannon and knows many people there, there certainly is a real need for regeneration. I thank the Minister of State for getting the ball rolling as we look to a new round of public engagement.

Deputy John Paul Phelan: Shannon was one of the very few planned towns developed in Ireland, if not the only one. It suffers from some of the shortcomings we see in planned towns in the United Kingdom, such as the lack of an obvious centre. I am not sure whether the Senator chose the right word in describing it as "desperate". I would not say it is beyond redemption.

Senator Victor Boyhan: I said it has great potential.

Deputy John Paul Phelan: The council has received the funding for the master plan. Projects that can be funded by the URDF into the future will flow from that. I agree that the master plan should be expedited.

Free Travel Scheme

Senator Colm Burke: My question relates to a person who receives money from the Office of Wards of Court arising from compensation for a road traffic accident. The person has a disability and attends a service every day, by bus, which ensures they are not confined to a home for the rest of their lives. Their medical condition is so serious that they will never drive again so they have to use public transport but the fact that they receive this sum of money from the Office of Wards of Court means they are not entitled to a free bus pass. I understand that this affects people around the country and I believe it is a glitch in the system. I wonder if the decision on a bus pass could be made on medical issues, so that the person to whom I am referring could access these services every day. The funds are adequate at the moment but will not be adequate to support this person in the long term.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): The free travel scheme provides free travel on public transport services for those eligible under the scheme. There are approximately 940,000 customers with direct eligibility, with an annual allocation of €95 million. People who are eligible for a free travel pass are those resident in Ireland aged over 66, those in receipt of certain social welfare payments, or those who satisfy the visual impairment condition for the blind pension.

It is really important to note that a person in receipt of a qualifying payment receives the pass on the basis of that primary payment and not on the basis of his or her underlying medical condition. While medical evidence will be required to determine eligibility for certain social welfare schemes, it does not generally, of itself, entitle a person to free travel. The one excep-

tion to this involves those who are blind who, in many cases, will have entitlement from childhood.

In circumstances where a person is a ward of court and has insufficient means, he or she may be eligible to apply for a means-tested social welfare payment in the same way as anyone with insufficient means. In the case of means-tested payments, people are assessed on their cash income, property other than the family home, and investments. For all means-tested schemes, there is an initial amount of capital that is disregarded. In the case of disability allowance, for example, a person with €50,000 in savings can be assessed as having no means and, as a result, receive the maximum rate of disability allowance. A person with €113,000 in savings could qualify for the minimum rate of payment and would automatically qualify for the free travel scheme.

If the free travel scheme was to be extended to all people who had a disability or significant health issues, regardless of whether they receive a qualifying payment, a medical assessment process would be required for all such applications, significantly changing the nature of the scheme. It would also have significant costs, would require significant additional administrative processes to be put in place, and could only be considered in the context of overall budgetary negotiations. The Senator should note that, separately, under the supplementary welfare allowance scheme, the Department of Employment Affairs and Social Protection may award a travel supplement in any case where the circumstances of the case so warrant. The supplement is intended to assist with ongoing or recurring travel costs that cannot be met from the client's own resources and are deemed to be necessary. Every decision is based on consideration of the circumstances of the case, taking account of the nature and extent of the need and of the resources of the person concerned.

Senator Colm Burke: This is a genuine case in which a person is travelling every day to attend a service for people with disabilities. This person has a serious disability. They appear not to have the same rights as other people because they are in receipt of moneys from the Office of Wards of Court, and if they, for instance, went to apply for disability allowance in the morning, they would qualify for a disability payment. They now have to pay their bus fare each way, five days a week. They have a disability, which is not going to change, and they are not getting the same services from the State as other people who have the same type of disability. It is in that context I am raising this. The issue needs to be looked at. It should not just be based on social welfare payments but should also be based on particular disabilities.

An Cathaoirleach: Briefly, Minister of State.

Deputy Seán Canney: While I empathise with what Senator Colm Burke is saying, it is important to note that a person in receipt of a qualifying payment receives the pass on the basis of the primary payment and not on the basis of his or her underlying medical condition. If the particular person in this specific case has a serious problem going to the social welfare office, that might be dealt with on its own. At the moment, the important thing to note is that receipt of the pass is based on one's primary payment, not on the medical evidence. I thank the Cathaoirleach.

Multidenominational Schools

Senator Aodhán Ó Ríordáin: Go raibh maith agat. I thank the Minister of State for tak-

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ing this debate. It relates to the Killester-Raheny-Clontarf Educate Together school, which has been given sanction for opening in September of this year after a long campaign. In fact, it is a year since I held a public meeting in Clontarf trying to get a campaign going. As a result of the patronage competition, shall we call it, Educate Together came out on top and an announcement was made that the school would open in September of this year. Many parents are delighted to hear that. However, I am slightly perturbed by the news that it will be a one-stream school as opposed to a two-stream Educate Together school, which is also sanctioned for Dublin 13 in Howth.

In that period of time around and after the campaign, parents have been asking where the school will be located. The catchment area for the school is quite defined. It borders the Malahide Road, the Clontarf Road, the Tonleagee Road and the Kilbarrack Road. We were assuming that the school would be housed within that section, but what has actually happened is that two solutions have been found in the one area. Both new Educate Together primary schools are going to be housed together in the Suttonians Rugby Football Club, outside the catchment area. This smacks to me of a lazy decision by the Department. It is understandable to find one solution for the Dublin 13 Educate Together, and put it in Suttonians temporarily, but to lump the other Educate Together in there, outside of its catchment area, does not make any sense at all to me. What has happened now is that the momentum behind the school has been undermined. Parents who live in Clontarf, Raheny or Killester, who were intending to send their children to this school, do not really fancy the idea of going all the way out to Sutton and back, and have since withdrawn their children's names from the enrolment in the school.

I would like to give some background on this. There have been numerous attempts to establish a multidenominational school in the Clontarf area and the communities around Clontarf going back probably 30 years, and they have all been unsuccessful. Schools have ended up in Glasnevin, Marino or North Bay in Kilbarrack. There has never been a successful campaign until this one, and now we find that the very location of the school is going to be outside the catchment area. The Department needs to re-engage with the process to find a temporary location within the catchment area, which should not be that difficult. It has made a lazy decision in order to locate the school in Suttonians Rugby Football Club, alongside the other Educate Together school. The starting up of a school and the ethos and momentum that surrounds it is so important in the early days, and now we find a number of parents who are very disappointed. First, it is a one-stream school, so it is difficult to get into in the first place. Second, if a child is offered a place, he or she will, as we have discovered, have to travel all the way to Sutton and back. A return trip from Clontarf to Sutton is about 14 km. It is not reasonable for parents to drive infants to Sutton and back just so they can access multidenominational education.

I ask the Minister of State to engage with his Department to reconsider the final decision to use Suttonians Rugby Football Club as the temporary location of Killester-Raheny-Clontarf Educate Together school, re-engage in the process to find a temporary location within the catchment area and ensure this school gets off to the best possible start.

Deputy Seán Canney: I thank the Senator for raising this matter. It gives me an opportunity to set out for the Seanad the position on the temporary site for Killester-Raheny-Clontarf Educate Together school. As the Senator will be aware, the Government announced plans in April 2018 for the establishment of 42 new schools between 2019 and 2022, including a new eight-classroom primary school, to be established in the Killester-Raheny-Clontarf school planning area and which will open in September 2019 in suitable interim accommodation, pending delivery of the permanent school.

The Department appointed a project manager in July 2018 to assist with the work of prioritising the procurement of interim accommodation for the school, which will open in 2019. Numerous locations within the school planning area were considered in regard to the interim accommodation for the school but could not be secured due to the lack of suitability or availability, or prohibitive zoning issues. Therefore, in order to ensure the school could open in September 2019, as announced, it was necessary to look for interim accommodation in adjoining school planning areas.

On 15 March 2019, a planning application was submitted to Fingal County Council for a location at Suttonians Rugby Football Club, John McDowell Memorial Grounds, Station Road, Sutton, D13 AH97. The notification of the decision to grant planning permission was issued by the local authority on 2 May 2019. The new primary school will open in September 2019 in suitable interim accommodation pending delivery of its permanent building.

With regard to the school's permanent location, potential site options within the school planning area have been identified and are currently being assessed. I thank the Senator for giving this opportunity to outline to the Seanad the position with regard to the interim accommodation for the new Killester-Raheny-Clontarf Educate Together primary school to be established in September 2019.

Senator Aodhán Ó Riordáin: This is probably one of the most disappointing responses I have received. I have raised a number of issues concerning education with Ministers and I generally have reasonable interaction but this is probably the most disappointing response. I have a two-page answer, of which only the following sentence sheds any light on the issue: "Numerous locations in the school planning area were considered in regard to the interim accommodation for the school but could not be secured due to the lack of suitability or availability, or prohibitive zoning issues." Is the Minister of State saying the residents who have engaged in this process, campaigned and pre-enrolled their children are stuck with Sutton for the coming years? Is that how it is to be? Is this the end of the matter? Can the matter be reopened? I am not overly enthusiastic about the response I got. I want to know whether the Minister of State can impress on the Minister and the Department that they are completely undermining the validity of this entire project by insisting on parents taking a 14 km round trip to Sutton and back. Sutton is outside the catchment area of the school. I do not accept that the Department has gone out of its way to find suitable accommodation but could not do so due to the lack of suitability or availability, or prohibitive zoning issues. It seems it found one answer for Dublin 13 and made the same decision for Killester-Raheny-Clontarf. This is a lazy decision which needs to be revisited. I would expect a much better response from a Department if it were genuinely taking this matter seriously.

An Cathaoirleach: I do not know whether the Minister of State can shed any further light on the matter for the Senator.

Deputy Seán Canney: As stated in the reply, the project manager was appointed in July 2018, which was almost a year ago. Much of the time spent on this by the project manager was spent trying to source a site within the school planning area.

3 o'clock

A suitable building could not be found due to a lack of suitability or availability, or prohibitive zoning issues. The planning permission has been given for the site. It is an interim site

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and will probably be used for a maximum of two years. It is important that we get on with building the permanent school within the school planning area, for which some sites have been identified. I accept that the situation is unfortunate and that some people have to travel a good distance to the school. That is not ideal but the Department is not lazy. Rather, it is motivated to ensure that the schools it provides are within the school catchment area. It is my understanding the project needs to go ahead to ensure that the school will be ready in September.

Services for People with Disabilities

Senator Robbie Gallagher: I welcome the Minister of State, Deputy Jim Daly, to the House. I raise the proposed closure of Caridas House in Drumconrath, County Meath. The proposal to remove a terminally ill gentleman from the facility has left him and his family distraught. Caridas House is a three-bedroom residential unit, where two people currently reside. One of the residents, a 62 year old male with special needs, has resided there for the past 13 years. It has been his home for that time and he is happy there. His family live within three minutes of the facility. The man has been told that he will be moved from the facility to another which is 20 miles away. As one can imagine, the proposal has greatly upset him and his family. It has come as a shock to them, as everyone knows he is familiar with the surroundings and happy to reside there. It was particularly shocking because the gentleman had been advised by the HSE that he would be allowed to remain in the facility for the rest of his days.

Will the Minister of State intervene in the case and instruct the HSE to postpone or suspend the decision? Removing the gentleman against his will would be cruel and uncalled for, especially given that he is happy there and that a commitment had been given to him that he could remain there for the rest of his life. I ask that common sense prevail and that the HSE postpone the decision in order that the man can reside where he is happy and content to reside for as long as he wishes.

Minister of State at the Department of Health (Deputy Jim Daly): The Government's ongoing priority is the safeguarding of vulnerable people in the care of the health service. We are committed to providing services and supports for people with disabilities which will empower them to live independent lives, provide greater independence in accessing the services they choose, and enhance their ability to tailor the supports required to meet their needs and plan their lives. Significant resources have been invested by the health sector in disability services in recent years. This year alone, the HSE has allocated €1.9 billion to its disability services programme. As part of its ongoing service provision, the HSE will provide more than 8,500 residential places this year to families in need throughout the country. Residential services constitute the largest part of the disability budget. Our policy is for people with disabilities to be supported to achieve their full potential in order that, where possible, they can live ordinary lives in ordinary places doing ordinary things. The need for increased residential facilities is acknowledged, and the HSE continues to work with agencies to explore various ways of responding to this need in line with the budget available. Residential placements for adults with disabilities are considered following detailed clinical assessments by HSE services. Places for those with the most complex needs are allocated on a priority basis and according to the appropriate availability of services.

I am advised by the HSE that the centre referred to by the Deputy today, namely, Caridas House, is a small, three-bedroom bungalow situated on the grounds of the health centre in

Drumconrath, County Meath, and that it caters currently for two residents. In 2018, the HSE decided to review the continued provision of services at Caridas House due to the challenges experienced by the service in meeting the needs of families and service users. The rural location, small house size, perceived poor access to community activities and lack of public transport were key factors in the review. In the course of 2018, numerous meetings were organised by the HSE with families to discuss future plans for the service. More recently, HSE disability services organised a meeting with the families of the two individuals currently living at Caridas to discuss future plans for the facility and its residents. The HSE assures me it is committed to the continuation of a loving and caring environment for the two residents living at Caridas. I am advised that the proposal to move the two residents to an alternative community residential home operated by HSE disability services will ensure these individuals continue to be supported by staff known to them. Further, the HSE envisages that the proposed move to an alternative residential setting will ensure residents are closer to the acute services they may require should an emergency arise.

Senator Robbie Gallagher: I thank the Minister of State for his response. He is a decent, honourable and fair individual. The backdrop to the matter is that the gentleman to whom I referred has resided at Caridas House for the past 13 years, is very happy and feels very safe there. In the event of emergency, there is a GP located next door at the current site. This gentleman does not want to leave and he was led to believe he could stay there for the rest of his days. His family live two minutes from the facility and they want him to stay there also. I request the Minister of State earnestly to bring this matter back to the HSE officials who made the decision to ask them to ensure the wishes of this gentleman and his family are taken into consideration. It would break his heart to leave that facility and it would break his family's hearts to see him leave it also.

Deputy Jim Daly: I do not have any further information, as the Senator will appreciate. I thank him for his comments. Certainly, I am happy to relay his concerns and the facts he has outlined to the HSE to ensure this gentleman and his family have their concerns taken fully on board. One tends to have to look at both sides, as the Senator will appreciate. At 62 years of age, this gentleman may have 20 or 30 years of life to live and we want to ensure he is in the most appropriate and best setting. None of us knows how long any of us will live. At the same time, we want to minimise the trauma, discomfort and stress for the gentleman himself and his family. In that light, I will certainly pass Senator Gallagher's concerns to the HSE.

Sitting suspended at 3.10 p.m. and resumed at 3.30 p.m.

An tOrd Gnó - Order of Business

Senator Jerry Buttimer: The Order of Business today-----

An Cathaoirleach: Please, can I have ciúnas in the House? The Leader is speaking. The noise is not from the Gallery.

Senator Jerry Buttimer: The Order of Business today is No. 1, motion regarding the amendment of the orders of reference of the Special Joint Committee on Climate Action, to be taken on the conclusion of the Order of Business, without debate; No. 2, motion regarding the special meeting of joint committees for engagement on challenges for the European Union on the occasion of Europe Day, to be taken on the conclusion of No. 1, without debate; No. 3,

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motion regarding the arrangements for the sitting of the House on Thursday, 9 May 2019, to be taken on the conclusion of No. 2, without debate; No. 4, Parental Leave (Amendment) Bill 2017 – Report and Final Stages, to be taken on the conclusion of No. 3; No. 5, Wildlife (Amendment) Bill 2016 – Committee Stage (resumed), to be taken on the conclusion of No. 4 and to adjourn not later than 7.30 p.m. if not previously concluded; and No. 6, Private Members' Business, Free Education (Prohibition of Fees and Charges) Bill 2018 – Second Stage, to be taken at 7.30 p.m., with the time allocated to this debate not to exceed two hours.

With the Cathaoirleach's indulgence, at the beginning of our recommencing today I ask that we remember and pay tribute to our former colleague and friend, the late Senator Feargal Quinn. We will be paying tribute to him at a later stage but I want to remember him today as we reconvene after our Easter recess.

Senator Catherine Ardagh: I join in the sympathies to the family of Feargal Quinn on my behalf and on behalf of the Fianna Fáil group.

Today, I raise the issue of the crisis we see in home care throughout the country, not only by paid carers but by unpaid carers. We see huge discrepancies between various local authorities in the allocation of home adaptation grants. Some local authorities spend up to €22 million while others only spend a fraction of that. It is what we call a postcode lottery, but this should be done nationally and there should not be such discrepancies. Some 3,000 people are being left without funding because it is a postcode lottery. Outside Leinster House earlier, we met many people who are in receipt of home care and respite services and are crying out for more funding. There are long waiting lists for home help hours nationally. Local authorities and HSE offices are not funded adequately. Will the House consider the Nursing Home Support Scheme (Amendment) Bill 2016, introduced by my colleague, Deputy O'Dea, which allows for home care to be provided in the home under the fair deal scheme? Most people want to stay in their own homes as they approach the end of their lives. It is important that the Government fund home care services properly.

We still have 10,000 people on the housing waiting list, comprising more than 6,000 adults and more than 3,000 children. Nearly 70% of homeless people are in our capital city. We have seen little progress under Rebuilding Ireland. In my constituency, a small community allotment garden in a park was taken back under the control of Dublin City Council on the basis that it would immediately become the site of rapid-build housing. There has been no such housing provided there to date. St. Michael's Estate is also in my constituency of Dublin South-Central. We were promised a rent-to-buy scheme, but it has not happened. The Government scrapped affordable housing schemes in 2011 and no realistic affordable housing projects have come to fruition. It is a disgrace, as housing is the number one issue affecting people. I welcome the various housing bodies' establishment of an affordable housing campaign. I wish them well and hope that all Senators will join them.

On broadband, a document was published before Leaders' Questions in the Dáil and this led to the suspension of proceedings in the Lower House. The Seanad needs to have a proper debate on the roll-out of the national broadband plan.

I have raised an issue close to my heart on numerous occasions, namely, the Department of Justice and Equality and the processing of Irish Naturalisation and Immigration Service, INIS, applications for citizenship, stamp 4, stamp 2 and family reunification. There are major delays, sometimes of almost two years. It is not acceptable that people who are legally entitled to be in

this country are waiting so long. I call on the Minister for Justice and Equality to examine the delays in processing INIS applications.

Senator Marie-Louise O'Donnell: I wish to raise a matter which I raised a few weeks ago and which is not going to go away. If we look around society generally or even just the Seanad, we are all ageing. Some of us are ageing very well, but our elders need to be looked after in their homes and communities or in voluntary private or public nursing homes. There is a complete lack of adequate nursing home care for our elders. This is a major concern in every town, village and county. In recent weeks, I have been liaising with many of the relevant bodies. There are many problems relating to this matter. There are, however, three main problems, the first of which is Garda vetting. If vetting followed the person and not the institution, young healthcare assistants who are obliged to move around would not have to go through three, four, five, six or seven vettings. Some of them can be out of work awaiting vetting for four to six weeks. Were they given the power to find their own clearances, we might be able to hold onto them in work fulfilling needs for much longer.

The second problem relates to critical skills. This labour force does not fall under the critical skills category. Therefore, it is often impossible for them to enter this country. Conversely, people doing bone work in agriculture can enter the country under the critical skills category. It is extremely important that, as a valued society, we make a distinction between animals in abattoirs and elders in homes. The areas of critical skills, payscales and progression must be examined such that the role of health care assistant to our elders or disabled persons, be it in the community or nursing homes, becomes an attractive career. Currently, a person in receipt of social welfare payments or a pension is precluded by Revenue from working in this area. There are many people in our towns and villages who would like to give of their time but because they are in receipt of a small pension or social welfare payment, they are precluded from doing so. These people should be permitted to work in the community for up to 15 hours per week with no effect on their payments. They should be free to do work for whatever fee the elderly person wants to pay for the service without the Department of Employment Affairs and Social Protection or the Revenue Commissioners taking a cut. If we allowed people in our communities to give back to those communities rather than penalise them for doing so, we would find in this country people at the health care assistant level and other levels as well. We are not thinking creatively about these issues. We are penalising for the sake of it and not allowing people to do a job that they would love to do if they did not face losing part of their pension or social welfare payment.

We are legislators in this House. I would like the Ministers for Health and Employment Affairs and Social Protection to come to the House for a debate on this issue. We could change the position very easily by way of an amendment to the vetting legislation and by addressing the issue of healthcare assistant critical skills. We need to be creative. I ask that the Ministers forgo knocking on the doors of Ireland in the local election campaign and come to the House for that debate.

Senator Rose Conway-Walsh: Yesterday, we had the PR event on the national broadband plan. I stated previously that rural Ireland would not be fooled by this pre-elections stunt. People in rural Ireland know that, with the local elections imminent, they will get rural broadband without even knowing the details of the plan. Meanwhile, the Minister for Rural and Community Development, Deputy Ring, is going around opening footpaths.

Senator David Norris: How does one open a footpath?

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Senator Rose Conway-Walsh: That is what I would like to know.

Senator Terry Leyden: One walks on it.

Senator Aodhán Ó Ríordáin: One cuts a ribbon, I suppose.

Senator Frank Feighan: That is unfair.

Senator Rose Conway-Walsh: It is crazy.

Senator Jerry Buttimer: Senator Conway-Walsh is jealous she could not open it.

Senator Terry Leyden: Senator Buttimer would open an envelope if he got the chance.

Senator Rose Conway-Walsh: I believe Pat Spillane called it right. I do not propose to repeat what he said.

Senator David Norris: Please do.

Senator Rose Conway-Walsh: We all welcomed the establishment of the portfolio of Minister for Rural and Community Development to ensure that rural issues were addressed. What we have is a Minister who announces every LEADER grant. It is not necessary for a Minister to announce every initiative. The LEADER programme was administered for years without any oversight by a Minister for Rural and Community Development. Where is the vision? Issues such as the national broadband plan, broadband service provision, providing the climate for jobs and enterprise and maximising the fibre cable connecting America with the west coast are the issues on which the Minister should be focused, not the opening of new footpaths. What he is doing is astounding and I hope people will see through it in a couple of weeks' time.

We are all aware of the need for rural broadband and we all want to see it delivered. It should be delivered because the lost opportunities around not having it delivered are enormous. We were told yesterday that the worst option is the only option. The Government then turned on the spin. This Government will be known as the Government of spin and bluster. Just over an hour ago, documentation from the Department of Public Expenditure and Reform was released which shows that under the current model, many other projects will be delayed or never happen because of the overspend. People in rural Ireland want to know what is going on. The letter from the Secretary General, Mr. Robert Watt, states that this represents a major subsidy from the taxpayer for private benefits. He goes on to say that he believes there are unprecedented risks to the Exchequer posed by this proposed project. The Government has pursued a procurement model that will see the taxpayer subsidise a private consortium with no experience in the sector to the tune of €3 billion. That State will not even own the infrastructure at the end of the contract. I call on the Minister to come to the House to answer questions on this.

I also note with regret that this year's Ballina Salmon Festival has been cancelled after running for 65 years. Recent rises in insurance costs pushed it over the edge this year. Many festivals and events are under pressure because of unpredictable and inexcusable increases in insurance costs. It means they are no longer viable. The Alliance for Insurance Reform has identified the lack of action from the Government in setting up a Garda insurance fraud unit and a lack of urgency in passing legislation that is needed to tackle insurance cartels. People are fed up of the Government talking about insurance and costs. The Ballina Salmon Festival was important not only to Ballina but the whole of Mayo and the west of Ireland. It is absolutely criminal that the festival cannot go ahead this year because of the costs.

Senator Gerard P. Craughwell: It is massive. People came from all over Europe to it. It is a fantastic festival.

Senator Rose Conway-Walsh: They did. I call on the Minister with responsibility for rural affairs and other Ministers to get their act together and sort out insurance problems so that festivals and really good volunteer work done around the country can be capitalised upon.

Senator David Norris: I seek help on amendments to be made to legislation. We had a number of complicated Bills here recently referring to other legislation in many circumstances. These are very complex matters. I contacted the Bills Office and asked for help. In the past it used to give such help but I was told it can absolutely not do it now. The law office in the Oireachtas is supposed to help us with legislation but it cannot do it either, as it only gives legal advice on the preparation of legislation. Having discussed the matter, we have the suggestion of appointing somebody to give assistance to Members in both the Dáil and Seanad with amendments. It would be very useful.

Senator Jerry Buttimer: The Senator's Independent allowance can be used for it.

An Cathaoirleach: Senator Norris should proceed.

Senator David Norris: I do not know who is this person. He seems to have strayed in from the public area.

An Cathaoirleach: He will have the opportunity to respond formally.

Senator David Norris: He is probably from somewhere like Cork.

I agree completely with my colleague from Sinn Féin. The business with broadband has been appalling. The worst aspect of it is that the taxpayer will pay €3 billion to provide the infrastructure while at the end the taxpayer - having paid for the infrastructure - will not get it. It will go to the private company. This is sheer and unadulterated madness. What are we at?

Senator Jerry Buttimer: That is populism again.

Senator David Norris: What is populism?

Senator Jerry Buttimer: The Senator is being populist.

Senator David Norris: I am not. I am speaking common sense.

Senator Jerry Buttimer: He is not.

Senator David Norris: Does the Senator believe in sending everything to private people-----

An Cathaoirleach: Senator Norris should ignore the Leader for the time being. He will have the opportunity to reply.

Senator David Norris: I will certainly take great pleasure in ignoring the Leader. I heard a kind of gnat buzzing on my right-hand side but it has now gone through the window. It is utterly shocking that the taxpayer should pay €3 billion for infrastructure that it will then not even own. It will be owned by a private company. I rest my case as I am dumbfounded by this.

Senator Frank Feighan: A little over two weeks ago I attended the funeral service of Ms

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Lyra McKee, the young lady whose life was taken in Creggan. At the service I experienced the most powerful 80 seconds of my past ten years when Fr. Martin Magill asked why, in God's name, did it take the death of a 29 year old woman with her life in front of her to get to this point. He sent a challenge, especially to the two main parties in Northern Ireland, Sinn Féin and the Democratic Unionist Party, to get together and get the institutions at Stormont up and running. The interruption in power-sharing has gone on for more than two years. In memory of that very brave young journalist, something should be done. I know the Tánaiste and Minister for Foreign Affairs and Trade is up there as well. I hope the two parties can get together, along with the other members of the council, and that we can get the Stormont Executive up and running. This interregnum has gone on for far too long. I accept that there have been difficulties on both sides but I hope that, in memory of Lyra McKee, sense will prevail.

The €3 billion for the roll-out of broadband has been discussed. I very much welcome the decision in this regard on behalf of those who live in rural Ireland. For far too long, people have been stating that rural Ireland is dead and buried. One cannot get a house now in most towns and villages because of the number of people who are moving to rural Ireland. Broadband infrastructure is badly needed. It has been stated that if somebody is in a house in Mayo or Roscommon, he or she will not be taking up an office in Dublin or spending time commuting here. This balance to the regional divide that has happened over the past 20 years is very welcome. A man stated on Midwest Radio earlier today that this year people spent €44 million on Easter eggs in one month. The amount for broadband is just two months' worth of Easter eggs for the next 30 years, but people are complaining about it. Let us get things in order here. The economy is going extremely well. While we do not like losing or spending money, this infrastructure is badly needed by those in rural Ireland. I will not stand by and listen to populist politicians who shout that rural Ireland is dead and buried and yet give out that we are not delivering. This Government has delivered €3 billion. In five, ten or 20 years' time, we will see this infrastructure, which will be like that relating to the electrification of the west.

An Leas-Chathaoirleach: I welcome Mr. Alistair Bushe, editor of the *Belfast Newsletter*, who is in the company of Senator Marshall, to the Visitor's Gallery. I hope he enjoys his visit to Leinster House.

Senator Terry Leyden: I ask the Leader to invite the Minister for Communications, Climate Action and Environment, Deputy Bruton, to come before the House as soon as possible to explain the rationale behind the tentative decision relating to broadband roll-out. It is only a decision in principle. No contract has been signed and none will be signed during the lifetime of this Government. The matter to which I refer represents the death knell for this Government. I am of the view that this is a scandal. Granahan McCourt Capital is a US company. It does not own 1 m of fibre optic cable, one pole or a single duct. The Secretary General of the Department of Public Expenditure and Reform, Mr. Robert Watt, has given a stark warning to the Minister for Finance, Deputy Donohoe, and the Government. The reason for him doing so is unprecedented. The ESB and EirGrid provide a service to every house in Ireland via poles, ducting and meters and yet they withdrew from the broadband tendering process because something stinks. There is something underhanded about this entire operation. SIRO, the joint venture involving Vodafone and the ESB-----

Senator Jerry Buttimer: Name what is underhanded.

Senator Terry Leyden: -----announced that it would no longer remain in the process. The *Irish Independent* reported on 27 September 2018 that ESB chief Pat Doherty described the

withdrawal as a “difficult” decision saying that “It was made on the basis that Siro was unable to make a business case for continued participation in the process”. Vodafone Ireland also withdrew. That was all on the basis of a €500 million contract. Now, however, the contract is worth €3 billion. There is a stark difference between the two. The difference is that we have Irish people who are qualified. I worked with ESB International in Malaysia when it provided services there and in similar countries. The company is the best in the world. Its poles are already in place. If Mr. McCourt is to rely on those poles, it should be borne in mind that people are withdrawing their services right, left and centre. Land lines are being withdrawn and the poles are deteriorating and are not being replaced. As a former Minister of State with responsibility for post and telegraphs who was involved in the modernisation of the postal and telecommunications services, I am in a position to state that we are not afraid to spend the money - we spent €1 billion in the 1980s on this - but we must get the results. That is the point. What is happening is the basis for a major scandal. More will come out in the next few weeks and months. Bringing it out before the European and local elections is a further political escapade by an inexperienced Minister who has no business experience, past or present, to be in this portfolio. Business experience is needed-----

Senator Jerry Buttimer: What experience did the former Minister Seán Doherty have? What experience did the Senator have?

Senator Terry Leyden: I want to have a debate in this House. The Minister should be brought in front of this House to explain the situation in order that we can put questions to him.

Senator Gerard P. Craughwell: Two weeks ago I had the honour of being invited to Finner Camp in County Donegal for the stand down parade of Sergeant Major John O’Connor, at which I listened to him recount his experience in his rescue in Lebanon 40 years ago. He had just arrived in Lebanon and was severely wounded. While lying dying on the ground, the now retired Sergeant Major Dick O’Hanlon and Corporal Martin Fahy, under mortar and rifle fire from the enemy, travelled 400 m to collect Sergeant Major O’Connor and bring him back to a bunker, from where, under fire, they brought him to a medical treatment unit. Has anybody heard of a medal being awarded to the now retired Sergeant Major O’Hanlon and Corporal Fahy or any of the others who were there? There has not been a word, nothing. If these men had done it while serving with the British Army, they would have received the Victoria Cross. If they had done it while serving with the US Army, they would have received the Medal of Honor. We are a begrudging, mean nation in the way we treat members of the Defence Forces. The Leader has supported the men of Jadotville, from where the commander, Commandant Pat Quinlan, brought 155 men home alive after a battle against 3,000. He has not so much as found his name on a citation. He was entitled to the highest military honours, as were the 168 others who served in the Congo. Last weekend in Cork there was a march to call for respect and loyalty. I thank my colleague Senator Colm Burke for turning up at the march, as did many county councillors and many members of the Fianna Fáil Party. I appreciate that it was a difficult time for people to turn up at such events, but they did turn up to send their good wishes. I know that the Leader has expressed his support for the Defence Forces many times, but at the end of the day, there is more to showing respect than money. We owe it to those who have been neglected and forgotten to carry out a review of every act of valour since Irish troops first went on UN peacekeeping missions in the late 1950s. Not only that, we need to respect those who lost their lives during the Troubles. It is a small matter for most of us, but it is a big matter for their families. I ask the Leader for his support in this quest to right the wrongs of the past. It is never ever too late to do so. The Ceann Comhairle said in the Dáil that the neglect of members

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of the Defence Forces was up there with the Magdalen laundries and other such instances of abuse. In this instance we are talking about acts of valour.

An Cathaoirleach: I remind Members that those who speak for their groups have three minutes. I hate those Members who think they are leaders and want to take four minutes. Because of this some day I will suspend the sitting for half an hour. I ask Members to, please, respect the Chair and adhere to the times allocated to the various groups.

Senator Gerard P. Craughwell: I apologise.

An Cathaoirleach: I do not lightly remind Members that their time is up. When they ignore it, it is frustrating for the Chair and disrespectful.

Senator Colm Burke: All we have at the moment is negative coverage. Last Wednesday in Cork the Taoiseach opened a new primary care centre. It is 62,000 sq. ft in size and the largest in the country. There are 12 general practitioners, GPs, physiotherapists, mental health teams and dieticians in this brand new centre, but not one square inch of coverage was given to it by any of the media outlets, even though there was a big media contingent in the city. Whether people like it, things are happening.

4 o'clock

Mr. Justice Cross referred to screening in a particular case last week and decided, in the context of the judgment handed down, that the appropriate test to apply is that there should be absolute confidence in the results laboratories provide. This raises the possibility of long-term problems for screening programmes. Will laboratories and the relevant supports for services now seek indemnities from the State before they take on this work? We should have a debate on the future of screening. Screening does not involve a diagnostic test, but rather an investigation into whether there are issues that have to be dealt with. It does not provide an absolute and definitive prognosis. There are now major concerns about this matter within the medical profession. For example, is it now the case that a surgeon deciding to carry out a heart operation might be required to be definitely of the view that there is no risk to the patient on whom he or she is operating? Medical practitioners must address this issue as a result of the judgment in question. I am not criticising the judgment, I am merely pointing out that it has set a new legal precedent which should be examined. I ask the Leader to invite the Minister for Health, Deputy Harris, to the House to discuss the issue in order to ensure that screening programmes continue.

Senator Aodhán Ó Ríordáin: I propose an amendment to the Order of Business: that the debate on the Wildlife (Amendment) Bill 2016 should not proceed past 6 p.m. and that Private Members' time commence upon the adjournment of that Bill. I believe the Bill has been given adequate time.

Senator Jerry Buttimer: Can I ask the Senator to clarify what he is proposing?

Senator Aodhán Ó Ríordáin: I am proposing that the debate on the Wildlife (Amendment) Bill 2016, which the Leader has suggested will conclude at 7.30 p.m., be adjourned at 6 p.m., if not previously concluded.

Senator Jerry Buttimer: To assist the House, can the Senator tell us what he proposes to do regarding the Parental Leave (Amendment) Bill 2017?

Senator Aodhán Ó Ríordáin: The Order of Business would remain as it stands. The

Leader is seriously eating into my time, but-----

Senator Jerry Buttimer: I am asking for clarification in an effort to be helpful.

Senator Aodhán Ó Ríordáin: The Leader has suggested the debate end at 7.30 p.m. and I am suggesting that it should conclude at 6 p.m.

An Cathaoirleach: The suggestion is that Private Members' business begins at 6 p.m.

Senator Aodhán Ó Ríordáin: A journalist, Ms Sarah Jane Murphy, has highlighted the issue of anti-social behaviour on the DART. This matter has been raised on numerous occasions in the House. The Labour Party has made a practical suggestion in respect of it and our spokesperson, Senator Humphreys, has been quite vocal about the need for a dedicated transport police or a division of An Garda Síochána to be used to help protect commuters who use the DART. There is a fear that this much needed transport system will be undermined by reports of anti-social behaviour. I often hear about anti social behaviour at the stations in Bayside, Clongriffin and Howth Junction, which are all in my part of the world. The removal of staff from the stations, ticket machines being broken and glass panelling being cracked are just some of the issues that have arisen. I would appreciate a debate on that issue with the Minister for Justice and Equality, Deputy Flanagan, and the Minister for Transport, Tourism and Sport, Deputy Ross.

When those in Fianna Fáil use words such as “scandal” and “underhand”, as was the case following the announcement of the broadband scheme yesterday, it is really the worst of politics. I want to quote into the record of the House the comments of the economist, David McWilliams, who tweeted, “One bidder, astronomical cost, [Department of Finance] against it, yet State forks out €3 billion weeks before an election and will give asset back to consortium who [paid] to build it. This is children’s hospital territory. Fianna Fáil gotta to [sic] pull the plug!”. If Fianna Fáil was in government and acting in this way, Fine Gael would be the first party to cry foul. Just before an election, an announcement has been made regarding a contract relating to rural Ireland and worth €3 billion. Fine Gael may not, for ideological reasons, realise that the real killer for people is that €3 billion of State funding is going into an entity which will then be handed over in its entirety to a private operator. If Fine Gael had the guts, it would not have stood over a situation where the Minister of State, Deputy Pat Breen, was organising and attending dinners with Mr. David McCourt, together with the former Minister, Deputy Denis Naughten. The Minister of State got away with that scot free. Any other Minister of State involved in such a scenario would have resigned on the day it was discovered. Fianna Fáil let it go because it is more interested in retaining its arrangement with the Government until it has improved its poll ratings. For that party’s Members to stand up now and talk about scandal and underhandedness is way out of line.

Senator John O’Mahony: I welcome the announcement regarding the national broadband plan. I can imagine the scenario here today if, instead of giving it the go-ahead, the Government had announced yesterday that it was to be pulled. Senator Conway-Walsh mentioned the Minister for Rural and Community Development, who is well able to defend himself. I recall that the Senator was keen to claim some credit recently for the €27 million investment in a new swimming pool complex at the Sacred Heart Hospital in Castlebar. It is all fair territory.

I take this opportunity to pay tribute to Eugene McGee, the Offaly football manager who dethroned the Kerry team seeking the five in a row. He was a brilliant businessman, newspaper

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editor, family man and community activist. Although we were bitter rivals when we played football at university, I got to know him over the years. I have no idea about his politics but he epitomised everything that was good about rural life and the GAA. He contributed hugely to his community, to counties Offaly and Longford, and to his country. I send my deepest sympathies to his wife, Marian, and family. His passing so suddenly after his son's wedding made his loss doubly traumatic. He will be sadly missed.

Senator Gerry Horkan: We all agree that everybody should have access to decent broadband. At this stage, broadband is as essential as electricity to people in every part of the country. However, it is important that we get value for the money being spent. If one divides the number of households potentially gaining access, some of which will not take it up, by the cost involved, it is a very significant figure per household. Effectively, we seem to be subsidising a private operator which ultimately will take ownership of the entire service. If we were doing it this way, colleagues in Fine Gael would be complaining about it. Will the Leader arrange for the Minister to come to the House for a comprehensive debate while, as yet, nothing has been signed? We all support the provision of broadband for all areas but the technology is changing all the time and this may not be the most cost effective way of doing it. To go from a projected cost of €500 million not so long ago to €3 billion is an enormous jump.

I am aware of a secondary school in south Dublin whose insurance bill has increased from €27,000 to €34,000 this year, even though no incidents or claims were submitted. I support the calls by Senator Conway-Walsh and others for the Minister to return to the House to explain what reforms he is undertaking for the insurance industry. The issues have been discussed to some extent at the finance committee, but the need for clarification remains. We regularly see claims being paid out in very substantial amounts by the courts, and we are all paying for that. The Minister needs to articulate what he is doing and what he has failed to do or been unable to do. I do not doubt his willingness to try but there is a problem with the insurance sector in this country, with our claims culture and with the size of payouts. It needs to be debated in this House and I ask the Leader to organise such a debate urgently.

Senator Michelle Mulherin: I wish to highlight the forthcoming strike action by community employment, CE, supervisors involving approximately 1,250 people around the country next Monday, with a further four days proposed. I am very concerned about the impact on the various community and social services that are provided in the communities which have the benefit of community employment schemes, such as care of the elderly, meals on wheels, Tidy Towns, disability services and a range of other services that are the oil in the machine that makes our communities better places to live in. The idea that such services will not be provided because of a lack of availability of CE supervisors cannot be taken lightly and has to be addressed.

The case made by CE supervisors is based on a Labour Court recommendation that was made over ten years ago and it cannot be ignored, even though it was a recommendation and is not legally binding. Consideration has already been given to the claim the supervisors have relating to pension rights but there is also an issue with the fact that when the CE schemes were established, and people moved from FÁS-SOLAS to the Department of Social Protection, there was supposed to be an element of benchmarking of people who remained in the system with those who came under the employment of various CE companies. The CE companies are run by volunteers throughout the country which facilitate the schemes in partnership with the Department of Employment Affairs and Social Protection. As I understand it, this group has seen no increases in wages in ten years but they have a serious case and there needs to be a serious

discussion about it. It is up to the Minister for Public Expenditure and Reform, Deputy Donohoe, and his officials to see what compromise can be reached over these legitimate complaints, recognising the reality that many of the terms and conditions of these people are set by the Department of Employment Affairs and Social Protection even though they are not in the employment of the Department. There needs to be a balance between this and the financial constraints on the public purse but these people cannot be ignored. There needs to be engagement and I encourage the Leader to communicate this to the Minister.

Senator Rónán Mullen: There will be tributes to our late friend, Senator Feargal Quinn, at a later date and they will be well deserved. All of us who had the privilege of serving alongside Feargal miss him greatly. He was a model of civility and reasonableness around here.

Another great person died yesterday, aged 90. I refer to one of the few truly great people of the 20th and 21st century, Jean Vanier, the founder of the L'Arche communities. He served in the Second World War and later came to work with and serve people with disabilities in a truly exemplary way. There are 147 L'Arche centres in 35 countries where people with and without disabilities live together as equals, with a further 1,800 faith and light support groups for people with special needs and their families and friends across 80 nations. Vanier said living with the disabled helped him to appreciate two truths. First, people with learning difficulties have a great deal to contribute, Second, by living in the community with people, with and without learning disabilities, we open ourselves up to being challenged and to grow. What a marvellous man and what a marvellous contribution he made to the world.

I welcome the broadband development as it is very important and long overdue. I wonder, though, why we cannot be told the actual financial input of the consortium. We know it will be small enough but I do not understand why we always get claims of commercial sensitivity in these cases. Once the taxpayer is putting money into something, all relevant information should be put on the table unless there is a very compelling reason not to do so.

Senator Gerard P. Craughwell: It is not commercial if there is only one bidder.

Senator Rónán Mullen: Indeed. Finally, I would have put in a Commencement matter tomorrow if Commencement matters were allowed. We are just back after a relatively long break and I do not want an early finish tomorrow. There should be an Order of Business and Commencement matters should be facilitated. When was that decided or when was it decided to propose that we would not have Commencement matters or an Order of Business tomorrow? I gather that is the subject of a motion later on. I ask that we have Commencement debates tomorrow. We are long enough out of the House. It is time to get back to business and there should be time for all relevant business tomorrow.

An Cathaoirleach: That is a matter for the House to decide. It has not yet been decided.

Senator Rónán Mullen: I accept that.

Senator Jerry Buttimer: I am glad Senator Mullen is interested in the proceedings of the House.

Senator Rónán Mullen: I have always been interested in them.

Senator Paul Gavan: I begin by mentioning the late Senator Feargal Quinn. While I did not serve with him in the Seanad, I knew Senator Quinn and he was an absolute gentleman, a

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great businessman and a man who always respected his employees.

I support Senator Ó Ríordáin's practical and sensible proposal on changing the times for this evening's business.

I will genuinely try not to be party political in mentioning the case of a 92 year old woman who spent four days on a trolley in University Hospital Limerick, UHL, on the weekend before last. I was contacted on the Monday, the fourth day, by a member of the woman's family and asked if I could intervene. I tried to intervene by ringing the hospital and asking to speak to someone in management. After being put on hold for five minutes, I was told I would have to speak to the communications office. Ironically, when I asked to be put through to that office, I found it could not be contacted. I then tried its direct line and after an hour, I managed to leave a message. The hospital contacted me two hours later to say that was not the way to proceed and I should send an email instead. That was the message I got back three hours after I first tried to raise the issue of this poor 92 year old woman who had been on a trolley in the hospital for four days. As I have said a number of times, there is something fundamentally wrong with the management of UHL. Everybody knows this. I have tried to say that in a way that is not adversarial but the people of Limerick deserve so much better treatment. The idea that anyone, but above all a seriously ill 92 year old woman, would be left on a trolley for four days surely offends all of us. Matters continue to get worse at UHL and we need a political intervention from the Minister. I am calling for such an intervention and a debate on the matter.

An Cathaoirleach: Is Senator Gavan seconding Senator Ó Ríordáin's proposal?

Senator Paul Gavan: I would be happy to do so.

An Cathaoirleach: I thank the Senator for clarifying the position.

Senator Ivana Bacik: Senator Gavan has beaten me to it as I was about to second Senator Ó Ríordáin's amendment. I support the Senator's practical proposal to amend the Order of Business by adjourning Committee Stage of the Wildlife (Amendment) Bill 2016 at 6 p.m. to enable more colleagues to participate in the debate on our very important Private Members' Bill. I also commend Senator Ó Ríordáin on introducing this Bill, which I understand the Government is not opposing. If passed, it would do away with the hidden costs of so-called free education that have crept in for many parents. I speak as somebody who has had personal experience of being charged admission fees, enrolment fees and so on. It is an important Bill because these costs create real hardship for many people and undermine the principle of free education.

This morning, Senator Ardagh, Senator Devine and I had the pleasure of attending the opening by the Minister for Education and Skills, Deputy McHugh, of a new school building on the site of the Griffith Barracks multidenominational school in Dublin 8. It took the parents, board of management and friends and supporters of the school 19 years to get this wonderful new building in place but it is great to see. There was a large community turnout this morning for the opening, which is a positive good news story. Senator Ó Ríordáin's Bill, if passed, would send out a positive message to parents and school communities and would not preclude genuinely voluntary contributions under particular conditions.

I join others in paying tribute to our dear friend and colleague, Senator Feargal Quinn. This is the first time we have had an opportunity to do so in the Seanad. I would like to say what a gentleman he was and what a pleasure it always was to work with him.

I am proud to be involved in a conference in Trinity College Dublin this weekend, which is being run by a coalition of different organisations supporting survivors of institutional abuse in memory of Ms Christine Buckley. It is a very important and significant event at which we will mark the anniversary of the State's apology to survivors of abuse in industrial schools and other institutions. It is a timely way to remember the many survivors and the injustice done to them by the State and others.

Senator Victor Boyhan: I join Senators who have paid tribute to Senator Feargal Quinn. I knew him well and as a matter of fact I worked in one of his stores as a student. He was a true gentleman and a very kind man. I was particularly privileged and delighted when he agreed to endorse me and sign the nomination paper allowing me to contest the Seanad election. It was a very kind, generous offer made by him. At the time, he was very ill in hospital. He asked to see me and I went to see him. He signed the nomination paper and duly got it here. On a personal level, I will always be grateful for the opportunity he gave me.

On 13 September 2018 the Government issued a press release and launched a campaign to establish the Land Development Agency which was to have a budget of €1.25 billion and to build 150,000 new homes. Today we are still waiting for a draft of the primary legislation required to give this organisation the muscle and teeth to face the many challenges it will face in land acquisition. There will be difficulties as the agency proceeds to do its work. It has a mandate from and been established by the Government. It is important that we enact the legislation to give it force, power and teeth to get on with meeting the major challenge and job at hand. At some stage, when possible, will the Leader find out from the office of the Minister the likely date for publication of either a draft scheme or the Bill? It is important legislation which is needed. At the time of the launch the Minister said it was essential that the legislation be progressed to give the agency the teeth and power required. Any information or assistance the Leader can give the House on the matter would be appreciated.

An Cathaoirleach: I, too, wish to be associated with the remarks on and tributes paid to our former colleague Feargal Quinn. I was glad to have been at his funeral mass last Saturday week. I am sure appropriate tributes will be paid to him here in due course, as is appropriate.

I endorse what my colleague Senator O'Mahony said about the late, great Eugene McGee. Those interested in sport, particularly the GAA, will never forget the third Sunday in September 1982. It was an extraordinary event, for which Mr. McGee is primarily remembered, but I am sure Senator O'Mahony has other memories, including those he might wish to forget, but that is for another day.

Senator Jerry Buttimer: As I said in announcing the Order of Business, it is important today, as we reconvene, that we pay tribute to and remember the late Feargal Quinn, to whom we will have tributes in due course. I again offer sympathy to his family on his very sad passing.

It is also important that we remember Lyra McKee who was tragically killed in the North. I hope her death is a reminder to all of us that we must never go back to the days of old.

As the Cathaoirleach and Senator O'Mahony have done, I pay tribute to Eugene McGee who was not just a GAA manager but also a person who was very insightful in his commentary on rural Ireland and political affairs and the world of journalism. He was innovative in his thinking.

We should also remember the people who were killed in Sri Lanka since we last met. We

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do so mindful of the fact that we are privileged to be here.

As Senator Mullen said, we are back from our laethanta saoire. It is as a consequence that I remind the House that the Seanad Committee on Procedure and Privileges received a request to use the Chamber for Europe Day tomorrow, to which request other members of the committee and I acquiesced. The decision was made by the committee. It is my intention to conduct business tomorrow.

On the amendment proposed by Senator Ó Ríordáin, to be fair to Members of the House who are not here, the Minister for Education and Skills is taking oral questions in the Dáil and will not be available until 7.30 p.m. As the House knows, the Government is not opposing the Private Members' Bill. With regard to what Members who have legislation being taken prior to the Private Members' Bill have intimated and in the understanding it is a matter for the House to accept or reject the business of the House proposed, I hope we can accept my proposal on the Order of Business. I am not trying in any way to be unhelpful to anybody. The Minister will not be available until 7.30 p.m. Other Senators have tabled amendments to the Wildlife (Amendment) Bill 2016. They have indicated to me - and to other Senators through their groups, I am sure - their availability or otherwise. I will not curtail the debate on the Private Members' business. It remains the intention that two hours will be allocated, as is normal. I cannot accept the Senator's amendment on the basis that the Minister is not available, but I nonetheless assure the Senator the Government will not oppose the Bill at this Stage.

There was a visiting delegation from Shanghai, accompanied by Séamus Hennessy, who is a friend of Senator Maria Byrne. I had intended to welcome them but they have left the Chamber.

Senator Ardagh raised the important issue of home care packages, while Senator Marie-Louise O'Donnell spoke about older people and the need to provide support for them. This week, Jim Power wrote an interesting article in the *Irish Independent* on the cost of care for older people, which amounts to €4.5 billion. The care of older people needs to be addressed. I fully agree with the sentiments expressed by Senator Marie-Louise O'Donnell and commend her on the publication this week of *Irish Working Lives*. As we live longer and as our population grows older, we all seek better types of care and facilities, and the Senator is correct that we need to be more creative in that regard. I am happy to hold that debate in due course.

The issue of housing was raised by Senator Ardagh. The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, will appear before the House next week to take part in a debate on housing, which I will be happy to join.

Senators Ardagh, Leyden, Conway-Walsh, O'Mahony, Feighan, Ó Ríordáin, Horkan and Mullen raised the matter of broadband. Much of the focus has been on the correspondence from Mr. Robert Watt, the Secretary General at the Department of Public Expenditure and Reform. Those who argue against the plan did not consider, or chose not to refer to, the correspondence from the Secretary General of the Department of Communications, Climate Action and Environment, Mr. Mark Griffin. He has spoken with optimism about the bidder achieving savings and about how in ten years, all those who seek broadband will have access to higher-speed broadband and its benefits. It beggars belief to listen to the likes of Senator Norris, yet again, and others with a populist agenda. Are they really saying they do not want people to have access to broadband? Are they against the plan for broadband?

Senator Gerard P. Craughwell: No, they just want value for money.

Senator Jerry Buttimer: I understand that but I am asking whether that is the point people are making.

Senator Rose Conway-Walsh: No, it is not.

Senator Jerry Buttimer: Are they saying they want there to be a digital divide in our country? As sure as day follows night, Senator Conway-Walsh, of whom I am fond, will tell the House the country is falling down, that we do not have access to broadband, that there are no jobs in rural Ireland, that people are running away to the capital and that we cannot have that. It is all about County Mayo. The Minister for Rural and Community Development, Deputy Ring, is doing a great job in County Mayo, as the Senator will be aware. As Senator O'Mahony said, Senator Conway-Walsh, too, likes to attend the opening of envelopes. I saw her at the weekend in her County Mayo jersey cheering on the boys in green and red and they had a great win. The Minister is delivering for rural Ireland, as the Senator knows quite well. She just wishes she was in government with the Minister.

Senator Rose Conway-Walsh: What about broadband? It will take seven years to provide, at a cost of €3 billion.

Senator Jerry Buttimer: The Senator referred to a lack of vision. Is it not wonderful that the Minister and other members of the Government have a vision for rural Ireland to be connected, where there is no digital divide but where there are jobs and an Internet speed that will allow people to be taught remotely, to work from home and to do school projects? If one watched the "Six One News" last night, one will have seen the people whom the Senator represents welcoming the plan and bemoaning that they cannot do their homework-----

Senator Rose Conway-Walsh: A plan will not help me to send an email on a Monday morning.

Senator Jerry Buttimer: -----and lamenting that they cannot have high-speed connectivity. The good news is that the Minister for Communications, Climate Action and Environment will appear before the House on Thursday, 16 May for the debate on the broadband plan. All those who ride on the horse of populism can attend the debate and then tell the people they were in favour of broadband in Dublin but against it elsewhere.

(Interruptions).

Senator Jerry Buttimer: Senator Ó Ríordáin is not on stage at the Abbey now. We know his Trumpian call will be put to good use, but I ask him to cast his mind back to his good colleagues in the Labour Party who were in government. He should go back and listen to the clip from "Morning Ireland" this morning.

Senator Aodhán Ó Ríordáin: I did. It was enlightening.

Senator Jerry Buttimer: The bottom line here is-----

Senator Aodhán Ó Ríordáin: The Labour Party would never stand over this and the Leader knows it.

Senator Jerry Buttimer: The Labour Party stood over a lot worse.

Senator Aodhán Ó Ríordáin: The Leader knows it. It is €3 billion worth being given over

to a private entity.

An Cathaoirleach: The Leader without interruption, please.

Senator Jerry Buttimer: I cast-----

Senator Aodhán Ó Ríordáin: The Leader knows I am right. That is the problem. He actually agrees with me.

Senator Jerry Buttimer: The problem with the Labour Party is that it is never wrong. It is right about everything.

Senator Aodhán Ó Ríordáin: There are lots of problems with the Labour Party.

Senator Jerry Buttimer: It is right about everything. It should go back to the days of bread and roses.

An Cathaoirleach: Can we go back to the Order of Business?

Senator Terry Leyden: Someone is wrong but never themselves.

Senator Jerry Buttimer: “If in doubt, leave them out” was formerly the great clarion call of Senator Leyden’s party leader but we should go back to the days of Mary O’Rourke and the sale of Telecom Éireann. However, we will not as it is the first day back.

Senator Craughwell raised the need to remember acts of valour and I concur with him. Unfortunately, I could not make it to the march last Saturday as my niece and goddaughter was making her first holy communion. It was one of those rare occasions when I put family first.

Senator Gerard P. Craughwell: I know the Leader would have been there.

Senator Jerry Buttimer: Senator McFadden has been a champion in the House and an advocate in that regard. Senator Colm Burke was present. It is important that the acts of valour Senator Craughwell raised are taken seriously. The appropriateness of that should be addressed with the Minister of State with responsibility for defence, Deputy Kehoe. We will have that debate either by way of a Commencement matter or otherwise in the House. Perhaps Senator Craughwell and I can speak about how to progress that.

Senator Colm Burke referred to the primary care facility which was opened in Cork last week. It is a fantastic, state-of-the-art, model facility which the Senator was right to praise. I commend the Senator and others on their work to ensure the facility was established. I pay tribute to and thank Tony McNamara who has intimated his intention to retire from public service as CEO of Cork University Hospital. I thank him for his 27 plus years of service to the health service and wish him well in his new career. Senator Burke raised the very interesting judgment of Mr. Justice Cross in the Morrissey case and the questions he posed on future screening. It is a matter on which we need to have a debate and conversation. Health and medicine are not exact sciences and it is right to raise the issue.

Senator Ó Ríordáin referred also to dedicated transport policing. Senators Horkan and Conway-Walsh referred to insurance and the need to have the Minister come to the House to discuss it. I would be happy to have those debates in the House in due course.

Senator Mulherin referred to the impending strike by community employment supervisors.

The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, has been in discussions with community employment supervisors' representatives. Those involved held a protest outside Leinster House before the Easter recess and it is a matter we need to see resolved. We all recognise the importance and benefits of community employment schemes for local communities and I would be happy to have a debate on the matter.

I overlooked Senator Mullen's tribute to Jean Vanier for his huge work to give people with intellectual disability hope, home and life and joy. I join the Senator in expressing gratitude for Mr. Vanier's well-lived life.

Senator Gavan referred to a lady in Limerick. I do not have the information to which he referred but my comment is simple. Any person of that age should not have to spend four or 48 hours on a trolley, let alone four days. It is an issue to which the Senator continually refers. As he knows, the Government is committed to addressing the issue in University Hospital Limerick and we have seen a new build sanctioned and commenced. I hope the matter can be addressed urgently.

I commend Senator Bacik on attending the conference she referred to. I do not have the answer on the Land Development Agency which Senator Boyhan sought but I will take the matter up with the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy.

I welcome the members of the campaign to save Fermoy Weir who are in the Public Gallery with Deputy Kevin O'Keeffe. They appeared before the Committee on Public Petitions today and I hope they had a very good hearing there. I hope Senator Ó Ríordáin understands I cannot accept his proposed amendment to the Order of Business because the logistics do not make it possible. If the House agrees, the business tomorrow will be the Judicial Appointments Commission Bill 2017.

An Cathaoirleach: Senator Ó Ríordáin has proposed an amendment to the Order of Business: "That No. 5 be adjourned at 6 p.m., if not previously concluded, and that No. 6 be taken at 6 p.m." Is the amendment being pressed?

Senator Aodhán Ó Ríordáin: Yes.

Amendment put:

| The Seanad divided: Tá, 19; Níl, 16. | |
|--------------------------------------|----------------------|
| Tá | Níl |
| Ardagh, Catherine. | Burke, Colm. |
| Bacik, Ivana. | Burke, Paddy. |
| Black, Frances. | Buttimer, Jerry. |
| Boyhan, Victor. | Byrne, Maria. |
| Clifford-Lee, Lorraine. | Coghlan, Paul. |
| Conway-Walsh, Rose. | Conway, Martin. |
| Craughwell, Gerard P. | Feighan, Frank. |
| Daly, Paul. | Hopkins, Maura. |
| Davitt, Aidan. | Lawlor, Anthony. |
| Devine, Máire. | Lombard, Tim. |
| Gavan, Paul. | McFadden, Gabrielle. |

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|-------------------------|--------------------|
| Higgins, Alice-Mary. | Noone, Catherine. |
| Horkan, Gerry. | O'Donnell, Kieran. |
| Humphreys, Kevin. | O'Mahony, John. |
| Mac Lochlainn, Pádraig. | O'Reilly, Joe. |
| Ó Donnghaile, Niall. | Richmond, Neale. |
| Ó Ríordáin, Aodhán. | |
| Ruane, Lynn. | |
| Warfield, Fintan. | |

Tellers: Tá, Senators Aodhán Ó Ríordáin and Ivana Bacik; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared carried.

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

| The Seanad divided: Tá, 20; Níl, 19. | |
|--------------------------------------|----------------------|
| Tá | Níl |
| Ardagh, Catherine. | Burke, Colm. |
| Bacik, Ivana. | Burke, Paddy. |
| Black, Frances. | Buttimer, Jerry. |
| Clifford-Lee, Lorraine. | Byrne, Maria. |
| Conway-Walsh, Rose. | Coffey, Paudie. |
| Craughwell, Gerard P. | Coghlan, Paul. |
| Daly, Mark. | Conway, Martin. |
| Daly, Paul. | Feighan, Frank. |
| Davitt, Aidan. | Hopkins, Maura. |
| Devine, Máire. | Lawlor, Anthony. |
| Gavan, Paul. | Lombard, Tim. |
| Higgins, Alice-Mary. | McFadden, Gabrielle. |
| Horkan, Gerry. | Mulherin, Michelle. |
| Humphreys, Kevin. | Mullen, Rónán. |
| Mac Lochlainn, Pádraig. | Noone, Catherine. |
| O'Donovan, Denis. | O'Donnell, Kieran. |
| Ó Donnghaile, Niall. | O'Mahony, John. |
| Ó Ríordáin, Aodhán. | O'Reilly, Joe. |
| Ruane, Lynn. | Richmond, Neale. |
| Warfield, Fintan. | |

Tellers: Tá, Senators Aodhán Ó Ríordáin and Ivana Bacik; Níl, Senators Gabrielle McFadden and John O'Mahony.

Question declared carried.

An Cathaoirleach: There was an equality of votes. Therefore, pursuant to Article 15.11.2° of the Constitution, I exercised my casting vote. I vote for the question in this case, the result of the vote now being: Tá, 20; Níl, 19.

5 o'clock

Special Committee on Climate Action: Motion

Senator Jerry Buttimer: I move:

That, in relation to the orders of the Seanad of 4th July, 2018 and 29th January, 28th February and 14th March, 2019, establishing and amending the orders of reference of the Special Committee on Climate Action, the orders of reference are hereby amended – (a) by the substitution of the following subparagraphs for subparagraphs (i) to (v) inclusive of paragraph (a):

‘(i) in view of the recommendations of the Joint Committee on Climate Action contained in its report entitled “Climate Change: A Cross-Party Consensus for Action”, laid before both Houses of the Oireachtas on 29th March, 2019:

(I) having heard more from experts, and having been informed by the public consultation and the review of fuel poverty recommended in Chapter 6 of the Committee’s report, report on:

(A) the optimal and most transparent way of using the increased proceeds from the carbon tax, and

(B) the range of other measures that need to be introduced by the Government to enable those most impacted by the increase in tax either to be directly compensated (through, for example, the fuel allowance), and/or to be able to benefit from State-funded climate action measures (such as retrofitting); and

(II) follow up on progress made implementing the recommendations contained in the report, including the amendment of existing climate action legislation, and/or the development of new climate action legislation;

(ii) contribute to the development of Ireland’s draft National Energy and Climate Plan 2021-2030, in the context of the Regulation on the Governance of the Energy Union (COM 2016/759);

(iii) review the proposals in the All of Government Plan on Climate Disruption, due in May 2019;

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(iv) continue to consider the recommendations contained in the document entitled “Third Report and Recommendations of the Citizens’ Assembly: How the State can make Ireland a Leader in tackling Climate Change”, and engage with Government departments on their climate actions;

(v) generally assess the state of play in relation to the sectoral adaptation plans (as required under the Climate Action and Low Carbon Development Act 2015 and as set out under the national adaptation framework) of relevant Government departments, and, in this context, engage with the Secretaries General of those departments in relation to the proposed adaptation measures to be included in such plans, taking into account the National Development Plan;

(vi) examine such reports as are published by the Intergovernmental Panel on Climate Change, including its Special Report on Climate Change and Land, due for publication in August 2019;

(vii) examine the 2019 Annual Review of the Climate Change Advisory Council and engage with relevant stakeholders thereon; and

(viii) consider such other related matters, and engage with such other relevant stakeholders, as the Committee sees fit;’; and

(b) by the substitution of the following paragraph for paragraph (f):

‘(f) the Joint Committee shall report its conclusions and recommendations on the matters contained in subparagraphs (A) and (B) of subparagraph (i)(I) prior to 30th September, 2019.’.”

Question put and agreed to.

Joint Committee Meeting on Challenges for the European Union: Motion

Senator Jerry Buttimer: I move:

That, notwithstanding anything in Standing Orders, three or more Joint Committees, in accordance with their orders of reference, may hold a joint meeting or meetings in the Seanad Chamber for the purpose of engagement on policy challenges for the European Union on the occasion of Europe Day 2019 on Thursday, 9th May, 2019: Provided that the quorum for the joint meeting shall be 10, and provided further that the Chairperson of the relevant Joint Committee may act as Chairperson for the purposes of the meeting, or the portion thereof relevant to his or her Committee’s remit.

Question put and declared carried.

Sitting Arrangements: Motion

Senator Jerry Buttimer: I move:

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

(1) The Seanad shall meet at 1.30 p.m. on Thursday, 9th May, 2019 and the following arrangements shall apply:

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

(b) there shall be no Order of Business;

(c) the business to be taken shall be confined to the item set out in the Schedule to this paragraph and, accordingly, no other business shall be taken unless the Seanad shall otherwise order on motion made by the Leader of the House or such other Senator as he may authorise in that behalf.

Schedule

Judicial Appointments Commission Bill 2017 [Dáil] – Committee Stage (resumed).

The proceedings on the Committee Stage of the Judicial Appointments Commission Bill 2017 [Dáil] shall be taken at the commencement of public business and shall, if not previously concluded, be adjourned at 3.30 p.m.

(2) The Seanad on its rising on Thursday, 9th May, 2019, shall adjourn until 2.30 p.m. on Tuesday, 14th May, 2019.”

Question put.

Senators: Vótáil.

An Cathaoirleach: Will the Senators claiming a division please rise?

Senators Gerard P. Craughwell and Rónán Mullen rose.

An Cathaoirleach: As fewer than five Members have risen, I declare the question carried. In accordance with Standing Order 61, the names of the Senators dissenting will be recorded in the Journal of the Proceedings of the Seanad.

Question declared carried.

Parental Leave (Amendment) Bill 2017: Report and Final Stages

Acting Chairman (Senator Gerry Horkan): I remind Senators that they may speak only once on Report Stage, except the proposer of an amendment, who may reply to discussion on the amendment. Furthermore, each non-Government amendment must be seconded.

Government amendment No. 1:

In page 3, between lines 8 and 9, to insert the following:

“Amendment of section 2 of Principal Act

2. Section 2(1) of the Principal Act is amended by inserting the following definitions:

“ ‘specified Act’ means the Parental Leave (Amendment) Act 2019;

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‘specified day’ means the day on which the specified Act comes into operation;”.”.

Minister of State at the Department of Justice and Equality (Deputy David Stanton):

When we were last here I gave an undertaking to progress the Bill in Government time, reflecting the Government’s support for the aims of the Bill. Increasing choices for working parents and helping to provide them with the opportunity to spend more time with their children is a worthwhile aim, and we all share it. However, Senators will appreciate that the development of policy in this area is not straightforward and that the legislation is more complex than people realise. On Committee Stage I outlined a number of amendments the Government would be bringing forward on Report Stage. While those amendments initially appeared to be straightforward, the Senators will accept that in reality this is seldom the case, indeed, those amendments proved to be a lot more complex than anticipated.

The amendments are intended to balance the respective needs of parents and employers. As the House is aware, the Bill seeks to expand the current parental leave allocation from 18 weeks to 26 weeks. Doing so would place a financial and administrative burden on employers. On Committee Stage I outlined that if only 10% of eligible parents in the public sector were to take the leave in the health and education sectors it would amount to a cost of approximately €1.2 million. A 100% take-up would cost the Exchequer in excess of €12.4 million. Senators will recall that these figures do not include costs arising from An Garda Síochána, the Irish Prison Service, the Defence Forces, customer-facing units or the public service, including the Department of Employment Affairs and Social Protection and the Revenue Commissioners. Neither do these figures take into account the loss of productivity or the loss of trained and experienced staff members from back offices. When the extra eight weeks are added to existing provisions, namely, maternity leave, paternity leave and carer’s leave, and existing parental leave entitlements, the impact becomes greater on employers. The Office of the Attorney General has highlighted the issue of the cumulative burden on employers and the risk of unconstitutionality. We therefore have to ensure that the burden on employers is not disproportionate.

To address these concerns, the Government is proposing that the additional entitlements arising under this Bill will be phased in over two years. This is intended to give private and public sector employers time to adjust to the new leave regime. At the same time it will ensure that it will come on stream for parents from 1 December 2019. I will discuss this phased approach in more detail shortly when we come to the relevant amendment.

I must also mention that the work that my Department is undertaking in respect of other strands of family leave policy recognises that helping working parents to have more flexibility and greater choice in how they balance their professional and family lives has positive benefits for families and societies as a whole. In this context, A Programme for a Partnership Government includes a commitment to increase paid parental leave during the first year of a child’s life as the research shows that children benefit most from parental care at this stage of development. Senators will recall that I recently joined with the Minister for Justice and Equality, Deputy Flanagan, and the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, to secure Government approval to draft legislation to implement that commitment and to introduce a new paid parental leave scheme later this year. This scheme will provide a paid parental leave entitlement for each parent of a child under one, whether employed or self-employed. Leave will initially be set at two weeks, and it is the Government’s intention to increase the period of leave on a phased basis up to seven weeks over the next three years. This leave is in addition to the existing maternity, paternity and adoptive leave entitlements and will provide

working parents with further opportunities to spend more time with their baby in its first crucial year of development.

I propose to take amendment No. 1 on its own as it involves an amendment of section 2 of the 1998 Act. The first amendment is straightforward; it updates the Bill to update the 1998 Act to insert the definition of a “specified day” and a “specified Act”. The term “specified day” is required throughout the Act to ensure that when the Act commences on the specified day parents will be able to apply to take their entitlement to additional parental leave from the date the Act is commenced. The term “specified Act” is required to ensure that parents who did not use their full entitlement to leave under the 1998 Act, as amended in 2013, will be able to claim any unused leave if that child is still under the new qualifying age of 12 years.

Senator Ivana Bacik: This is a very important Bill, and I very much hope it will be brought into law very swiftly. I acknowledge the fact that this Bill is an initiative of Deputies Shortall and Catherine Murphy. The Bill was passed by the Dáil nearly a year ago, on 13 June 2018, and came to the Seanad in November but Second Stage was only taken in the Seanad when Fianna Fáil gave its Private Members’ time and, indeed, it only moved on to Committee Stage on 6 February this year when we, the Labour Party Senators, gave over our Private Members’ time for Committee Stage. I am glad we are taking it now in Government time.

The Minister promised us amendments which are now before us. We all want this Bill to come into effect because of the great improvements for parents that it will represent. I acknowledge the Government has worked with Deputy Shortall in bringing the amendments forward. I spoke to Deputy Shortall today. I will not be opposing the amendments, nor will any of my colleagues, because we want to see this Bill come through because we know how important it is to families. From Deputy Shortall’s point of view, it was somewhat disappointing that the amendments appeared so late. It would have been preferable to have had more consultation more recently. There was consultation, and I acknowledge that, between the Department and Deputy Shortall, but more extensive and recent consultation might have been preferable.

Colleagues of mine share concerns about amendment No. 10 which refers to the commencement of the legislation and provides that the Act shall come into operation on a day or days appointed by the Minister. We are concerned about the start date. I anticipate the Minister will say 1 September 2019 will be the date on which the provisions will come into effect as that date is specified in amendment No. 2. However, many parents are running out of parental leave provision and were hoping the Bill might come into effect in time for the summer holiday period, perhaps by July or 1 August. That may be something of a disappointment.

Having said all that, I do not wish to sound begrudging or negative because this is a positive Bill and development. It is a positive day for the Seanad and I commend the Government on working with Deputies Shortall and Catherine Murphy to ensure the Bill comes through. I simply make those points about the amendments but, as I say, do not oppose the Bill or any individual amendment. We all know and understand the great benefit that enhanced parental leave provision will represent to many families, parents and children.

Acting Chairman (Senator Gerry Horkan): This piece of business must finish before 6 p.m. because we will be dealing with Private Members’ business.

Senator Ivana Bacik: I do not intend to speak again.

Acting Chairman (Senator Gerry Horkan): We are only dealing with amendment No. 1

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at the moment. I will give Senators an opportunity to make a contribution towards the end if they want but, unless somebody has a specific contribution on amendment No. 1, I will move on.

Amendment agreed to.

Government amendment No. 2:

In page 3, to delete line 11 and substitute the following:

“(a) by inserting the following subsection after subsection (1):

“(1A) The reference in subsection (1) to a period of 18 working weeks shall be construed—

(a) in the period from 1 September 2019 to 31 August 2020, as a reference to a period of 22 working weeks, and

(b) on and from 1 September 2020, as a reference to a period of 26 working weeks.””.

Deputy David Stanton: The purpose of this amendment is to amend the Parental Leave Act 1998 to increase the current 18-week unpaid parental leave entitlement to 26 weeks. The Government now proposes that this increase in parental leave should be phased in in two blocks of four additional weeks from 1 September of this year and a further four weeks from 1 September 2020. As I have already mentioned, while all of us are in favour of supporting working parents we must remain cognisant of the potential effect on employers, especially very small employers. In the absence of pre-legislative scrutiny, I invited the views of all affected stakeholders, including employers. IBEC subsequently made a submission to the Department in which it outlined its key concerns regarding the legislation. It cited the consequence for employers and particularly, as I said, SMEs with small numbers of employees in terms of administrative and cost burdens, the challenge involved in replacing key skills and ensuring that the alternative arrangement did not result in loss of productivity or output. Employers have indicated that it is vital that any increase is on a phased basis to lessen the impact on employers, especially SMEs. I know Senators are very concerned about SMEs because the larger companies will probably be able to handle it okay.

Senators will also appreciate that extending parental leave on a phased basis is not only about supporting the interests of business. As I previously mentioned, the Office of the Attorney General has raised the issue of the cumulative burden on employers and the risk of constitutionality if the impact on employers is deemed to be disproportionate. A phased basis, as proposed by the Government, would enhance the Bill’s presumption of constitutionality as it is contended that phasing in the leave over the next 17 months will give employers time to adjust, thus helping to avoid the risk that the new leave might be considered to impose a disproportionate burden on employers. This approach stems from previous case law, which Senators will recall, in which the Supreme Court found it unconstitutional to place a disproportionate burden on employers which would cause undue hardship.

In selecting the phasing-in dates of 1 September 2019 and 2020 respectively, my officials engaged with Government Departments and the public sector. These dates were selected on the basis that they give public sector organisations, including large organisations such as the HSE, adequate time to put measures in place to facilitate the additional leave being provided for in the

Bill and also to budget for the cost of providing the leave. It also reduces potential costs arising for the Exchequer in this year.

As I mentioned earlier and on Committee Stage, even if 10% of eligible parents in the public sector will take their leave, this will amount to approximately €1.2 million in costs in the health and education sectors. A take-up of 100% would increase the costs in these sectors to €12.4 million. Again I must stress that these figures do not include the costs that would arise in An Garda Síochána, the Irish Prison Service, the Defence Forces, other rostered public services or in customer-facing units of the public service, including the Department of Employment Affairs and Social Protection and the Revenue Commissioners. I commend the amendment to the House.

Senator Martin Conway: I welcome the amendment. We all welcome this Bill, and the following is all I will say about it.

Acting Chairman (Senator Gerry Horkan): I will bring everybody in at the end to discuss the Bill. Is the Senator speaking only to amendment No. 2?

Senator Martin Conway: I will not come in at the end. I will just make a point now.

Acting Chairman (Senator Gerry Horkan): If I bring in Senator Conway now, I will have to bring everybody in now and we will not get through the legislation before 6 o'clock.

Senator Martin Conway: It was Committee Stage-----

Acting Chairman (Senator Gerry Horkan): This is Report Stage. It is fine if the Senator is making a point about amendment No. 2.

Senator Martin Conway: It is fine. The Acting Chairman can go ahead.

Amendment agreed to.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 3 and 4 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 3:

In page 3, line 15, after “years”, to insert “and”.

Deputy David Stanton: The purpose of amendment No. 3 is to modify the Bill's approach towards parents who were unable to use their full entitlement to parental leave previously. Section 6 of the Parental Leave Act 1998 provides for parents' entitlements to parental leave. At present, if a child reaches the age of eight years, then his or her parents will no longer have an entitlement to parental leave, even if he or she has not used the full 18-week entitlement. As Senators will recall, one of the key principles of the Bill is to increase the qualifying age of a child from eight to 12.

In parallel to that measure, amendment No. 4 inserts new subsection (8A) into section 6 of the 1998 Act to provide that, where a parent was unable to take his or her full entitlement to parental leave under the 1998 Act due to his or her child reaching the age of eight years, that parent will now be able to take any unclaimed leave as long as the child is under the newly-increased qualifying age of 12 years. This amendment reflects the Government's desire to support parents wishing to take their existing and new leave entitlements by increasing the upper

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age limit for the child, thereby increasing the period of time in which the parents can take the leave. It is a key part of the Government's efforts to support working families.

Amendment agreed to.

Government amendment No. 4:

In page 3, to delete lines 16 to 31, and in page 4, to delete lines 1 to 4 and substitute the following:

“(d) by inserting the following subsection after subsection (8):

“(8A) Where, before the specified day, a person who is a relevant parent in respect of a child has not taken 18 weeks parental leave in respect of the child (and irrespective of whether the person was prevented from taking all or any of the parental leave by the operation of subsection (2) as in force before the specified day) then on and from the specified day this Act, as amended by the specified Act, shall apply to so much of the 18 weeks of parental leave as was not taken before the specified day in respect of that child.””.

Amendment agreed to.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 5 and 6 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 5:

In page 4, to delete lines 5 to 10.

Deputy David Stanton: Government amendment No. 5 is procedural in nature and deletes existing text in the Bill which was inserted on Committee Stage. These provisions will be replaced by the text which will be moved in amendment No. 6.

Government amendment No. 6 provides for the amendment of section 7 of the principal Act which is the section which governs the manner in which leave is taken by parents. At present under the Parental Leave Act 1998, parents may take leave either in two blocks of leave in excess of six weeks each or in a single block of 18 weeks. A parent may also elect to take the parental leave in a single, large block of 18 weeks. Given the Government's proposal to increase the entitlement to parental leave on a phased basis, paragraphs (a), (b) and (c) of amendment No. 6 provide that the single maximum of parental leave that a parent may take will increase from 22 weeks from 1 September 2019 to 26 weeks from 2020.

Moving on from the first three parts of amendment No. 6, on Committee Stage I informed the House that my officials identified a technical issue caused by the extension of the period of parental leave and its interaction with section 7(1)(aa) of the Parental Leave Act 1998. As I outlined, section 7(1)(aa) of the Act currently 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 it is, a problem arises for a parent who has taken his or her original entitlement in two separate periods as per section 7(1)(aa). In that circumstance, she or she 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 provided for in the Bill if the Bill remains unchanged.

Similarly, this provision, if not amended, may also prevent a parent from taking the remainder of the 18 weeks that he or she may not have been able to take before his or her child reached the age of eight. The Bill, as currently drafted, 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 being provided for in the Bill. The Bill creates an entitlement to an additional eight weeks of 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, and Senators will agree that this is a serious flaw in the Bill that cannot go unchecked. This is why I am pressing amendment No. 6, paragraph (d).

In summary, amendment No. 6, paragraph (d) inserts a new section 7(1)(ba) into the 1998 Act to allow any parents to take their unclaimed leave and their new entitlement to eight weeks, irrespective of the form in which they previously took parental leave under section 7(1)(aa). Under this new provision, parental leave may be taken in blocks of one or more weeks at a time. Through this amendment, the Government is rectifying the error in the Bill and is providing parents with greater flexibility as to how they can take their leave. It is a significant step forward from the current situation in which parents may be forced to take their leave in blocks of six weeks if their employer does not agree to shorter periods of leave.

Under the Government's amendment, all eligible parents will be able to take leave in blocks of one week or more. Obviously, many employers permit their employees to take leave in periods of a single day or parts of a day. However, that is a voluntary agreement between employer and employee. Such arrangements will be unchanged as a result of the proposed amendment. The amendment will provide much-needed flexibility for employees whose employers currently require them to take leave in blocks of six weeks or more.

Amendment No. 6 at paragraph (e) is an amendment to section 7(2)(a) of the 1998 Act, which is necessary to provide for how parental leave is to be calculated where an employee works on a *pro rata* basis.

Section 7(2)(a)(i) of the Act provides that the period of parental leave, in hours, to which employee shall be entitled, shall be 18 times the number of hours per week worked by that employee. Similarly, where an employee's hours are not recorded, section 7(2)(a)(ii) of the Act provides that the period of parental leave, in hours, to which the employee shall be entitled, shall be 18 multiplied by the average number of hours per week worked by that employee.

In line with the Government's proposal to phase in parental leave, amendment No. 6 at paragraph (e) provides that the current multiplier of 18 will increase to a multiplier of 22 from 1 September 2019 and to a multiplier of 26 from 1 September 2020 onwards.

Section 7(2)(b) of the 1998 Act provides that where a parent is on parental leave and that leave falls on a day that is a public holiday or another form of statutory leave or sick leave, then those days shall be added to their entitlement to parental leave.

Amendment No. 6 at paragraph (f) provides that if a parent is taking parental leave in the manner set out in the newly introduced section 7(1)(ba), the same entitlements to allow them to recoup authorised absences from work, as I have just outlined, will extend to those parents.

I will now discuss paragraphs (g) and (h) of amendment No. 6. As Senators will recall, in 2006 the 1998 Act was amended for the purpose of extending the upper age limit of a qualifying child to eight years of age and 16 years in the case of a child with a serious illness or disability. The Act was also amended to extend parental leave to parents of adopted children and

to implement the various recommendations of a working group set up to review the Act. When the qualifying age of the child was increased in 2006, an exception to this limit was inserted via section 7(3A) of the Act to ensure that parents could take their entitlement to parental leave in the last qualifying year. These sorts of arrangements are commonly inserted into legislation to ensure that people receive their full statutory entitlements.

In the Bill before us today, we have also increased the qualifying age of the child to 12 years of age, and the Bill's sponsors have sought to modify the transitional provision in section 7(3A) to ensure that parents will have no difficulty in taking their leave in the last year of entitlement. However, while well intentioned, the amendments in the Bill need to be replaced, as the manner in which they do so is problematic.

As I have outlined, section 7(3A) is a transitional provision and must remain unaltered, as that section is specific to the other amendments made under the 2006 Act. It is necessary to ensure that the protections that were put in place when the Act was amended in 2006 remain in place on a transitional basis for parents. We must ensure that parents do not inadvertently lose entitlements as a result of modifying existing transitional arrangements in section 7(3A).

In general, it is the drafting and legislative policy of the Office of the Attorney General not to amend a transitional provision such as the one in section 7(3A) and in this context, the Office of the Attorney General has advised against modifying these transitional arrangements in the existing Act.

It is the advice of Parliamentary Counsel that substituting the provisions of a section in legislation which contains a transitional arrangement is equivalent to repealing that section and it is not advised to pursue such a course of action because, as I have outlined to the House, it can have unintended consequences for the parents we are trying to assist. Instead, Government amendment No. 6 at paragraphs (g) and (h) mirrors what the Bill is seeking to do, but does so by inserting a new subsection (3B) into section 7 of the Act. This means that the same aim is achieved but without interfering with the previous transitional arrangements.

Amendment agreed to.

Government amendment No. 6:

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

“(a) in subsection (1)(a), by substituting “equal to the period referred to in section 6(1)” for “of 18 weeks”,

(b) in subsection (1)(aa)(ii), by substituting “the number of weeks referred to in section 6(1) in total,” for “18 weeks in total, or”,

(c) in subsection (1)(b)(iii), by substituting “subparagraphs (i) and (ii), or” for “subparagraphs (i) and (ii).”,

(d) in subsection (1), by inserting the following paragraph after paragraph (b):

“(ba) where an employee has taken leave pursuant to paragraph (a), (aa) or (b), periods each consisting of not less than 1 week.”,

(e) in subsection (2)(a), by substituting —

(i) “equal to the period referred to in section 6(1)” for “of 18 weeks” in each place where it occurs, and

(ii) “the relevant number times” for “18 times”,

(f) in subsection (2)(b), by substituting “, (aa) or (ba) of subsection (1)” for “or (aa)”,

(g) in subsection (3), by inserting “subsections (3A) and (3B)” for “subsection (3A)”,

(h) by inserting the following subsection after subsection (3A):

“(3B) Subsection (3) shall not apply to —

(a) any period of parental leave proposed to be taken by an employee —

(i) in respect of a child who has attained the age of 11 years before or on the specified day, and

(ii) before the 1st anniversary of that day,

if the operation of section 6(2)(a) would prevent the employee from taking all or any part of that parental leave after that day, or

(b) any period of parental leave proposed to be taken by an employee —

(i) in respect of a child who has attained the age of 15 years before or on the specified day, and

(ii) before the 1st anniversary of that day,

if the operation of section 6(2)(c) would prevent the employee from taking all or any part of that parental leave after that day.”,

and

(i) by inserting the following subsection after subsection (4):

“(5) In this section, ‘relevant number’ means the number equivalent to the number of weeks referred to in section 6(1).”.

Amendment agreed to.

Government amendment No. 7:

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

“Amendment of section 8 of Principal Act

4. Section 8 of the Principal Act is amended by inserting the following subsection after subsection (7):

“(8) Where an employee proposes to take parental leave in respect of a child pursuant to section 7(1)(ba), then the notice under subsection (1) required to be given by the employee shall, for the purposes of this Act, be treated as —

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(a) one such notice if the employee complies with that requirement by giving one notice specifying a continuous period of parental leave proposed to be taken,

(b) one such notice if the employee complies with that requirement by giving one notice specifying the periods of parental leave proposed to be taken, or

(c) such number of notices equivalent to the number of periods of parental leave proposed to be taken if the employee complies with that requirement by giving such number of notices each specifying one of the periods of parental leave proposed to be taken,

and the other provisions of this Act (including section 11) shall be construed accordingly.”.”.

Deputy David Stanton: Amendment No. 7 is a consequential amendment that is required due to the insertion of section 7(1)(ba). Senators will recall that amendment is required to address an error in the Bill and will provide families with greater flexibility in how they take their leave.

When the primary Act was enacted in 1998, parents could take a single period of 14 weeks leave or smaller periods as agreed with their employer. Parents were required to give one single notification up to six weeks in advance of taking leave in compliance with section 8(1).

In 2013, the Act was amended to increase parental leave to 18 weeks. It was then provided for in a new section 7(1)(aa) that leave could be taken in an 18-week block, in two separate blocks of six or more weeks or in smaller periods, days, half days, etc., as agreed with their employer. A new section 8(7) was also inserted into the Act to provide that where a person provided a notification for all their parental leave or provided two individual notifications in line with section 7(1)(aa), one for each of the two periods they were entitled to or intended to take, they were deemed to have complied with the requirements under section 8(1).

A similar amendment is now required with regard to the notice that parents are required to give as section 7(1)(ba) allows parents to take leave in individual blocks of a week or more. A new section 8(8), similar in purpose to section 8(7) is now required to enable parents taking leave under section 7(1)(ba) to comply with the notification requirements of section 8(1).

In brief, if a parent wishes to take their leave in patterns of a week or more, for example, to facilitate mid-term breaks and shorter holidays such as Easter, etc., parents can provide either a single notification specifying each period of leave that they wish to take or else submit notifications for each period of leave to be taken and having done so, they shall be deemed compliant with the notification requirements under section 8(1) of the Act.

Amendment agreed to.

Government amendment No. 8:

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

“Amendment of section 11 of Principal Act

5. Section 11 of the Principal Act is amended by inserting the following subsection after subsection (6A):

“(6B) Where a notice under section 8(1) by an employee to his or her employer falls

within section 8(8)(b), then, subject to any agreement between the employee and the employer, any postponement under this section of the commencement of parental leave must apply to each period of proposed parental leave the subject of the notice.”.”.

Deputy David Stanton: This amendment replicates and updates an existing transitional provision in section 11 of the Act. At present, under section 11(6A) where a parent takes two periods of parental leave in excess of six weeks in duration and has given proper notice to their employer but then wishes to postpone the leave, that postponement shall apply to both periods of leave unless an alternative arrangement is agreed with the employer. This provision was introduced as part of the Parental Leave (Amendment) Act 2006.

As the Government wishes to ensure that parents can take their leave in a flexible manner that suits families, Senators will recall that earlier I moved the amendment to insert section 7(1)(ba) to the 1998 Act. That amendment will allow parents to take their leave in multiple blocks of a week or more. However, as discussed, notification will still be required to take this leave. Due to the insertion of section 7(1)(ba), the Government has to introduce a similar arrangement in respect of postponement of leave taken under section 7(1)(ba).

Amendment No. 8 provides for the insertion of a new section 11(6B) in the Act to provide that where a parent has given the employer notification of his or her intention to take multiple periods of parental leave, in blocks of a week or more, under section 7(1)(ba) and where the parent then wishes to postpone that leave, the notification of postponement will be considered to apply to all periods of leave specified under that notice unless she or he agrees an alternative arrangement with the employer.

Amendment agreed to.

Government amendment No. 9:

In page 4, to delete section 4 inserted by Seanad Committee amendment No. 5 and substitute the following:

“Amendment of section 27 of Principal Act

6. Section 27 of the Principal Act is amended —

(a) by substituting the following subsection for subsection (2):

“(2) A record under this section shall be retained by the employer concerned

—

(a) where the record is in respect of parental leave, for a period of 12 years and,

(b) where the record is in respect of force majeure leave, for a period of 8 years, in such form as the Minister may specify.”,

and

(b) in subsection (4), by inserting “paragraph (a) or (b) of subsection” after “subsection (1) or”.”.

Deputy David Stanton: On Committee Stage, Senators will recall that I accepted an

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amendment concerning the employer's obligation to retain records of their employees' applications to take parental leave. Section 27 of the Act requires employers to retain records on parental leave taken by their employees for a period of eight years. This retention period parallels the qualifying age of a child under the Act. The amendment proposed by Senators on Committee Stage requires employers to retain parental leave records for a period of 12 years or until the child in question reaches the age of 12, whichever comes sooner.

Following consultation with advisory counsel, an issue has been identified with this amendment. If left unaltered, the amendment would oblige employers to keep checking the ages of their employees' children to see if they had reached the age of 12. If an employer made a mistake or an oversight in this regard, this obligation would leave him or her open to prosecution and subject to fines under section 27(4) of the Act. I am sure Senators will agree that this is a very serious and onerous burden to place on employers, particularly at the risk of criminal prosecution.

I have discussed this matter with the Bill's sponsors and we both agree that the provisions of the Act would be cleaner to operate and less onerous on employers if the section were instead amended to require employers to retain the data for a period of 12 years in respect of parental leave. This approach reflects what is currently in section 27 of the Act. This amendment achieves the objective of the Bill which is that the employer should retain the relevant records but makes the period of time for which the records need to be retained much clearer for the employer. The employer does not need to keep checking back with the employee with regard to the child's age.

For information, section 27 of the Act also requires employers to maintain records in respect of *force majeure* leave taken by their employees for a period of eight years and this requirement will remain unchanged.

Amendment agreed to.

Government amendment No. 10:

In page 4, to delete line 22 and substitute the following:

“ (3) This Act shall come into operation on such day or days as the Minister for Justice and Equality may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. ”.

Deputy David Stanton: This is a standard commencement provision which I have been advised by senior officials in my Department and the Office of the Attorney General is required as a matter of good legislative and drafting practice. I assure Senators that the Minister and I will not delay in commencing the Bill once enacted and to this effect, my officials and the Office of the Attorney General are preparing a commencement order to be signed by the Minister, Deputy Flanagan, after the Bill is enacted.

A draft of the order has been prepared alongside the Government amendments. As I mentioned earlier, the Minister, Deputy Flanagan, will sign the order as soon as is possible following enactment. We plan that the order will be signed in mid-July, probably on 19 July, to allow the Bill to come into effect six weeks before the date on which the entitlement to leave comes into force. It is intended that the commencement order will enable the entitlement to additional

leave to come into effect on 1 September 2019. Otherwise, there is a risk with the current provision, which provides that the Bill would come into effect three months after enactment. It is possible with that provision that the Bill might not come into force on 1 September if there were a delay in the Bill passing both Houses and subsequently being signed into law by the President. The proposed commencement provision allows for the Bill to come into force on a specified date. I will undertake to ensure that the commencement order is signed in good time to enable the Bill to come into effect on 1 September.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

Acting Chairman (Senator Gerry Horkan): I invite Senators to make their final comments in the following order, Senators Ardagh, Clifford-Lee, Conway, Ó Donnghaile, Mullen and Higgins.

Senator Catherine Ardagh: I thank the Government for taking this Bill in Government time. It is very much appreciated. Fianna Fáil first introduced parental leave legislation in 1998. It is an initiative to which we are very much committed. The Bill extends the period of parental leave from 18 weeks to 26 and the timeframe within which parents may take that leave from eight years of age to 12. I thank the Social Democrats for initiating the Bill in the Dáil. Fianna Fáil and the Labour Party used their Private Members' time in the Seanad to bring forth this Bill and I thank colleagues across the House for facilitating its passage. I hope it will pass speedily through the Dáil in order that the many people waiting patiently for it to be enacted can benefit from it. They will be delighted with the progress made today.

Senator Lorraine Clifford-Lee: This is a good day for this House in terms of the cross-party effort to have the Bill passed. It was originally a Social Democrats Bill. As outlined by Senator Ardagh, Fianna Fáil took it in its Private Members' time, as did the Labour Party and the Government. It is a good example of a cross-party effort. There is a little disappointment at the commencement date being September because, as other colleagues outlined, people urgently need this provision to be commenced. I receive correspondence every day calling for it to be brought forward urgently. However, it is better late than never. The provision is a welcome relief to working families who find it difficult to juggle childcare responsibilities and their working lives. It is one of a number of measures needed in this area. I hope we can work in a similar fashion to introduce other measures.

My colleagues in the Dáil Deputies Lisa Chambers and O'Loughlin introduced the Shared Maternity Leave and Benefit Bill, which needs to be progressed. What is proposed therein will not suit everybody, but it will make a dramatic difference to some people. We need to keep the focus on families who are at a difficult time in their lives in child rearing. As I know that the Minister is committed to helping them, I hope we can work together to move on the Shared Maternity Leave and Benefit Bill. Families need a break.

As stated, this is a good day. Will the Minister indicate when the Bill will be taken in the Dáil? I would like to see it taken, passed and sent to the President for signature next week. The mothers and fathers of Ireland will then be able to breathe a sigh of relief.

Acting Chairman (Senator Gerry Horkan): I call Senator Conway and apologise for cut-

ting him off earlier.

Senator Martin Conway: It is fine. I am well used to it.

I thank the Minister for his co-operation on this Bill. I share the disappointment of families who are coming to the end of their parental leave entitlements that because this provision will not take effect until September they will not benefit. However, as was said, it is better late than never. It is a reflection of the Government's commitment to supporting families and hard working parents who are trying to juggle working and rearing a family and want to do it right. The provision is a good example of partnership between the Government and working families. It is also a good example of new politics working well. New politics does and has worked well in some cases, but that is never covered by the national media. The narrative is always that the Parliament is broken. We do not help ourselves either in that regard. However, what is happening today is an example of us working well. This is a practical, common-sense Private Members' Bill that was introduced by our colleagues in the Social Democrats who are not represented in this House, but nevertheless Senators saw merit in what was proposed and took it under their wing. The concept behind the Bill received cross-party support in this House. In that regard, credit is due to the Labour Party and the Fianna Fáil Party. There is also credit due to the Government which often does not get the credit it deserves when new politics works for people. The provisions of the Bill will, when they percolate down, have a positive effect in families who are doing their best to rear children in this state in which child costs are punitive. The Bill is a small gesture to reflect that we respect the fact that parents want to spend time at home with their children. There are obvious benefits from that family participation that sometimes does not happen because of the cost of childcare.

Senator Lorraine Clifford-Lee: They have to spend time with their children because of the cost of childcare.

Senator Martin Conway: Yes. Measures are being taken to deal with the issue as best we can. It is a challenge we all face. I look forward to positive proposals in that regard from across the political divide. We need to put proposals on the table in the same manner in which the Social Democrats, the Labour Party and others have done by way of positive politics which I hope some day will dawn in this country. Positive politics achieves so much more than the negative sniping that all too often takes place.

The Minister of State, Deputy Stanton, is always welcome in this House. When he is in it, the engagement is always positive, particularly when it is on behalf of the most vulnerable in our society. I hope that relationship and our engagement with him in this House will continue for whatever length of time is left in the term of this Seanad. I commend all parties which have played a positive role in getting this Bill over the line. I look forward to it having a meaningful effect in people's lives.

Senator Niall Ó Donnghaile: I, too, thank the Social Democrats for introducing the Bill. I commend those who have driven it through the Seanad, including the Minister of State, Deputy Stanton, whose understanding of the issue is important. As stated, there are issues that are more important than economic competitiveness. This is one of them. Legislation such as this does not only provide for the practical benefits that we know come from parents, carers and guardians being able them to spend more time with their children at the crucial early developmental stages of their lives, it also benefits workers, parents and guardians. This makes for happier and more productive workers and a healthier and more cohesive society. The passage of this legis-

lation is positive. I thank and commend all of those involved and wish the Bill every success.

Senator Rónán Mullen: I thank the Minister of State, Deputy Stanton, and everybody involved in the passage of this Bill through the Seanad. I wish the well-being of children was as central to other legislation going through the Houses as it is to this Bill. It is important that any initiative to facilitate the ability of parents to spend time with the children be encouraged. The important word is “facilitate”. We are not seeking to compel, cajole or blackmail financially parents or guardians into spending time with their children. The overriding factor which needs to run through public policy is that the best people to decide how to raise their children are parents. To the greatest extent possible, the State should stay out of the issue of how parents choose to raise their children, while always providing the best possible legal framework for them to make good decisions. I say that because I worry that there is increasing nanny State rhetoric coming into policies at Government level when it comes to issues related to children and the family. I have in mind comments made by the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, since the last time we discussed this legislation in this House. On that occasion she stated that the value of money associated with the scheme is not enough for men to take time off work. It does not seem to have stopped women from taking maternity leave since time immemorial. The Minister followed up stating that men seem to think that caring is a woman’s thing and that taking time off real work is still a novelty for fathers. I do not like the kind of language that furthers a conflict between the genders. It has the effect of insulting parents and belittling decisions they make in respect of their families. Ironically, Fine Gael recently adopted a new party value at the Taoiseach’s request which states, “Fine Gael believes that individuals and families know how best to organise their own lives and make decisions for themselves”. Someone should have informed the Minister about that because the two comments are in conflict with each other.

It is a fact of life that the majority of two-parent families decide that the mother takes on most of the child-rearing duties. This will always be the case. We should absolutely give fathers every possible opportunity to take more of a role but in no way should we stigmatise families who choose the outcome they prefer, for whatever reason, to suit their family circumstances. For long enough we listened to the need to get the church out of bedrooms and out of family decision-making but I think we now need to be aware of the State getting too involved in the minutiae of people’s lives. We need to guard against this. I see signs of it which trouble me. It does not take away from the support that this legislation richly deserves and the credit that all those involved with the Bill deserve.

An Leas-Chathaoirleach: I will call on the Leader to comment, briefly.

Senator Jerry Buttimer: No, I wish to speak on the Bill.

An Leas-Chathaoirleach: Senator Alice-Mary Higgins is next.

Senator Jerry Buttimer: That is fine.

Senator Alice-Mary Higgins: I commend the Social Democrats on proposing this legislation. It is an example of constructive new politics in action. That so many groups, Labour, Fianna Fáil and now the Government have given their time in this House to bring it forward is important. It brings Ireland towards being in line with and ready for the European work-life balance directive. It would be great if Ireland became a champion of that directive because we have fulfilled a number of its conditions. This is a positive step.

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It is important that the State recognises and supports care, including in terms of childcare and measures such as this Bill. It is appropriate, given the referendum which was held on children's rights, that the State looks to every way that it can support children and every member of every family to live a full life. I hope that the Minister might be able to sign the legislation by July so that it comes in and people can plan their autumns. I commend the Bill to the House.

Senator Jerry Buttimer: I welcome the Minister of State and thank him for his engagement. Like Senator Higgins and others, I commend the Social Democrats. The Government never opposed the legislation. As Leader of the House, I am very happy that the Minister of State, Deputy Stanton, on behalf of the Government, worked proactively to ensure we had this important outcome today.

Sometimes I wonder if it is Groundhog Day when I hear some of the contributions from the Senators on the benches opposite. This is about ensuring that we give parents choice and flexibility and that we put the child at the heart of what we do. Those of us who have been involved in education understand that a child's formative years are very important. That philosophy has a positive outcome for children. I remind Senator Mullen that three years ago he opposed the marriage equality referendum. The world has not ended and the sky did not fall in; society has been enriched and is better as a consequence of the vote of the people.

Senator Rónán Mullen: Children's rights were not necessarily vindicated.

Senator Jerry Buttimer: What the Government is doing involves ensuring better outcomes for parents and for children. I commend the Minister of State on his involvement.

I also welcome our friend and former colleague iar Seanadóir John Gilroy. He is very welcome.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank the Senators for an engaging debate. I am delighted that we are able to move forward towards finalising the Bill. I hope and understand that it will complete its final passage through the Dáil next week. The main point to take away this evening is that we have introduced measures which are fair and, more importantly, which benefit parents and families. This Government and that which preceded it have consistently supported working parents and families, and we will continue to do so.

We recently announced the introduction of a new paid parental leave scheme, as I am sure Senator Higgins would acknowledge, which is expected to commence later this year. This new scheme will initially provide for two weeks of paid, non-transferable leave per parent to spend with their new babies during their first year, rising to seven weeks by 2021. I look forward to the implementing legislation being progressed through the Houses and to hearing the views of Seanad Éireann on the Government's proposals.

Ten very detailed amendments were brought forward this evening to make the Bill before the House work. A great deal of effort was put into that by my officials in the Department of Justice and Equality and by the Office of the Parliamentary Counsel and the Office of the Attorney General. Senators will realise that every comma, dot and full stop must be watched in legislation in order to ensure that it works and that there are no unintended consequences that might leave people worse off. Every item of legislation must be scrutinised to the nth degree to ensure it is correct because we do not want to do something that might have the opposite effect of what we intended. People may be critical of delays and so on but sometimes delays are im-

portant to ensure things are got right. It is better to be a little late and correct. I am sure that the Bill is now right. We plan that parents will be in a position to take the leave from 1 September.

I thank Senators for their co-operation and for getting the Bill through on time.

Question put and agreed to.

Gnó an tSeanaid - Business of Seanad

An Leas-Chathaoirleach: As the time by which the Wildlife (Amendment) Bill 2016 was ordered to adjourn has now been reached, or just about, the debate on that Bill will not now proceed and we will move directly to the Second Stage of the Free Education (Prohibition of Fees and Charges) Bill 2018.

Senator Jerry Buttimer: That is not scheduled until 6 p.m. There are three minutes available.

An Leas-Chathaoirleach: Does the Leader wish to bring the Minister to the House now?

Senator Jerry Buttimer: I do not but I want to make an announcement that will have an impact on the next item of business.

An Leas-Chathaoirleach: That is why I was calling the Leader. Is he satisfied that we cannot now proceed, given the time?

Senator Jerry Buttimer: To be fair, Senator Ó Ríordáin is not in the House.

Senator Lynn Ruane: The Minister has been outside as well.

Senator Jerry Buttimer: The Minister of State, Deputy Kyne, has also been waiting in the anteroom to speak on the Wildlife (Amendment) Bill. I want to apologise to him for that.

Senator Rónán Mullen: He is a busy man.

An Leas-Chathaoirleach: Does the Leader wish to bring him in?

Senator Jerry Buttimer: I do not want to bring him in for one minute. I want to inform the House that-----

An Leas-Chathaoirleach: We could be in conflict with the Order of Business for the day.

Senator Jerry Buttimer: The impact of what we did was that we are in conflict with what we should have been doing in any event.

An Leas-Chathaoirleach: The House made a decision.

Senator Jerry Buttimer: I accept that. I was not going to propose anything -----

(Interruptions).

An Leas-Chathaoirleach: Order, please.

Senator Jerry Buttimer: I am starting to learn from Senator Mullen that the power of

rhetoric is very important.

An Leas-Chathaoirleach: The Senator should speak through the Chair.

Senator Jerry Buttimer: As I outlined on the Order of Business, the Minister for Education and Skills is in the Dáil answering parliamentary questions and will not be available until at least 7 p.m. I am open to clarification on the time. That has implications for the Seanad's Private Members' business because there is no Minister of State available to take it.

An Leas-Chathaoirleach: We could proceed without the Minister.

Senator Jerry Buttimer: I would not like to do that. I propose that we suspend until the Minister is available.

An Leas-Chathaoirleach: Until what time does the Leader propose to suspend proceedings?

Senator Gerry Horkan: I understand that there will be a Minister available very shortly to take the Private Members' business.

Senator Jerry Buttimer: I received an email on my mobile phone as I was speaking. As I outlined earlier, the Minister for Education and Skills is not available. There is no Minister of State in the Department available now to take the Private Members' business.

6 o'clock

The Minister of State, Deputy Canney, is available to take the Private Members' business. When I was making my point earlier, he had not indicated his availability but he is available now.

An Leas-Chathaoirleach: In that case, we can proceed with the Private Members' business. Is that agreed? Agreed.

Free Education (Prohibition of Fees and Charges) Bill 2018: Second Stage

Senator Aodhán Ó Ríordáin: I move: "That the Bill be now read a Second Time."

I welcome the Minister of State, Deputy Canney, to the Chamber. I appreciate the opportunity to speak on the Bill, which we first proposed a year ago, and I am delighted the Labour Party group has facilitated its Second Stage.

It is a free education Bill. What is there to oppose about that? Many Senators would not necessarily understand the importance of free education. For some people in society and in these Houses, education is something that can be bought but it should not be that way. Our Constitution specifically states primary education is free as a constitutional right but we have not vindicated that right. We in the Labour Party have outlined a number of initiatives about how that right should be vindicated. We have proposed a free book scheme, where children in the Republic of Ireland would be able to avail of schoolbooks just as children in Northern Ireland avail of them for free. Remarkably, we are the ones who are supposed to live in a Republic, as opposed to the children in Northern Ireland, but we do not have free education.

The point of the Bill is to remind all of us that the relationship between a parent or child and the school the child attends should not be financial. It should be one of growth, beauty, education and learning, which should be all one speaks about in the corridors of a school with a parent, student or child. Far too often, however, the letters that are sent home from a school to a parent via a student request a voluntary contribution. If the parent is not in a position to provide the so-called voluntary contribution, the interaction between that parent and the school will become financial, while the likelihood that he or she will engage in school activities will be inhibited. If one feels one does not have the money to give a voluntary contribution, is one less or more likely to attend the parent-teacher meeting, where one will be reminded of that fact? Is one less or more likely to attend a football match or a school concert, or to engage at the school gate with a teacher or a principal who will tell the parents, "By the way, I hope you saw that note we sent home about the voluntary contribution."

In a fully functioning democracy that values education, we would not have voluntary contributions. There are many countries in Europe, particularly in Scandinavia, which consider it unbelievable there would be a fundraiser for a school. Is that not what taxes are for? Many will say that without voluntary contributions, the lights cannot be kept on, the school cannot be heated and school activities cannot function properly. Is that not the conversation we should have, namely, about the proper State funding of our school system? Some say the Bill will cost €45 million. Let us find the €45 million, in that case. Let us not speak in terms of tax cuts but rather about proper provision of education for children.

As many people may know, I used to teach and was principal of a school in a disadvantaged part of this city. We were not in the position to ask anybody for a voluntary contribution, nor to ask anybody for a contribution at all. We were not in the position to hold fundraisers that would raise between €40,000 and €50,000, as happens in other parts of the city, because the parents did not have the money. Is that the kind of education system we want to stand over, where those who can provide more receive more, where their children receive more, where their schools receive more, while those who cannot provide the same do not receive the same? Delivering Equality of Opportunities in Schools, DEIS, does not plug the gap.

The Bill is not trying to prevent fundraisers. They will still be able to be held, with the morale-boosting cake sale and the table quiz, where funds can be raised for general school activities if the school so wishes. A contribution, however, will not be able to be linked to a school activity. The school will not be able to say that if parents do not give money, their children cannot participate, have a locker, take part in a school trip, or avail of whatever resources should be available to every child. We have tried, as have many Governments, to work with school patrons and boards of management to lessen the practice of sending voluntary contribution letters, but it is not working. We have to ban them, therefore, by bringing in legislation that bans the linkage of contributions to school activities. I return to the conversations that parents and students will have about their relationship with the school. How humiliating is it for a child if a teacher or principal surreptitiously identifies him or her in a class and gives the child a little note for his or her mammy? The child will know, as will the parent, that the reason the note has been given to him or her is that the parent has not had the capability to give the voluntary contribution, which can be anything in the region of €85, €150 or €200.

The school will say that without the voluntary contribution, the school cannot be kept alive. That is the conversation the school needs to have with the State and the Department of Education and Skills, which need to be real about the day-to-day running of schools. The Department does not want to have that conversation, however, and it would prefer if it was not its

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responsibility at all. It would prefer the school managers to run the schools and the boards of management to do what they will, while the Department merely provides the curriculum and pays the teachers. I do not agree with that. We need a State education system which we need the Department to take seriously and fund. That is why we pay our taxes. That is what a fair, transparent and progressive taxation system is all about, and schools should not ask for parents to foot the bill a second time.

Fundamentally, what we are trying to achieve is not to stop fundraising or contributions if somebody wants to contribute to a school. Rather, it is intended to stop the practice of linking financial contributions to school activities and of so-called voluntary contributions because they are not voluntary. What does the aspiration or vision of free education mean? Free education means one does not have to pay for one's books. Free education means one does not have to pay for the school trip. Free education means one is not asked repeatedly for money for arts supplies. Free education means one does not have to pay for the school meal. Free education means one does not have to pay for school transport. This stuff has to be paid for but this is the choice that we have to make in Irish society. Do we believe in a tax cutting regime which individualises everything, which benefits the rich more and which entrenches inequality or do we believe in the provision of public services for everybody? Please do not tell me about the schemes we have in disadvantaged schools, etc. More than one disadvantaged child will be found in every single school in this land as will overlapping, entrenched, intergenerational disadvantage and these are still the children who get the letter home asking for a so called voluntary contribution. It is humiliating, it is undermining, it is embarrassing and it is completely unnecessary in one of the richest countries in Europe.

I appreciate the Government is not opposing the Bill. What we can achieve this evening is that we stand fast to that republican ideal of free education. It is not something I just came up with, it is entrenched in the Constitution of the land. Let us vindicate that right, let us make education free and let us break this chain that drags down so many parents at the school gate, that they will not go past it because they do not have the money. It is not because there is a fee involved in sending one's child to a school in the vast majority of cases. They will not pass the school gate because somebody will ask them an awkward question about the voluntary contribution and the few quid. They will ask parents what is €85 when they are providing education but education is the great leveller and the great liberator. It is the one thing that frees more people from poverty than anything else, not because it turns people into economic units so they can compete in the job market but because it frees the mind. It opens people up to beauty, to poetry and to language and to know the value of love and interpersonal relationships.

Education is everything and a price tag cannot be put on it but in far too many circumstances, there are far too many families who have an envelope in September that they cannot fill. Let us take away that conversation. Let us make the conversations at the school gate about education and about beauty, language, poetry, aspiration and the matters that make the hair stand on the back of the neck. Let us not make it about an envelope and a contribution. Let us make it purely and simply about education.

Senator Ivana Bacik: I welcome the Minister of State to the House and I thank him for stepping in for the Minister for Education and Skills, Deputy McHugh. It gives me great pleasure to second the Bill proposed by Senator Ó Ríordáin on behalf of my Labour Party colleagues. I commend Senator Ó Ríordáin on bringing this Bill forward. All of us here are aware of his long commitment to education. The first time I met the Senator he was principal of St. Laurence O'Toole girls' school and it was really inspirational to see the way in which he sought

to ensure that the students in his school were able to share the same aspirations and expectations for their academic careers as students in more advantaged schools.

For a long time there has been a real issue of equality of access to opportunity through education. There have been real issues about the reality of educational access in this country and the reality of hidden costs in education for children. Senator Ó Ríordáin is well aware of that and I know he brings forward this Bill in that spirit. I am glad the Minister and the Government have indicated that they will not be opposing the Bill and I hope we will see strong cross-party support for it because it is in keeping with the republican tradition of free education and it is an important component of same.

Senator Ó Ríordáin has spoken about the Labour Party's track record on educational policy and on seeking to ensure greater equality for all in education. That is important and I know we will continue to work on that. This Bill is modest in keeping with that spirit of equality in education but it is an important one. It would prohibit the charging of fees by schools in respect of admission or enrolment applications, which is a really egregious issue that so many schools do and they generally tell parents that these fees are non-refundable. There is a dubious legality around such a position but this Bill would put beyond doubt the fact that schools would be prohibited from charging such admission or enrolment fees, either upfront or pre-emptive. It would also prohibit the requesting of parents to make any payment or contribution, although it does not prohibit requests for voluntary contributions in certain circumstances, namely, where it is clear to parents that there is no obligation to pay such a contribution and crucially, where students will not be treated differently in accordance with whether or not a contribution has been made or in accordance with the amount of the contributions. That is hugely important. We are all conscious that most schools which ask for voluntary contributions do not seek to differentiate or make any distinction between students and it would be awful for schools to do so but the Bill puts beyond doubt that students cannot be discriminated against on the basis of voluntary contributions made or amounts given by parents. The Bill is also modest in that it does not prohibit fees being charged by fee paying post-primary schools which are specified in a list of such schools published by the Minister, nor does it prohibit fees charged by a boarding school or fees charged for post-leaving certificate courses.

It is modest in its aim but it will nonetheless have a really important impact. By coincidence, when I was canvassing last night I met a parent who, unprompted, started to tell me about hugely problematic issues they were having with paying the so-called "voluntary contribution" on behalf of their pupils. Although the school in question had made it clear it was a voluntary contribution, nonetheless the parent felt it was not something that they could not pay and the reality is that parents feel under pressure to pay it, even when, as in this case, it is really hard for many parents to be able to afford to pay it.

This Bill would make a positive contribution to the debate on equality of access to education. I hope we will see it adopted by Government and passed into law in due course. As I said on the Order of Business, this morning I was at a really positive event in Dublin 8 which was attended by public representatives from all parties and none, namely, the opening of the new building at Griffith Barracks multi-denominational school. It was opened by the Minister, Deputy McHugh, but many of us were present to finally see this wonderful new building opened after 19 years of campaigning by local parents in the school community. It was a positive moment for our community. I see this Bill as being in keeping with that positive spirit and seeking to make a positive contribution to ensuring greater equality of access for our children to education in this republic.

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Senator Maria Byrne: I thank Senator Ó Ríordáin for bringing this Bill forward. As has been stated, the Government is not opposing it. We must go back and look at the 2018 circular. In the Action Plan for Education an increased capitation grant was sought. For 2019, I know there will be an extra 5% in the capitation grant for primary and secondary schools. The Action Plan for Education set out that the Department would issue a circular on something the Minister is very conscious of, namely, the increase in the cost of uniforms. A circular was sent to all schools and parents' associations saying that, where possible, school uniforms should be purchasable from various stores and that crests should be then put on the uniform. Many measures have been suggested by the Minister and the Department to keep down fees.

I am not sure about Dublin. Listening to the Senators there seems to be an issue in Dublin with schools demanding voluntary contributions. I am involved in a few schools and we have students coming in whose families could not afford to pay voluntary contributions and they have never been found wanting or left behind in terms of the school tour or getting school books or the uniform. It is most important that there is inclusivity and that everybody is included. We have many students who come from backgrounds where they could not afford to pay the full amount for a uniform, for school books or to go on the school tour. Recently, in the case of a student who could not afford to go on a school trip, the fees were covered by the parents association or the school. Much is happening behind the scenes where students who cannot afford to pay any fees are being supported. In 2017 the Bill was brought forward by the Department and it prohibits fees. I know that voluntary contributions are made by parents and that people have the option of participating, but I have not found that pressure is being put on families to contribute. That is really important.

I note that the Minister and his Department have introduced a parental charter and that the scheme is being drafted. It is important because parents will have an input into how schools are run and what happens in them. I know from speaking to and working with parents that they believe their views are being listened to. It is important that there will be accountability for how schools are run and money is spent.

We all want fairness for everybody and that is the kernel of the Bill. I know from speaking to the Minister that that is what he wants to see. He certainly wants to work with schools and parents to keep down prohibitive costs because, as we know, the cost of everything is increasing continually. The Bill seeks to include everybody and treat everyone the same. I commend the Senators involved in bringing forward the legislation. I know that the Minister is willing to work with everybody concerned to ensure fairness for everybody. If a student or family cannot afford to make a contribution, it is important that they not be singled out. In my experience such persons are included and nobody knows their predicament. That is really important and a message that must be conveyed. We must ensure costs are kept down, including the cost of uniforms and by way of book rental schemes. I come from Limerick where a very good charity, Gateway to Education, was set up by a volunteer. It arranges for third level students to give grinds to pupils on a voluntary basis. One can also buy a school uniform for between €2 and €3. The charity encourages students to donate their uniforms when they have completed their leaving certificate examinations. It also has up-to-date educational books for all subjects available. People can buy books from it, but if they cannot afford to do so, they will be given them for free.

There are many services available, although I agree that in some places people are put under pressure. However, nobody should feel under pressure and that is what we are seeking to achieve with this legislation. We support the sentiments of Senator Ó Ríordáin and commend him on what he has brought forward.

Senator Gerry Horkan: I am happy that Senator Ó Ríordáin and his party have brought forward this concept, but unless funding is provided from somewhere else, schools will literally not have the lights on and will be unable to pay their bills. As a society, we would love to see everything at this level being paid for centrally and without the need for voluntary contributions or fundraising, in which we are all involved, whether it be on hospital committees or charities in our communities in the areas of health, education, sport and so on. I speak as somebody who is in his 16th year on a board and sixth school board. This is my tenth year as chairman. I also spent nine years on the board of the non-fee paying school I attended as a pupil and happen to be chairman of a few charities, although I know that is not the import of the Bill. I know many principals and chairpersons through my work as a chairman. Last week I attended the annual meeting of the Joint Managerial Body, JMB, which represents school chairpersons and principals in the voluntary sector. The Minister also attended the meeting and made a very interesting, useful and helpful address in response to the address made by the president.

To my knowledge, there is no school that excludes anyone. As somebody who has been a member of school boards, I know that they do not try to intimidate or put pressure on parents if they are unable to pay. I accept that on certain occasions one knows people cannot pay. Conversely, on certain occasions, one knows people just do not want to pay. They have the means to do so, but they are not particularly interested in doing so and if they can get away with not paying, so be it. Then there are the people who will fundraise, pack bags and get involved in organising sponsored fun runs, walks and buy a brick campaigns to carry out works and build things for which the Department will not pay, whether it be a sports hall or various other things.

I know from school principals that there are areas where the figure for voluntary contribution is less than 20%. That is the way it is, but they do not treat anybody differently. Perhaps Senator Ó Ríordáin has personal experience where that is the case, but I certainly do not. By and large, a school board comprises a very compassionate group of volunteers. Typically, in the voluntary sector there are four trustee representatives who often are past parents or pupils. I am referring to two parent representatives who are selected by the parents' council. They are all trying to do what is the best for their school and leave it in a better state at the end of their three-year term on the board. If in the morning one were to ban the collection of charges or fees for anything, schools would not function. They would not be able to buy chemistry supplies, to pay their electricity bills, to buy paper for their photocopiers or repair the boiler when it breaks down. A boiler will never break down in July, it but will always break down in January, February and December.

It is important that we appreciate the work done by school boards and I am not saying the Bill does not do so. We acknowledge the voluntary aspect. Most principals are under enormous pressure to deliver in teaching and learning, but they must also be experts when it comes to burglar alarms, fire alarms, health and safety measures, child protection and human relations. A lot of work goes into being a school principal. I do not know whether Senator Ó Ríordáin sought the research, but I want to know the following. What percentage of the 700 secondary schools and primary schools seek voluntary contributions? What percentage in each of those schools make voluntary contributions? I want to receive anonymised data as I do not want schools to be identified. I think a lot of the figures sought are available. I want to know the money every school in the country receives from the non-governmental sector. Let us quantify the figures. In this day and age there is nothing better than receiving a larger cheque or an electronic funds transfer. Very few schools squander money or spend it in areas in which they do not want to spend it. It is always the case - I include the fee paying sector - where resources are scarce and

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there is a long list of things one wants to do that one prioritises. There are certain things that absolutely have to be done and certain things one would like to do if one managed to receive a few bob from somewhere. There are other things that take time when one must wait for funding under the summer works scheme and departmental sanction. I would like to see the figure for how many schools seek voluntary contributions and the average amount paid.

Reference was made to admission charges. I know of a school that charges an admission fee mainly because of the administrative burden involved. Let us say a school has 90 places and 800 apply, half of whom are not that serious about attending. If there was no admission fee, people would apply to 20 schools with no real intention of attending 15 or 16 of them. The fee is refundable if someone is offered a place but does not take it up. Charging a fee deters those who are not that interested in attending a school. It deters them from applying to 15 or 20 schools. Nobody is trying to stop anyone from availing of an education. Certainly no one on a school board is trying to do so; neither is the principal nor school staff. It is important that we realise it is a wonderful concept and idea that schools should never have to fundraise and that all of the money they will ever need for anything should come from the State. However, until we reach that stage, there are short and medium-term issues with this legislation. My party and I are more than willing to let it progress to the next Stage where it will be teased out and examined and I hope some of my points will be considered. I am not my party's spokesperson on education, albeit I am reasonably familiar with a lot of education matters, including issues which arise in transition year. In some cases school tours are quite expensive such that some schools organise them, while others do not. It would be fantastic if the Department was willing to pay for them all but I am not sure that it is ready to do so.

We need to tease out this matter. I am not against what is proposed because it would be wonderful, and no school wants to be dealing with cash, collecting voluntary contributions or sending out reminders. I know of schools in more middle-class areas where the voluntary contribution take-up rate is 60% or 65%. Even in those areas, people are not willing to or, in many cases, are not able to, pay. The house and the car might look nice but there could be huge debts.

I commend the Labour Party and Senator Ó Ríordáin on the points they have put forward and on the Bill. However, I feel obliged to point out on behalf of people who have served on school boards that it is more complicated than just clicking our fingers to abolish fees in the morning. I am not suggesting that the Senator is saying this. I hope this can happen sooner rather than later but until it does it is not permissible unless the money comes from somewhere else.

Senator Paul Gavan: I commend my colleague Senator Ó Ríordáin and his Labour Party colleagues on the Bill. It is an excellent idea but it also brings to attention words we do not like to use in the Chamber in the context of the ideological differences between us. In 1979, when I came home as a 13 year old child, my father had just retired as a factory worker and my mother was the same. I remember the shock when I turned up in school expecting to be given books. How naive was I? In London, books were provided whereas the teacher here told me that I had to buy the textbooks and the notebooks in which I would write. Interestingly, there were not so many voluntary contributions in the 1970s and early 1980s that I can remember but they have become completely *de rigueur* at this stage.

I examined some of the figures Barnardos provided last year. Each year, Barnardos conducts a survey in respect of this matter. Last year it found that it costs more than €360 to send a senior infant child to school and, at an average of €765, significantly more for a first year pupil.

It also found that 11% of primary school parents and 21% of secondary school parents - one in five - are forced to borrow money to cover the costs. The interesting thing is that Fergus Finlay went on to state that €103 million would be enough to make education free in this country. It is really about choices.

I mean my next point respectfully. My colleagues in Fianna Fáil and Fine Gael spoke about the good work that goes on, and I acknowledge this, but surely the first choice we should make as a republic is to believe in free education and implement it. It would not cost the earth but it would mean making different choices. We cannot choose to continue to give tax cuts to the wealthy while turning our backs on children and parents who cannot afford these fees. I know of subtle but clear pressures on parents with regard to the need to pay these fees which, as I have said, are quite substantial.

Senator Ó Ríordáin made the very good point that the potential embarrassment because of not paying the fee would make parents less likely to go to a parent-teacher evening. I do not suggest that teachers would take it out on those parents, quite the opposite, frankly, but it is naturally-----

Senator Gerry Horkan: They would not know.

Senator Paul Gavan: The point is that it would still potentially inhibit parents if they had not paid the fee to go along that evening. Surely, as a first principle, those of us who claim to be republicans must believe in free education. This is not pie in the sky, it happens throughout most of Europe. It is the norm. The reason it has not happened here is that, unfortunately, because of our history, rather than having a left-right divide, we have been dominated by two right-wing parties that do not believe in universalism and that never have believed in it. Somehow, they feel it is okay that people should pay fees and that it would save the State some money. It does, but at what cost to children and to the principle of equality?

If this recovery is to mean anything, surely the first thing the Government should do, if it gets to introduce the next budget, is ring-fence that €103 million. As Fergus Finlay stated last year, it is petty change in terms of the overall budget for education. Ring-fence the money and make education free. This can be done. What is lacking, and what has always been lacking, is the political will to make it happen. This is why I welcome the Bill. It is a very simple clear Bill that would enable real progress to be made. We should all work together to progress the Bill through the House quickly and put it up to the Government and Ministers to see whether they really believe in the principle of free education.

Another irony regarding the €103 million is the question of by how much we subsidise private fee paying schools each year. I cannot recall the figure but I believe it is somewhere between €35 million and €45 million a year. How does the Minister of State square subsidising private fee-paying schools while allowing parents to suffer because they do not have the money to send their children to school and it is putting them into debt? How can he possibly justify this? What reason could he give for allowing it to continue? It comes down to choices and ideology. For those of us on the left, the lesson is to push progressive politics, as is happening this evening, and not to prop up these parties even if it takes a little longer to get the change we need. For too long we have put up with conservative politics in this country and what it has led to is inequality, mass emigration and failure, not just once but several times.

I am delighted that, to be fair, the Bill will not be opposed and I commend my colleagues in

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the Labour Party on bringing it forward. If the Government is serious about making a difference, it should ring-fence the money and make it happen. What could be more important than building true equality into our education system? Surely that is more important than tax cuts. Surely it is more important than subsidising multinational companies that already get a hell of a deal in this country. Perhaps we need more debate on this. As I have said, it is an ideological issue. I welcome the contributions made this evening. I hope we get a little more time to see how far we can bring the Bill and challenge the Government and the innate conservatism that has held us back for too long.

Senator Lynn Ruane: I thank the Minister of State for attending. I also thank Senator Ó Ríordáin for bringing forward the Bill. I never really prepare myself for how upset I get at some of these conversations. I continue to be surprised by the distance between politicians and the lived experiences of people in this country. I do not know why I continue to be surprised. Sometimes I think my well-meaning colleagues do not even hear the undertones of what they say when they make their contributions. A huge number of today's contributions have been about how great boards of management are, how great schools are and how much we need to realise that it takes an awful lot of work to run a board of management. I can tell the House in no uncertain terms that the conversations at meetings of boards of management are not reflective of what goes on in a classroom.

I am sorry to tell Senator Horkan that just because he does not see it happening, does not mean it is not happening. He should believe us when we say that not being able to pay contributions means it is embarrassing to drop a child to school and that on many occasions we are shamed. Years ago, when I was on the lone parent's allowance, I was embarrassed time and again when my child came home telling me the teacher had asked about the money. There was no note coming to my door in a closed envelope. It was a direct question to my child about contributions. I bought the books and the uniform. I was used to paying for books because my parents paid for books. It was something I knew about and allowed for. Contribution fees came later. I can tell the House that everything Senator Ó Ríordáin said is true. The problem is that because people like us, and even me now, are not affected, we fail to see it is happening. This is because we listen to the well-meaning conversations of boards of management but they do not reflect the reality or what is happening. I do not care about how a school feels about keeping the lights on if it is going to be to the detriment of a family that cannot keep its lights on. We should not place this burden on any family. We must not shame a family into thinking that if it does not pay a voluntary contribution, a school will not be able to buy art supplies. Why should any parent living on €180 to €250 per week, paying colossal rent and trying to feed and clothe a number of children be the one who has to pay to keep the school lights on? It is such a manipulative way to get money from people. It is manipulation and abuse. It is abuse to say to parents a certain thing cannot be done in a school if they do not pay the student contribution fee. It is failing to account for their inability to make a contribution. The embarrassment it causes is significant. Those affected do not show up for parent-teacher meetings.

There are schools that will not give a child a locker until the student contribution fee is paid. My daughter had to carry massive books to school until I paid the locker fee. This was when she started secondary school. She had to walk to school in the morning with the big, heavy bag of books and back at lunchtime. This is happening. I was less affected by this than many because I did not have to run my own home. I was very lucky to live with my parents, who supported me. I watched what was happening, however. It is happening all around the country, particularly in Dublin. I cannot account for what is happening outside Dublin because I do not

have experience of working with parents there.

Teachers are saying to students that they will not be able to engage in a certain activity until the contribution is made. Children are being told directly that the contribution was supposed to have been paid three months ago. Children are being poverty-shamed in front of their classmates, making the rest of the class aware that they have not paid.

When we buy books now, we do not even get to reuse them. The Department or other relevant authority decided to use workbooks. Students do their work on the pages of these workbooks so they cannot even be handed down. Parents used to have an option in that if they bought the books once, they could be passed down to other members of the family. That does not happen now.

I dealt with a case involving a grandmother who was caring for a child. I am not sure what happened to the child's mother. The grandmother did what used to be done in the 1980s. She wrapped the schoolbooks with leftover wallpaper because that was what was done at the time. The school took it off, said it did not look neat and told the grandmother she was to go out and buy brown sheets of paper to cover the books. This is happening every day in classrooms.

I am only scratching the surface because I only ever have so much of the information. We must not continue to have these conversations and talk about how great boards of management are. We know they are doing the work but their members go home to their own lives and are not the children who go home feeling absolutely ashamed of themselves because they believe they are now poor.

As a mother, I would have lied my way through anything when I did not have enough money to pay for something. I would have found myself explaining myself. I have watched my friends do it. They do not even tell each other they cannot afford to pay because they are embarrassed. They just say they forgot to drop up the payment and that they will drop it up the following week. That is literally what parents are doing. They cannot even admit it among themselves that they cannot afford to pay because they feel ashamed and that there is something wrong with them as a consequence. It is happening in every school and children are being shamed.

We need to shift the conversation. If we believe boards of management and teachers are great, let us support them by giving them adequate State funding. They should not keep telling us they have to demand voluntary contributions and place the burden on families that are already feeling embarrassed and ashamed. They must deal with enough without having to tell their child they cannot afford something he or she needs. It is completely unethical. It is completely immoral.

If we are to make an effort to do something, we must advocate for the State to pay adequately for education and not try to make the case that there is nothing else we can do other than request voluntary contributions. Until one walks for a day in the shoes of the affected families, what one says here is completely irrelevant. Talk of teachers and their being well-meaning is completely irrelevant to those who have faced what I describe, who have watched their community face it, and who have watched families with five, six or seven children try to pay for schooling.

Often in communities with a high rate of deprivation and poverty, there is already a negative experience of education. The last thing one needs to do is compound and reinforce that experience by creating a negative relationship between children and their classmates or teacher because their families cannot afford something. There should be a relationship based on equal-

ity, allowing the children to flourish.

As Senator Ó Ríordáin stated, when the money factor is introduced, a transactional relationship is created between the family and school or the family and the teacher. It becomes less about learning and more about demanding money. It becomes a service like every other service with which many working class communities already have negative interactions. We need to remove this barrier so we can get to the true nature of education. As politicians, we need to trust families when they outline their experience, regardless of whether we sit on boards of management.

One could sit in a boardroom and be really inspired by the board members and say they are great on the basis of their saying they are doing certain things, but one is not sitting in the family homes listening to the families' stories and experience of interaction with the schools. The problem is that we are starving schools of resources. We are creating a negative relationship between the schools and families instead of supporting schools by giving them adequate funding so they can have a transformative educational relationship with those they work with.

I shall refrain from getting really annoyed. I ask Members to note, when speaking, that just because they do not see something does not mean it is not happening. They should open their eyes a little more and engage with family members who experience what I am talking about.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): I thank all the Senators for their contributions. I was asked to respond on behalf of the Minister, Deputy McHugh, who is dealing with business in the Dáil. I listened carefully to everything that has been said. I note the legitimacy of everything said. It is important that this be said first.

On the face of it, the Bill is consistent with what has been the long-standing policy on voluntary contributions by parents. The Government will not be opposing this Bill at this Stage and the Department will reflect further on what the Senators have had to say. The first part of the Bill seeks to legislate for the admission and continued enrolment of a student in a school. The Bill does not take into account the commencement of section 64 of the Education (Admission to Schools) Act 2018, which already explicitly prohibits the charging of admission and enrolment fees for admission to or for continued enrolment in a school, with some exceptions, such as boarding schools and fee-charging schools. That is all I have to contribute. We do not oppose the legislation.

Senator Aodhán Ó Ríordáin: Sometimes in this House we introduce legislation and are not sure how far it will go, what it will inspire, whether it will be viewed in a particular way or become a political football, or whether we are all just playing games here. Notwithstanding the contributions of Senators Byrne and Horkan, I find myself humbled to be in a room having listened to what Senators Gavan and Ruane had to say about this legislation. Perhaps it will not get very far and maybe the Government will not accord to it the respect it deserves. Perhaps it will fall on the next Stage, maybe it will be amended to death, or maybe the House will fall before it gets any further but, that said, it was worth listening to what Senator Gavan said about moving from the United Kingdom to Ireland, the necessity of buying books and the ideological reality of the choices voters can make. Having heard Senator Gavan, I am reflecting on the question of what in God's name the Senator and I are doing in different political parties.

This Bill is about the power of the State to deliver equality. The market cannot be trusted

to deliver equality because it has no conscience. One cannot depend on the private pocket to deliver what are fundamental State services that will lift people out of poverty. I listened to Senator Ruane outline her real-life experience and to her powerful words. Her note of caution to Senators speaks to the real, lived experience of those we are trying to serve. Schools are not about boards of management. As a former teacher and school principal, I venture to suggest that schools are in fact not even about teachers. The best advice I got when I became a school principal was to put the child at the centre of every decision I made. I took that to the extreme and at the end of the school day I used to sit in their seats to see what they saw, how far they were from the blackboards we had in those days and from the windows and toilets. It was to see how cramped they were. One began to realise that the complaints children sometimes had in class were real. They do not just complain for the sake of it, these are real experiences for them. One does not know what the experience of a child is if one is a teacher sitting at a teacher's desk.

As Senator Ruane stated, the board of management runs the school but the whole point of the education exercise is to inspire people in kitchens and sitting rooms across the land to feel that schools are on their side completely. People should feel that the school and the teacher support them every step of the way and that schools, teachers and principals are singing from the same hymn sheet completely to inspire, drive and help children to grow in a way that, perhaps, their parents did not get a chance to. There is then an envelope and a request for a voluntary contribution because something must be paid for and the books must balance. We all live in the real world. I know we have to heat schools. They must be lit and they must function. However, that is a broader question for the State. There should be no humiliation and any possible circumstance of humiliation a child might feel must be eliminated. Humiliation is not something that happens on the day a child goes to school and has to say his or her mother, father or grandparent will give the money when they can. It sticks with one for life. It is not a temporary thing. It does not stick with one for a day or a week. One remembers for the rest of one's life how one felt when one did not have the money and that gets passed to the next generation.

If it has achieved anything, the Bill has at least allowed us to trade comments and experiences and to discuss the beauty of education and the need to ensure that it is there for everyone and does not come with a price tag. If there is any barrier whatsoever to someone's engagement with a school community, it must be removed. If it costs €45 million to deliver free education or €100 million to deliver the school books scheme, that is a small price to pay. In the context of other conversations we are having on broadband and the children's hospital, €100 million is nothing. What a small price to pay when the cost of not doing it is so great. The cost in humiliation and shame is intergenerational and lasts a lifetime.

I appreciate that the Government is not opposing the Bill. I appreciate that Governments and civil servants must make arguments about why things cannot, should not or may not be able to be done. I get all that, but we have opened a conversation for all of us within our various political parties to reassess the value of education, school life, vision, beauty, love, poetry and all the things we say we believe in. When it comes to election time, we can prioritise the public good, public need and public service above the private tax cut. That is what the children and families of Ireland need. There is no price we should consider too costly if it is to eliminate the possibility of any child or parent feeling humiliation.

Question put and agreed to.

Acting Chairman (Senator John O'Mahony): When is it proposed to take Committee

8 May 2019

Stage?

Senator Aodhán Ó Ríordáin: Next Tuesday.

Committee Stage ordered for Tuesday, 14 May 2019.

Acting Chairman (Senator John O'Mahony): When is it proposed to sit again?

Senator Maria Byrne: Tomorrow at 1.30 p.m.

The Seanad adjourned at 6.55 p.m. until 1.30 p.m. on Thursday, 9 May 2019.