



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Céadaoin, 9 Deireadh Fómhair 2019*

*Wednesday, 9 October 2019*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Gnó an tSeanaid - Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Lorraine Clifford-Lee that, on the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Children and Youth Affairs to make a statement on the planning process for the provision of childcare facilities.

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

The need for the Minister for Health to make a statement on the measures being taken to address the overcrowding in the emergency department at University Hospital Limerick.

I have also received notice from Senator Maria Byrne of the following matter:

The need for the Minister for Health to provide an update on the appointment of a neurology clinical nurse specialist for the UL Hospitals Group.

I have also received notice from Senator Diarmuid Wilson of the following matter:

The need for the Minister for Defence to make a statement on his plans for the former Dún Uí Neill Army Barracks in Cavan town.

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

The need for the Minister for Health to make a statement on the introduction of the pharmacy-based minor aliment scheme.

I have also received notice from Senator Colette Kelleher of the following matter:

The need for the Minister for Education and Skills to make a statement on the gaps in access to school places for children with autism, with particular reference to the data compiled by the National Council for Special Education.

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

The need for the Minister for Health to make a statement on the review of the inclusion of the FreeStyle Libre in the reimbursement of medical devices under the community drug scheme.

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

The need for the Minister for Transport, Tourism and Sport to make a statement on the purchase by Iarnród Éireann of additional carriages for the Intercity network.

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

The need for the Minister for Agriculture, Food and the Marine to make a statement on the consultation process undertaken by his Department following applications for aquaculture licences in a special area of conservation.

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

The need for the Minister of State with special responsibility for local government and electoral reform to provide an update on the review of the role and remuneration of local authority elected members.

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

The need for the Minister of State with special responsibility for disability issues to provide an update on the provision of a new building for the Holy Angels Day Care Centre in Carlow.

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

The need for the Minister for Housing, Planning and Local Government to make a statement on the current status of the final accounts for Dún Laoghaire Harbour Company and the potential financial exposure to Dún Laoghaire-Rathdown County Council as a result of the transfer of the company to the council.

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

The need for the Minister for Education and Skills to provide an update the acquisition of a new site for Gaelscoil Chionn tSáile, Kinsale, County Cork.

I have also received notice from Senator Lynn Ruane of the following matter:

The need for the Minister for Education and Skills to make a statement on the continuation of Colasite Lú, County Louth, as an Irish medium school.

Of the matters raised by the Senators suitable for discussion, I have selected Senators Clifford-Lee, O'Donnell, Byrne and Wilson and they will be taken now. I regret that I had to rule out of order the matter raised by Senator Noone on the ground that it is a repeat of a Commencement matter raised on 28 May 2019. The other Senators may give notice on another day of the matters that they wish to raise.

## Nithe i dtosach suíonna - Commencement Matters

### Childcare Services Provision

**Senator Lorraine Clifford-Lee:** I thank the Minister of State, Deputy Daly, for coming in. I hope he will not mind me saying that I am disappointed the Minister for Children and Youth Affairs, Deputy Zappone, is not here. I believe she has a budget press conference at 12 noon but it is only 10.30 a.m. I would have hoped that she would have come into the Chamber to discuss this important issue but I thank the Minister of State for his presence. I hope he will be able to give me some answers and maybe convey the message that I am going to relay today.

I live in north County Dublin, which has the youngest and the fastest growing population in the country. There is a severe issue there in regard to the provision of childcare facilities. When I talk about childcare facilities, I am talking about full-time childcare facilities and not sessional facilities. We have some of those, although we could do with more. We have good coverage of the part-time ECCE-funded facilities but I am talking about full-time crèche facilities. North County Dublin has a very young population that is growing rapidly. Much housing is being built in the area, particularly in Donabate, where I live, and in Lusk. That brings families, people starting families or people who have children. They are moving into areas in the expectation that there will be crèche facilities but that is not the case.

What we are finding is that developers have been granted planning permission for hundreds of houses on the basis that they will provide a crèche in the development. People buy their houses, and spend a lot of money on them, with the promise that there will be a crèche on their doorstep. What is happening is that the second phase of a development might have to go to An Bord Pleanála and the requirement for a crèche is being taken out at An Bord Pleanála level, or at local authority level. Instead, a proposal for more and denser housing provision is submitted and, suddenly, the community is without the childcare facility it expected to have. When that happens three or four times in a small area, it becomes a real crisis. It is something I have faced personally, as have neighbours of mine. It is upsetting for parents to discover that there is no childcare facility to which they can send their children. This is an ongoing crisis and it is creating all sorts of problems. In the case of large-scale developments which might consist of up to four phases, what is happening is that the provision of a crèche is postponed until the last phase, which may be many years after the first phase was built. In some instances, when the final stage is reached, the builders do not bother to build the crèche and instead leave a small part of the site on which nothing is constructed. By that stage, they have sold 600 or 700 houses on the promise of there being an on-site crèche.

I have an example of this type of thing in Donabate, where planning permission for a development was granted on the basis that a crèche would be provided. The builders have now gone back to Fingal County Council and applied for a change-of-use permission that would allow them to construct two more houses instead of the crèche. When Councillor Adrian Henchy and I arranged a public meeting to discuss the change, there was great interest from families outraged that this was happening. Following that successful meeting, more than 30 submissions were submitted locally to the council and a decision in the case is pending. The developer argued that there was no local demand for a crèche, in response to which we clearly proved there was such demand. The developer also claimed to have been unable to find any local provider willing to offer a childcare service from the proposed crèche. In fact, there are plenty of local

providers who are interested in running a crèche from the building if and when it is built. As it emerged, what the developer actually wants is to sell the building for €1 million. The developer simply does not want to rent it for a ten-year term to anybody willing to avail of it to provide a childcare service to people in the village.

Will the Minister of State convey to the Minister, Deputy Zappone, the urgent need for her to get involved, through the local childcare committees, in the planning process? She needs to make submissions to Fingal County Council and, on behalf of communities, to An Bord Pleanála. Parents of young children in the area are already flat to the washers trying to work, provide a home and pay mortgages and other bills. We cannot leave it to them to fight for these essential community facilities. We need the Minister to get on board. All the schemes and reform measures in the world are of little use if we do not have the necessary physical infrastructure in growing and emerging communities and if we allow developers to lead the development of communities to the detriment of families. I could talk forever about the gender pay gap, the glass ceiling and the stress caused to families by the lack of childcare provision, but the Cathaoirleach has indicated that my time is up. I urge the Minister of State to take the message to the Minister that we need her to engage actively in the planning process.

**Minister of State at the Department of Health (Deputy Jim Daly):** I thank the Senator for raising this issue. The Minister for Children and Youth Affairs, Deputy Zappone, sends her apologies for being unable to attend the debate this morning. As the Senator will understand, all matters relating to planning, including crèche developments, fall under the jurisdiction of the Department of Housing, Planning and Local Government rather than the Department of Children and Youth Affairs. First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families, published last year, has the strategic objective to maintain and extend the supply of high-quality, publicly-subsidised early learning and care and school-age childcare to best serve the developmental needs of babies and young children while also ensuring that such provision reflects the needs and preferences of parents and families. The agreed action in the First 5 implementation plan related to planning is to “review and update the National Planning Guidelines for the development of Early Learning and Care and School Age Childcare settings”. The lead partner is named and agreed as the Department of Housing, Planning and Local Government. Implementation of this action point has begun but will take some time to complete.

The unprecedented increase in investment in childcare over the past five budgets has helped to increase capacity in the sector by 100%. The Department of Children and Youth Affairs has doubled the provision of free care under the early childhood care and education, ECCE, programme from one year to two years. The number of childcare places has also doubled. Baby and toddler places have increased from 13,700 in 2014 to more than 31,000 in 2018, a rise of 128%. In the 2018-19 year, 4,598 early learning and care and school-age childcare services were approved for funding. More capacity is needed, which is why the Minister for Children and Youth Affairs is continuing her intensive efforts in this area. There is a need to encourage further capacity for the under threes and for older age groups in centre-based care and to support increased capacity in the childminding sector. With this in mind, the Department of Children and Youth Affairs recently recruited a national childminding co-ordinator and will soon recruit a team of six development officers around the country to support the registration of more childminders with Tusla and thereby enable them to access subsidies under the national childcare scheme, NCS. The creation of places for younger children aged from six months to three years of age was prioritised by the Department in all three of the most recent annual

capital programmes for early learning and care services. This year, a specific strand of capital funding was earmarked specifically for the creation of places for under threes, and more than 1,000 extra places will be delivered before the end of the year.

The Minister ensured that childcare was identified as a strategic priority in the national development plan. She secured €250 million under the plan, much of which will be invested in additional capacity. The good news is that there is sufficient capacity in the ECCE scheme. When the programme still had three entry points and before the entitlement to a full two years of care, there were approximately 120,000 children participating. Now that there is two full years and a single entry point, we have approximately 108,000 children participating. The parents of some ECCE-eligible children are using other Government childcare schemes instead. This means that, broadly, there is sufficient capacity under ECCE and the focus of providers and departmental capital schemes can now shift to building places for the under threes and school-age children.

Funding for early learning and care and school-age childcare was increased by a further €54 million in yesterday's budget. This brings the total increase in the past five budgets to an unprecedented 138%. The extra funding will support the continued provision of two years of ECCE provision for all children, ensure the full participation of children with disabilities under the access and inclusion model, and support the introduction of the NCS later this year, which will be a major incentive for providers to expand capacity. The NCS will provide a progressive system of subsidies, starting with the highest subsidy rates of up to €5.10 per hour for children aged under one. The next highest subsidy, for one and two year olds, will be up to €4.35 per hour.

**Senator Lorraine Clifford-Lee:** I realise that the Minister of State is deputising for the Minister, Deputy Zappone, but, unfortunately, much of his statement has absolutely no relevance to the points I raised. He referred to providers being able to expand capacity as a result of subsidies. The point I am making is that they do not have the accommodation to do so. This is particularly the case in north County Dublin but also, I am sure, in other growing communities, especially in Leinster. Developers are being allowed to take proposed crèche facilities out of their plans and put in more housing. I want the Minister to start making submissions to Fingal County Council and to An Bord Pleanála in order to solve this problem. Giving more subsidies to providers does not work when there is no building to accommodate them. Are they supposed to run the crèches from a field? Capacity under the ECCE scheme has nothing to do with the problem I am highlighting.

Childminders are an important piece of the jigsaw of childcare provision. However, in areas with a young population like Donabate and Lusk, there is no large cohort of older parents who have raised their own families and now have time on their hands to mind other people's children. People are busy with their own families. Incentives for childminders are no good to the people in Donabate and Lusk who are fighting urgently to secure crèche facilities.

**Deputy Jim Daly:** I respectfully disagree with the Senator. The 138% increase in funding for childcare is a very significant development in the past five years.

**Senator Lorraine Clifford-Lee:** Where are the providers supposed to go? There is no accommodation for them.

**Deputy Jim Daly:** I did not interrupt the Senator.

**Senator Lorraine Clifford-Lee:** I invite the Minister of State to come to Donabate to see the situation there.

**Deputy Jim Daly:** The idea that the Minister for Children and Youth Affairs should get involved in the planning process in Fingal County Council is astonishing.

**Senator Lorraine Clifford-Lee:** I am suggesting that she go through the local childcare committees.

**Deputy Jim Daly:** The planning process is an independent process. The suggestion that the Minister would decide whether two houses or a crèche are part of a development is worthy of rebuke.

**Senator Lorraine Clifford-Lee:** The local childcare committees are supposed to represent local families.

**An Cathaoirleach:** The Senator is out of time.

**Senator Lorraine Clifford-Lee:** The Minister has directed them not to make submissions on behalf of families. It is a disgrace.

**An Cathaoirleach:** We must move on. If the Senator is not happy, she will have to raise the matter with the Minister on another day.

I take this opportunity to point out that, *pro rata*, Members on the Government side of the House, including Fianna Fáil Members, are entitled to be allocated at least two Commencement matters every day. Some Members have complained that their submission was not chosen. Given that Senators Kieran O'Donnell and Maria Byrne, for different and genuine reasons, were unable to take up their slots last week, I decided, in order to be fair, to select them again this week. Senator Wilson had his first matter for ten months and that is why his was chosen. I try to balance everybody's requests.

### **Hospital Overcrowding**

**Senator Kieran O'Donnell:** The Cathaoirleach is fair and equitable in his role. I welcome the Minister of State, Deputy Jim Daly, to the House. On a personal note, I wish him well. Politics is a tough game and I very much respect what he is doing. I put on record that he has a phenomenal body of work to his name. I wish him well for the future and he might return at some point.

This matter concerns overcrowding at University Hospital Limerick. There is a sense of *déjà vu* as I raised it at a meeting of the Oireachtas Committee on Health last Wednesday, 2 October, when the Minister of State was present. There is persistent overcrowding and this is a human issue now, as opposed to a political matter. In September, University Hospital Limerick consistently had the highest number of people on trolleys and that has been the pattern for a long period. An average of 68 people per day were on trolleys this September, but in September 2018, there were an average of 44 people per day on trolleys. I have seen the daily figures since the start of October and over the past nine days, the average per day has been over 70. That figure is too high.

9 October 2019

I put a number of suggestions to the Minister for Health, Deputy Harris, and the Minister of State, Deputy Daly, and I concluded by calling for a radical action plan to tackle the overcrowding. There is a 60-bed block under construction and it is expected that it will be completed next June and operational next September. There is also a 96-bed acute care bed block in the planning and design phase, and the HSE has assured me the planning process will start at the beginning of the coming year. I have pushed for both projects and I got €100,000 for preliminary design work by University Hospital Limerick and the HSE in getting it under way.

This is a legacy issue and there was a reconfiguration when facilities at Ennis, Nenagh and St. John's hospitals were closed in 2009. There were supposed to be 138 co-location beds on the grounds of University Hospital Limerick but that did not happen. Over the next number of years we will have 150 extra beds, but until that happens, we must have radical interim measures to deal with overcrowding, which every day is affecting people I deal with.

There should be a number of components in these measures. An additional MRI scanner should be provided, as was mentioned at the meeting of the Oireachtas health committee last week. The existing MRI scanner is old and under severe pressure. It is contributing to the fact that diagnostics are not being completed on time. Recently there were 47 people awaiting discharge but in the previous year this number was always approximately four. There should be funding for fair deal transitional care to allow people to move to step-down facilities quickly. There are many people occupying beds in University Hospital Limerick who could avail of step-down facilities if funding was available. Perhaps facilities at Ennis, Nenagh and St. John's hospitals could be used more efficiently to get non-acute patients out of beds at University Hospital Limerick.

We are at a crisis point and I have campaigned about this for a long period. We must overcome the problems that will arise over winter. A commitment was given by the Minister and the Minister of State at the Oireachtas committee to meet representatives of the HSE and the Department to discuss matters specific to University Hospital Limerick and the mid-west before reverting to us. This is such an urgent issue that I am asking where is the radical action plan and when will it be implemented. Will there be a new MRI scanner as I do not believe that the process could still take up to eight weeks? This is a crisis and if we need a new scanner, it should be found. A transition package for people to avail of fair deal would allow people to be discharged more quickly to step-down facilities. The facilities at Ennis, Nenagh and St. John's hospitals could also be used more efficiently.

**Deputy Jim Daly:** I welcome the opportunity to address the House on the issues raised by Senator O'Donnell. According to provisional HSE TrolleyGAR data, there was a 17% increase in patients waiting on trolleys year to date in University Hospital Limerick accident and emergency department in September 2019 compared with the same period last year. In September 2019, there were 897 patients counted on trolleys in University Hospital Limerick, which was a 28% increase compared with the previous month. It is acknowledged that this is unacceptably high and the HSE is actively working with the University of Limerick Hospitals Group to ease congestion in University Hospital Limerick, with a focus on facilitating transfers to level 2 hospitals, as mentioned by the Senator, with regard to transitional care, assistance from rehabilitation units and community health organisation services, and prioritisation of diagnostics to aid inpatient discharges. Senator O'Donnell quite correctly and aptly referenced these.

The HSE has advised that University Hospital Limerick is experiencing high levels of occupancy combined with challenges from infection prevention and control measures. Ward



rounds are ongoing in the hospital to identify patients for discharge and diagnostics are being prioritised to maximise egress. In addition, transfers to model 2 hospitals are being expedited and the surgical and acute medical assessment units are functioning to assist admission avoidance. The University of Limerick Hospitals Group has reported that indications for an MRI scan have greatly increased over the past 15 years and that an additional MRI scanner would have an immediate benefit in faster discharge of patients and reducing admissions. Proposals for funding of a second MRI machine and replacement of the existing scanner have been made by UHL. The HSE will have to consider the proposal in the context of the budget process.

Planning for the winter of 2019 and 2020 has commenced, and the Department of Health is working with the HSE to finalise the winter plan in the coming weeks. Individual community healthcare organisations and aligned hospital groups are preparing integrated winter plans that will focus on demand management and reduction, staffing availability, timely access to the most appropriate care pathway for patients, and the provision of appropriate and timely egress from acute hospitals. The local integrated winter plans will be delivered by local winter action teams. The winter action teams will report to the HSE winter oversight group, consisting of senior HSE staff across the relevant divisions and chaired by the chief operations officer.

The integrated winter plans will support the development of a single overarching strategic level winter plan for the HSE. Additionally, the Department and the HSE have been considering a comprehensive approach to the current high level of delayed transfers of care. However, recognising the urgency of the situation, approval was provided to the HSE to begin actions immediately to the value of €5 million in 2019 with a view to bringing the waiting times for the release of the nursing home support scheme funding back to four weeks, providing additional home support and increasing transitional care.

The health service capacity review published last year highlighted the need for a major investment in additional capacity. Progress has been made on increasing capacity in University Hospital Limerick, and the average number of open inpatient beds has increased by 4% between 2017 and March 2019. Since 2017, an additional 25 beds have been opened in University Hospital Limerick, including eight as part of last year's winter plan. In addition, a capital budget of €19.5 million has been approved for the provision of a modular 60-bed inpatient ward block at University Hospital Limerick, with funding of €10 million allocated in 2019. The new modular ward will include three wards comprising 20 single-room occupancy with en suite facilities, two of which will be full isolation facilities and will provide care and treatment for patients from admission to discharge. The HSE has advised that the enabling works are complete and the main contractor is commencing work.

**Senator Kieran O'Donnell:** I thank the Minister of State for the response. We need to see a specific radical action plan and I will hold the Minister, Deputy Harris, and the Minister of State to the commitment made at the Oireachtas health committee last week. They asked for two weeks and I will give that but it should take no longer. We need immediate action on the MRI scanner and I expect to see results on that over the next two weeks.

The Minister of State referenced bed capacity, which is clearly the fundamental issue at University Hospital Limerick, if not the only one. There are two aspects to this. When a second MRI scanner is in place, it may prevent the admission of people who may not need to be admitted because of the wait for an MRI. Additionally, people could be discharged much more quickly. Will the Minister of State confirm that there will be funding under the budget to allow people to transition to fair deal so they can move to a nursing home before the fair deal scheme

kicks in formally? Will it be fast-tracked for University Hospital Limerick?

*11 o'clock*

The action plan must be radical and involve a new scanner with immediate effect, as well as transitional step down funding. The Minister of State made reference to the use of the hospital. I ask for confirmation of transitional funding for fair deal to nursing homes.

**Deputy Jim Daly:** The Senator made a comprehensive case at the committee last week, not just to me and the Minister for Health, Deputy Simon Harris, but, more importantly, to Mr. Paul Reid, CEO of the HSE, and Mr. Liam Woods, who, along with the senior team in the HSE, addressed the issue of the scanner. The hospital can do no more than put forward a proposal for funding. The HSE is currently examining the situation and I and the Minister for Health, Deputy Harris, will support the Senator in his endeavour to have that expedited as quickly as possible. We see it as a very practical solution which can help the situation.

Transitional care funding was released on 9 September nationally, which has had an impact. The weeks in the month of August were out of kilter for the fair deal scheme and there was a block on transitional care funding which made everything in the hospital system worse. Emergency funding was released on 9 September, which is playing out through the system and has brought everything back into kilter. The waiting time for the fair deal scheme has reduced to four weeks. The flow of transitional care funding has opened up again. That is why the peaks in September are particularly acute. We hope to see some improvement. Continuing funding will be made available over the winter plan to deal with that.

### **Hospital Staff Recruitment**

**Senator Maria Byrne:** I welcome the Minister of State. We have had debates on this issue in the past and he gave me a very promising answer, but I am very frustrated at this stage because it is my understanding that, despite funding having been sanctioned for a nursing position at least eight if not 12 months ago, progress has stalled. When I wrote to University Hospital Limerick to ask it to outline the situation, I was told that the position was advertised in July. I asked why interviews had not taken place and the position had not been filled and the answer I received stated that the position has been advertised and awaits release from the national director for the recruitment process to proceed to the next stage.

I spoke to MS Ireland and people with MS and other neurological illnesses. The nursing position is crucial. In 2016 a report was launched by the hospital group which recommended that there be three clinical nurse specialists in neurology. We are currently looking for one because there are none. The clinical nurse specialist plays a crucial role in the treatment of people who have MS and other similar illnesses. I attended the meeting of the health committee last week, at which we discussed overcrowding and people on trolleys. Clinical nurse specialists help to address that, given that people are taking up beds because they have nowhere else to go as there is no one to give them the advice and support they need.

These nurses provide support and are also able to look at the medication people are taking and advise those with an illness on how to take it. They play a key role in ensuring that people are not admitted to hospital. When people are admitted to hospital due to the lack of a specialist nurse they take up beds which could be used by other people.

MS relapses cost the State approximately €16.9 million per year, according to a report from MS Ireland. That is the cost when a nurse is not in place. A specialist nurse needs to be resourced. As I said, eight or 12 months ago I thought a clinical nurse specialist was on the way for neurology patients. Many other illnesses also require such a nurse. However, to date nothing has happened which is very frustrating. I would like an update on the situation.

**Deputy Jim Daly:** I thank the Senator and acknowledge her contribution, along with that of her colleague, Senator Kieran O'Donnell, at the committee last week. She put a formidable case for dealing with the challenges that exist in University Hospital Limerick. She was not behind the door when it came to making the point to the HSE management team and the ministerial team present. Her frustration is understandable and appreciate.

I can appreciate her frustration in looking for an update on the appointment of a clinical nurse specialist, having raised the issue in the House before. Regrettably, the story is much the same. I will not read the script in deference to Senator Byrne. I will not repeat the background to this as it is all on the record of the House from a previous submission I made. As I understand it, the post is with the national recruitment centre and has been advertised. If it is okay with the Senator, I will try to assist her by making direct contact with the CEO of the HSE, Mr. Paul Reid, today and ask him to clarify why this position has not been filled. Part of the recommended model of care includes having a clinical nurse specialist, and I will not rehash that argument. The need is recognised. I would like to know why a nurse has not been appointed. I will revert to the Senator directly after my contact with Mr. Reid, if that is okay with her.

**Senator Maria Byrne:** I thank the Minister of State for that offer because I raised this issue with Mr. Reid at the committee last week when we discussed MRI scanners and overcrowding. If a neurological clinical nurse specialist was put in place it would definitely help to reduce waiting lists. The more pressure we can put on Mr. Reid the better.

### **Army Barracks Closures**

**Senator Diarmuid Wilson:** I welcome the Minister of State back to the House. As he may be aware, in March 2012 the only purpose built army barracks in the history of the State, and the most modern in Europe, was closed. This barracks was Dún Uí Neill in Cavan town. There has been an Army barracks in Cavan since the 1700s. In 1990, soldiers moved from the oldest occupied barracks in the world to the most modern in Europe. Now, from Donegal to Louth, there are no Army personnel based on the Border. It is an area with more than 350 crossings and it will become a frontier as the UK exits the European Union. The Six Counties of Northern Ireland will no longer be part of that Union.

The closure of Dún Uí Néill barracks was a mistake. I have continually raised this matter in this House, as has my colleague, Deputy Brendan Smith, in the Lower House. In the years since the closure we have had an increase in dissident republican and lawless activities in the Border area. I fear these activities will only escalate in the context of a no-deal Brexit.

I welcome the Minister of State at the Department of Foreign Affairs and Trade, Deputy McEntee. The British and Irish Governments have not yet managed to reach a stable agreement after almost three years of negotiations. I take this opportunity to commend the Minister of State, Deputy McEntee, and the Tánaiste on the effort that they are putting in to securing a Brexit deal with the British Government. I know it is a very difficult task, and I wish her and

her colleagues well in the weeks ahead.

In 2012, when the barracks was closed, people said that it was surplus to requirements. How can the Minister of State at the Department of Defence, Deputy Kehoe, assure us that a purpose-built barracks in the middle of the Border region is surplus to requirements? I am aware that in recent months, personnel from the Department of Defence have been in County Cavan and looked at accommodation, including warehouses, while at the same time a purpose-built modern Army barracks lies mostly idle. The barracks is partially utilised by the Cavan and Monaghan Education and Training Board, which does excellent work there. Before the barracks was closed, it could accommodate up to 200 soldiers and their equipment that included a helicopter. It still can do so. As the Department of Defence officials and Army personnel have visited County Cavan to find temporary accommodation, why has the Government not decided to reopen a state-of-the-art facility that was purpose built to accommodate Army personnel?

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee):** My apologies for being late. First, I convey the apologies from the Minister of State at the Department of Defence, Deputy Kehoe, who cannot be here this morning as he has a prior engagement with Defence Forces personnel who are about to represent Ireland at the World Military Games. I wish them well.

In 2011, a Government decision was taken to proceed with the closure of four military installations, including Dún Uí Néill barracks in Cavan town. Consolidation of the Defence Forces barracks infrastructure was a key objective of the modernisation programme under way at that time. In February 2013, the sale of the barracks to the County Cavan Vocational Education Committee, as it was then, was successfully completed.

In terms of Brexit and possible implications, the Senator had rightly outlined them and I thank him for his comments. As part of a whole-of-Government approach, the Department of Defence continues to engage in forward planning with the other Departments involved in addressing all of the issues relevant to the UK's decision to leave the European Union. On 9 July, the Government published the Brexit contingency action plan update. This reflects the extensive contingency work that is under way. The work has taken place at an EU level and on a whole-of-Government basis, including the Brexit omnibus Act of 2019, to prepare us for a no-deal Brexit. Given that we are 22 days out from Brexit, that is a very real and possible threat. The plan sets out the next steps to be taken between now and the end of this month. In this regard, I can confirm that there are no plans to reopen an Army barracks in Cavan or in any other Border location.

It remains the Government's view that the best way to protect the Good Friday Agreement and avoid a hard border is for the withdrawal agreement, including the backstop, to be ratified. The backstop is so important when we talk about the Border or the reintroduction of infrastructure. In the context of the latest proposals by the UK side, the Government remains absolutely committed to the avoidance of a hard border, and Ireland and the EU are at one on this.

In terms of the deployment of military personnel, it is very important to point out that primary responsibility for the internal security of the State rests with the Minister for Justice and Equality and An Garda Síochána. Accordingly, responsibility for the security aspect of Border control rests with An Garda Síochána while the Revenue Commissioners also have responsibilities relating to their particular mandate.

Among the roles assigned to the Defence Forces in the White Paper on Defence is the provision of aid to the civil power, which in practice means to provide assistance and support to An Garda Síochána when requested to do so. The Defence Forces also provide support to the Revenue Commissioners, but again when requested to do so. There is ongoing close liaison between An Garda Síochána and the Defence Forces regarding security matters, and regular co-ordination and liaison meetings take place. The Department of Defence continues to monitor the ongoing situation to ensure that both it and the Defence Forces are fully prepared to address any possibilities that might arise in the defence area, particularly now as a consequence of Brexit.

**Senator Diarmuid Wilson:** I thank the Minister of State, Deputy McEntee and I understand that the Minister of State, Deputy Kehoe, could not be here himself. I wish the Defence Forces team the very best of good luck at the World Military Games.

In 2010, when rumours started that the barracks in Cavan town was being considered for closure, I raised the issue in the House and we had a Private Members' debate. In 2011, we had a similar debate and we were assured by the then Minister for Defence, Mr. Shatter, that there were no plans to close the Army barracks in Cavan, but exactly four weeks later it was announced that the barracks would close. I take comfort from what the Minister of State, Deputy McEntee, has said on behalf of the Minister of State, Deputy Kehoe. She said, "I can confirm that there are no plans to reopen an Army barracks in Cavan or in any other Border location", but I am aware that the situation could change before she leaves the Chamber. I wish to impress upon her the importance of reopening the barracks. In an ideal situation we would hope that the Army personnel never again would need to be used on the Border. However, when dealing with an international frontier in changed times, it is important to have Army personnel strategically located along the Border. Unfortunately, due to the deficit in infrastructure that the Border has suffered over the past 40 or 50 years, it would take hours for Army personnel to travel from their present locations to Cavan town to aid the civil power. Therefore, it makes logical sense to reopen the Army barracks in Cavan and deploy personnel, particularly as the barracks can accommodate up to 200 personnel. I look forward to the barracks being reopened.

**Deputy Helen McEntee:** The Senator has brought together two separate issues. In terms of Brexit, our sole focus and priority is to prevent the introduction of Border infrastructure and prevent the need for personnel to be deployed along or anywhere near the Border because we know what happened in the past and that the threat is very real if that were to be the case. I cannot say why an announcement that was made a number of years ago was changed. I can explain, from the point of view of the present Department, why the decision was made and why the situation is not going to change.

Specifically in terms of the reopening of an Army barracks in Cavan, or indeed across the greater region, the position is that the barracks consolidation programme, which included the closure of the Cavan barracks, has resulted, as the Department very much believes, in an enhancement of operational readiness and the deployability of Defence Forces personnel. Along with other measures, the consolidation that occurred in the earlier part of the past decade involved the redeployment of personnel away from non-operational barracks, headquarter and administrative posts into front-line operational units. It is a matter of ensuring that people have the ability to be where they are needed when they are needed. Reopening the barracks now would result in a range of unnecessary inefficiencies arising from an unavoidable increase in the administrative burden and the need to introduce a layer of non-operational barracks management and security. This would clearly have an adverse impact on the operational effectiveness,

efficiency and overall deployability of Defence Forces personnel.

With regard to deployment of military personnel to the Border, I reiterate that the primary responsibility for the internal security of the State rests with the Minister for Justice and Equality and An Garda Síochána. Accordingly, responsibility for the security of Border controls rests with An Garda Síochána. The Defence Forces, in their role of providing aid to the civil power, will provide assistance and support when they are requested to do so by An Garda Síochána. Directly linked with what we have been talking about with regard to Brexit, our sole goal is that that will never be the case. We will continue to work towards that until the deadline of Brexit, whether it is 31 October or later. I thank the Senator for raising the issue and I will bring his concerns and responses back to the Minister of State, Deputy Kehoe.

*Sitting suspended at 11.25 a.m. and resumed at 11.30 a.m.*

### **An tOrd Gnó - Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. 1, Health and Childcare Support (Miscellaneous Provisions) Bill 2019 – All Stages, to be taken at 12.45 p.m. and to conclude at 2.45 p.m., with the contributions of group spokespersons on Second Stage not to exceed eight minutes and those of all other Senators on Second Stage not to exceed five minutes, with the Minister to be given not less than five minutes to reply to the Second Stage debate, and with Committee and Remaining Stages to be taken immediately thereafter; No. 2, Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Bill 2019 - Committee and Remaining Stages, to be taken at 2.45 p.m.; No. 3, Parent's Leave and Benefit Bill 2019 - All Stages, to be taken on the conclusion of No. 2 and to conclude at 4.15 p.m., with the contributions of group spokespersons on Second Stage not to exceed eight minutes and those of all other Senators on Second Stage not to exceed four minutes, with the Minister to be given not less than five minutes to reply to the Second Stage debate, and with Committee and Remaining Stages to be taken immediately thereafter; No. 4, Social Welfare Bill 2019 - Report and Final Stages, to be taken at 4.15 p.m. and to be brought to a conclusion after three hours by means of the putting of one question from the Chair which shall, in relation to amendments, include only those set down or accepted by the Government; and No. 5, Private Members' business, Free Education (Prohibition of Fees and Charges) Bill 2018 - Committee Stage, to be taken at 7.15 p.m., with the time allocated for this debate not to exceed two hours.

**Senator Lorraine Clifford-Lee:** I am disappointed that nothing has been done in budget 2020 to assist commuters who use our rail lines on a daily basis. I refer to the hundreds of thousands of people who pile onto overcrowded trains on all our commuter lines. The situation has been getting progressively worse. I am disappointed that extra capacity will not be delivered on any of our commuter rail lines until 2023 at the very earliest. At a time when we are talking about reducing carbon emissions, it is absolutely outrageous that we are forcing people into their cars, thereby increasing carbon emissions and putting a lot of stress on people who have no option other than to use commuter trains to get to work in the cities of Ireland. When commuters were asked a few weeks ago to stagger their train times to ease these pressures, it was an incredible admission that the situation is very bad and that the Minister for Transport, Tourism and Sport is unable to keep commuters safe on trains. I was very disappointed to see that. Unfortunately, the commuters of Ireland, who should be a priority, got no joy from yesterday's

budget. I have invited the Minister, Deputy Ross, to come to Donabate, where I live, to see the state of the trains there. People have to pile onto trains at 7 a.m. each day. People stagger their times between 7 a.m. and 9 a.m., but it is still absolutely outrageous and completely unsustainable. Extra carriages are needed on all commuter lines.

I would like to call for a debate in this Chamber on advertising standards, with particular reference to vaping advertisements that target teenagers. We need to ban such advertisements, just as we have banned smoking advertising. We need to have plain packaging. There are advertisements that deliberately target teenagers. It is clear from the research that vaping is a gateway to tobacco products. Some research has shown that vaping is beneficial in some regards, for example, in cases of people who want to come off tobacco. When teenagers are specifically targeted with glossy advertising and attractive flavours, it does the health of teenagers and the health of the nation as a whole no good. I would like to have a proper debate in the Chamber as soon as possible. I know there is legislation in the pipeline that will ban the sale of these products to people under the age of 18. I would like them to be subject to the same ban on advertising that we applied to tobacco products. This should be done as a matter of urgency. I ask the Leader to arrange a debate on this matter as soon as possible.

**Senator Victor Boyhan:** I would like to speak about three issues: forestry, horticulture and Bord na Móna. I welcome the announcement yesterday by the Minister of State, Deputy Doyle, of further support for the development of forestry. As we all know, he is very committed to this area. It was announced in budget 2020 that €103 million is to be provided for forestry. In fairness, this allocation reflects the commitment of the Government and all parties to the planting of 8,000 ha in 2020. That is a phenomenal plantation. I welcome this large and ambitious target, which is important because it is in line with the objectives of the climate action plan. I think it will require a synergy between the public and private sectors. We should not have a hang-up about synergies that involve the private sector and the public sector, including State agencies, working collectively in the forestry sector. We need to get our targets in line with our objectives. It is important to welcome yesterday's announcement.

I welcome the allocation of €6 million for Irish horticulture, which is an industry that is suffering significant difficulties but offers great potential. When I visited a community garden in Carlow the other day, I learned about a community co-operative initiative that allows 300 families to sustain themselves from seasonal vegetables. It goes back to the old thing of throwing a few drills in the ground. In the 1940s, 1950s and 1960s, farmers across Ireland threw out a few drills to grow turnips, potatoes and brassica crops. There are possibilities. It is important for additional funding to be provided for horticulture. If we are serious about organics and the horticultural industry, we need to find alternative uses for sustainable horticulture and - more importantly - for sustainable communities and sustainable food.

Bord na Móna announced in recent weeks that more than 600,000 native trees are to be planted across boglands in counties Offaly, Laois, Westmeath and Tipperary. It is particularly important to find new uses for boglands. It is important that this collaboration will involve Coillte and Bord na Móna because it ties in with our climate action plans. We need to have synergies with the private sector, the co-operative movement and the farming organisations. We should pull people together to reach these targets. I am asking for a debate with the Minister of State with responsibility for horticulture and special responsibility for forestry, Deputy Doyle, to be scheduled at some point. As a Deputy for the Wicklow constituency, he has great experience in this area. I would like him to come to the House to brief us on the three projects I have talked about this morning.

**Senator Rose Conway-Walsh:** I commend Social Justice Ireland on the critique and analysis it carried out in respect of the budget. The subhead of the analysis is very telling: “Budget betrays the vulnerable as many left further behind”. That about sums up the budget. I want to talk about two such examples of people being left behind. The first is timely in the sense that Mental Health Day is on 10 October. The Government announced €39 million extra for mental health services. On the face of it, that sounds okay but the reality is that only €14 million of this is new money because €25 million was announced in last year’s budget and then withheld. We see this with a lot of these figures. As one has time to analyse the headline figures, one sees that they do not reflect the reality of the allocations at all. While the total mental health spend has increased in recent years, most of the money has been swallowed up by pre-existing services just trying to meet large increases in demand. Mental health funding will only increase if we look at the budget from yesterday in the context of how it affects rural communities in particular. They may seem like small amounts, but the costs associated with the carbon tax and other measures increase the financial imposition on people. The worry associated with the cost of heating a home and the lack of rural transport, which can lead to individuals feeling even more isolated, affect people’s mental health. This lack of transport leads to people not being able to connect with their communities, get to hospital appointments, etc. There needs to be further investment into those areas but also in terms of mental health services.

Every day of the week, people with severe mental health problems are let out of acute hospitals and we know what the outcome is for many of them. Nearly everybody sitting in this Chamber knows of individuals to whom that has happened. It is the fault of the revolving door system. When mental health patients present at accident and emergency departments and have to wait for hours upon hours, they sometimes leave without ever being assessed. Others are assessed and may be kept in for a day or two or kept on a trolley and then are let out into the community again without any real access to care. Six months later, they are given follow-up appointments with counsellors. Unfortunately, many of them may not be with us six months later. That is the reality. That is why mental health needed to be addressed in a very serious way in this budget. We have again failed the people who have mental health challenges.

**Senator David Norris:** I have just a brief comment on the Brexit budget. I was pleased to see - very late in the day - some moves from Government to alleviate the situation in which vulture funds came into this country and took up enormous numbers of distressed loans while the individual loan holders were given no opportunity whatever to bid for their own loans. These funds made hundreds of millions of profit from their activities and paid no tax. That is utterly shocking. There has been some small movement, and I welcome that, but I am rather surprised and sorry that the Government did not take the opportunity to put tax on emissions from aircraft. I first raised this 30 years ago and it is now a much more significant problem. That would have been something imaginative to have done.

With the permission of the Cathaoirleach, I would like to mention the passing of Ulick O’Connor. I knew him for over 40 years. He was a distinguished creative writer, poet and playwright. In addition to this, he was a biographer. I will come back to that in a minute. He was also a very noted athlete. He was a very fine pole vaulter and a boxing champion of the British Isles at university level, I think. He did not disdain controversy. I remember when his biography of Brendan Behan came out. All hell broke loose because he acknowledged the fact that Brendan Behan had a pretty active gay social life. The family did not like that at all and there was a lot of controversy about it, but Ulick was right. He was a peppery individual.

**Senator Jerry Buttimer:** He would not be alone in that.



**Senator David Norris:** He would fight with his own shadow but it was not his own shadow that he fought with. He fought notoriously with taxi drivers all over the city of Dublin and the sparring matches on “The Late Late Show” with one of his companions were one of the features of the early days of the programme. Ulick O’Connor, who has been quiet for the past couple of years and who was nearly 91 when he died, was a remarkable figure in Irish public life and we are diminished by his passing.

**An Cathaoirleach:** Some of the things Senator Norris said resemble what may be written on his epitaph.

**Senator David Norris:** No, my epitaph is going to be: “We are such stuff / As dreams are made on, and our little life / Is rounded with a sleep.”

**An Cathaoirleach:** I will not provoke the Senator further. I take this opportunity to welcome to the Gallery the former Leader of the House and Senator, Maurice Cummins from Waterford. He is more than welcome.

**Senator David Norris:** He should still be here.

**An Cathaoirleach:** I am not going to downgrade the current Leader but Mr. Cummins is very welcome. I wish him all the best. Next to speak is Senator Coffey. He and former Senator Cummins know each other.

**Senator Paudie Coffey:** I, too, welcome my good friend and colleague, former Senator Maurice Cummins. He has had many outings in this House over the years. In the face of two serious challenges that the country faces, namely, those relating to Brexit and climate change, I welcome the cautious approach adopted by the Government in presenting the budget yesterday. Preparing for a no-deal scenario has to be done. We must manage the risks associated with a no-deal Brexit and ensure that the State finances are secure, while all the time aiming to make continued progress across so many sectors. In the area of health alone, the budget announced yesterday will mean that we will have 1,000 extra nurses and other professionals in our communities, 1 million extra home help hours which we know are badly needed, €100 million towards the national treatment purchase fund to reduce the waiting lists in our hospitals and €45 million to expand free GP care for children under eight and free dental care for those under six. I especially welcome funding for the new palliative care unit at University Hospital Waterford, where a provision of over €4.8 million is being made for a fully-staffed unit led by Dr. Brian Creedon, a consultant specialist. This will mean that there will be a 20-bed regional hospice for the very first time to service the south-east region and it will be based at University Hospital Waterford. In saying this, I acknowledge the significant contribution of the Waterford Hospice Movement and the support of the general public, who made a contribution of over €6 million towards the new unit in a building that cost almost €36 million in total.

A no-deal Brexit presents serious challenges for our economy but especially for the regions. Two sectors that were always mainstays of our economy and helped us out of recession were tourism and agriculture. We are especially vulnerable in those sectors in a no-deal scenario. That is why I welcome the Brexit contingency fund. Waterford and the south east have benefited from strong tourism and agriculture. These are very strong, productive sectors indeed. I welcome the fact that additional contingency funding of €40 million for tourism and €110 million for agriculture, fishing and farming is being provided to help in the event of a no-deal Brexit. I ask the Leader for a debate on the capital spend increase of €800 million up to €8.1

billion. I am sure many people here remember when we had no capital spend during the years of recession. This funding is vital for infrastructure development, for our schools, roads, housing, rural regeneration and indeed broadband as well. I also expect a flagship project in my own city of Waterford, the north quays regeneration project, to benefit from this funding and I look forward to an announcement on that in the coming weeks and months. I ask the Leader to schedule the various Ministers to come to the House to debate the funding streams that are being made available in budget 2020. This is a critical time for our country and a solid debate in this House can contribute to how we can manage our State finances, manage our public sector and support communities and people right across the country.

**Senator Paul Daly:** This morning I want to raise an issue which was raised with me by means of a telephone call last night after a television programme on TV3. In the programme debate on the budget, it was mentioned by a certain Deputy that he was running buses to the North for people to get cataract operations done there under the National Treatment Purchase Fund. A friend of mine who was watching this programme rang me in disbelief. His uncle lives in Tyrone and is on a six-month waiting list to get his cataracts done in the North. If he comes down here, he can get them done straightaway once he pays and he will then be refunded by the NHS. This is the exact opposite to what is happening here. There are people coming down from the North to get their cataracts done on the day they arrive. Then there are people being driven from all over Ireland to the North for the same scheme. We talk about carbon taxes and how we will tackle climate change. Aside from the implications to the health system, the carbon footprint created by shipping people from one jurisdiction to another for health services is unbelievable. These people are generally elderly and it is a traumatic experience getting this procedure done. If one has to have this procedure done, one would be far more comfortable in that trying time in one's own locality. It is important the Minister for Health comes to the House to discuss how this can be overcome. If we have a hard Brexit and do not have an all-island health service or free movement, will people on both sides of the Border have to wait six months to get their cataracts done? It is farcical. If it was not so serious, it would be funny. However, I actually laughed when I got the phone call. I was not aware that people from the North are coming down here to the same extent as people from the South are going up, getting the procedure done on the day and then reclaiming the money from the NHS. It is a debate we need to have. Why can we not do our own and they do theirs? If nothing else, we will cut out the carbon footprint of the travel between the two jurisdictions.

**Senator Gerard P. Craughwell:** I propose an amendment to the Order of Business to have the Minister of State with special responsibility for defence before the House. A battalion will be deployed to Lebanon in two and a half weeks' time. I have just received news that the commanding officer of the battalion has resigned to take up a job in the private sector. I do not know how we will send a battalion to Lebanon which has been training for several weeks under the command of this officer. I do not know where we will find a lieutenant colonel to take over a battalion at such short notice. Most of those at the rank of lieutenant colonel would be married men or women with family commitments which need to be organised before they could leave the country for six months. I understand this resignation has come as quite a shock to the Department of Defence. We need to know where we are going with this. I am proposing an amendment to the Order of Business.

I welcome much of what came in the budget yesterday for education. The appointment of new teachers is to be welcomed. The Leader, as a teacher, will know that there is some concern that these jobs will be subdivided into part-hours for teachers, however. Instead of giving a full

contract to a teacher, we will find three teachers appointed for every teacher the Government intended to appoint. I hope the Minister for Education and Skills will come to the House to discuss the issues which arise from the budget with respect to education.

The €190 million which has been provided for further and higher education is to be welcomed. However, we should listen to the Provost of Trinity College Dublin and various other college presidents. Ireland is falling behind in third level education ratings around the world. I realise there is a significant draw on Government funds all of the time. We need to find a way of investing in third level education at a much higher level. We need to see greater research. The budget provided money for research, which is to be welcomed. However, we need to ensure our higher education sector is funded properly in order to compete on the world stage.

The Leader has some feelings about the further education sector. Apprenticeships need to develop to the stage where they achieve parity of esteem with bachelor degrees. People spend five years of their lives training for vocational occupations. They should be held in the same esteem as those who attend university. It behoves all of us to work towards that. It is a point the Government can assist on by putting further funding into further education.

**Senator Joe O'Reilly:** Thankfully, it is a good news morning in County Cavan. I was delighted to listen to all the good news from Cavan on the way up the road. I congratulate Virginia International Logistics which has become the first haulier in Ireland to complete a zero-carbon HGV delivery to the Continent. The trucks are fuelled by compressed renewable gas, also known as bio-compressed natural gas to transport freight to the Continent. The first European load was a consignment of processed beef from Liffey Meats in Ballyjamesduff, County Cavan, to Caen in northern France, a return trip of 1,121 km. I congratulate the company and its managing director, Ray Cole, who is a good friend of mine and of everyone in the area. He is a good community man. I congratulate him and his family on this amazing initiative and a first in Ireland. They deserve our warm congratulations.

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

**Senator Joe O'Reilly:** The second bit of good news from Cavan this morning is that Liberty Insurance is creating 120 new jobs in Cavan town. I joined my colleague, the Minister for Business, Enterprise and Innovation, Deputy Heather Humphreys, in making that announcement. These new workers will join 143 people who are already employed in the company, which is now rooted in Cavan. It understands Cavan has good infrastructure, hotels, restaurants, as well as education providers with Cavan Institute and quality schools. Liberty Insurance has accepted it is a good place to bring its employees and grow its business.

**An Cathaoirleach:** I remind the Senator that there are nine weeks to Christmas.

**Senator Joe O'Reilly:** A good initiative in yesterday's budget is that we will start to move civil servants around the country. This is necessary from the point of view of carbon emissions and the housing crisis in Dublin. We have already had 680 applicants for moves in the first tranche of requests.

Those are three pieces of good news today. I will have more tomorrow.

**Senator Terry Leyden:** What about the barracks in Cavan?

**An Cathaoirleach:** Senator Leyden is attracting unnecessary attention.

**Senator Máire Devine:** I made my statement on the budget last night to a less than full House, which was unfortunate. I welcomed the initiative to appoint a just transition commissioner. It is envisaged that the commissioner will engage with relevant stakeholders, in particular in the midlands where Bord na Móna has announced it will close 17 bogs which will make 430 employees redundant. I have always argued at the Joint Committee on Climate Action that we need the transition to be set against the template drawn up by the international trade union movement. It will be a big job to focus on communities and workers, dovetailing this with cleaner renewable energy and the reduction of carbon emissions. Will the Leader ask the Minister for Communications, Climate Action and Environment, Deputy Bruton, to attend the Chamber to tell us the terms of reference and remuneration of the new commissioner and when the appointment will be made? This is a matter of a grave urgency.

*12 o'clock*

Talks between the unions and Bord na Móna are currently taking place but we are not privy to the detail of them because it is a sensitive matter. The sooner a just transition commissioner is appointed and that office is established with terms of reference, the sooner we will know how we can all work with the stakeholders and provide cleaner, but happier, communities.

**Senator Kevin Humphreys:** I very much welcome the tweet and Facebook post by the Minister, Deputy Harris, on dementia services. It is the first time he has acknowledged the need for funding for dementia advisers. It will be a significant breakthrough if a follow-up to that happens at 2 p.m. today when the Minister is due to outline the impacts of the Budget Statement on his Department. The work of the Alzheimer Society of Ireland is worthy of mention as is the contributions of Nora Owen along with the Forget-Me-Nots choir in highlighting the issue, together with the all-party committee comprising Members of both Houses in raising the issue. I very much look forward to seeing the detail of the supports that will put in place for families who have a loved one suffering from dementia and for those who care for them. This is a significant breakthrough. It is an acknowledgement there has been more than a decade of neglect in providing for families living with family members with dementia. I hope we will see an incremental improvement in the services for people suffering from dementia, their families and carers. It would be small of me not to acknowledge the Minister, Deputy Harris, has said there will be a significant announcement later today. I thank all the Members, especially Senator Kelleher, who very much has led the battle on acknowledging the need for support for families and those suffering from dementia. I would be thankful if the Leader would pass those remarks on to the Minister for Health today. He is due to come into the House on 23 October and I will have an opportunity to question him further on that issue.

**Senator John O'Mahony:** I welcome the provisions announced in the budget yesterday for tourism. The tourism industry is one of the biggest employers in our economy and one of the sectors that helped us to get through the recession. There will be increased funding for supports for tourism, especially in light of Brexit, particularly targeted at aviation policy with respect to regional airports. Mr. Michael Cawley, chairman of Fáilte Ireland, appeared before the Joint Committee on Transport, Tourism and Sport last week and outlined the importance of getting tourists directly into the regions. Dublin Airport is a major hub but Dublin can become choked in terms of accommodation and the shortage of beds. Mr. Cawley spoke about tourists coming to Dublin and going on a day trip to the Cliffs of Moher, rather than going directly into the regions.

I was with the Taoiseach when he unveiled a newly-resurfaced runway at Ireland West Air-

port in Knock a few weeks ago. Continued support to get tourists into the regions is necessary and welcome. There is great value for money in all the regions throughout the country. We talk about regional development in terms of jobs-----

**An Cathaoirleach:** I am hearing many voices in my ears but I do not need hearing aids. I must ask the Senator to conclude.

**Senator John O'Mahony:** I welcome that support. It could be a very good solution. It was good to hear the policy supported yesterday and the announcement based on the tremendous work Fáilte Ireland has done in the marketing of the Wild Atlantic Way and Ireland's Ancient East. To see connectivity to all the regions supported in the budget is very good news.

**Senator Frances Black:** I propose an amendment to the Order of Business that-----

**Senator Jerry Buttimer:** Regarding what item?

**Senator Frances Black:** No. 4. I propose that No. 4 not be brought to a conclusion after three hours, if not concluded. Very important amendments are proposed to the Social Welfare Bill and there is no good reason for the proposed guillotine on the debate.

**An Cathaoirleach:** The Senator is seeking that No. 4 be adjourned, rather than concluded.

**Senator Frances Black:** Yes.

I attended a briefing this morning with a delegation from the Border Communities Against Brexit. I want to relay some the concerns they spoke about this morning. To be honest, I came out of it a little traumatised after listening to the fear and uncertainty facing the people living on either side of the Border. It is very worrying and extremely frustrating. They feel they are not getting proper answers. They are terrified of what a no-deal Brexit would mean for them. In terms of the dairy industry, and I know we have done this previously, but I want to highlight what they said. They spoke about dairy farming and said that if trade tariffs were imposed on raw milk and related products moving from Northern Ireland into the EU or across the Border, the dairy council said it would cost about €360 million per year. That tariff alone is 25% of the value of the entire industry and would mean an 11 cent drop in the price paid to farmers. Quite simply, it would cause a huge proportion of the industry to collapse and thousands of jobs and livelihoods would be lost.

Brian Cunningham, a seventh generation fisherman from Carlingford Lough, spoke about how his mussel farm will not be able to deal with the delays and checks and he thinks it might end up possibly having to be closed. It is not only a financial loss. It is the destruction of part of our social fabric and the loss of fishing communities that have been in place for generations.

Damian McGinty, who led the delegation, referenced research from a Central Bank economist, Dr. Thomas Conefrey, which showed that beef and sheep farmers which make up 70% of Irish farms are heavily reliant on direct payments from the EU under the Common Agricultural Policy. One in three Irish farms are classified as economically vulnerable and these will be the farms at risk of going under if no deal is reached.

Again, the fear being felt by these communities is very clear and it is really troubling. Somebody in the audiovisual room this morning said that no one south of the Boyne understands how personal this is for the people involved and their lives and families, and how worrying it is for them.

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It is crucial these realities are first and foremost in all our minds in the coming weeks in the efforts to reach a deal. I know the Government is doing a good job. These people understand the reality and they have made the case strongly that a no-deal solution would have a devastating impact on our economy, North and South, and on very many lives. The Tánaiste, Deputy Coveney, has reflected stories like this consistently over the past few years. These businesses are rightly seeking an answer from the Government. What will the Border look like on 10 November and how will it work?. That is what they want to know because that is what they are terrified off.

**Senator Terry Leyden:** I second the proposal by Senator Billy Lawless.

**Senator Paul Daly:** Senator Craughwell.

**Senator Terry Leyden:** Was it Senator Craughwell?

**Senator Diarmuid Wilson:** Yes, Senator Craughwell.

**Senator Terry Leyden:** Senator Gerard Craughwell esquire.

*(Interruptions).*

**Senator Terry Leyden:** I was misinformed but that is okay, the principle is right.

**An Cathaoirleach:** We are all human.

**Senator Paudie Coffey:** Senator Leyden was up late last night

**Senator Rónán Mullen:** Celebrating the budget.

**Senator Jerry Buttimer:** Does the Senator know-----

**Senator Terry Leyden:** Absolutely. I want the Minister responsible, the Taoiseach-----

**An Cathaoirleach:** He has made a pronouncement-----

**Senator Terry Leyden:** -----or the Minister of State, Deputy Kehoe, to come into the House.

**An Cathaoirleach:** -----he does not have to come into the House.

*(Interruptions).*

**Senator Terry Leyden:** Is the Leader quite happy now? Is this question time or a quiz?

**An Cathaoirleach:** Senator Leyden, ignore the jibes of the Leader. Please continue.

**Senator Terry Leyden:** I thank the Cathaoirleach but I was being distracted. I do not have to answer to the Leader.

**An Cathaoirleach:** No, and the Senator should not be drawn to do so.

**Senator Terry Leyden:** I will answer to the Cathaoirleach but not to the Leader.

**An Cathaoirleach:** The clock is ticking.

**Senator Terry Leyden:** I second the welcome to the former Senator, Maurice Cummins, a former Leader of the House, and a man who is partly responsible for us being here today. He was a very courageous Leader of the House and a very courageous Senator.

I make a request to all the Brexit negotiators that there should be a blackout on the rolling 24-hour news about who said what, when and where and how it is misinterpreted and reinterpreted. Michel Barnier is acting on behalf of the European Union. There is the United Kingdom Government and Michel Barnier should be in consultation with all the governments and all the leaders in private to finalise these negotiations. The way it is going with the British Prime Minister and the German Chancellor making statements and being misinterpreted or misread, it will not work out. I make the request that there be a news blackout until there is some finality regardless of whether it is on or off - just have it completed. Any negotiation needs that kind of service.

On a less serious note, RTÉ is putting a painting up for sale. It is selling the silverware. It is going to Sotheby's in London to sell two famous paintings by Louis le Brocquy entitled "Táin" and "The Massing Of The Armies", which were commissioned in 1966 and 2000, respectively. These are very valuable paintings and there should either be negotiations about them or they should stay here in the National Gallery. Why can one Department not talk to another and say these are invaluable? I have not seen them in RTÉ because I am not out there. I am never invited out there. I have not been there for about 20 years. It would be useful-----

**Senator Marie-Louise O'Donnell:** Is there a painting of the Senator there?

**Senator Jerry Buttimer:** He will do better than some of his Fianna Fáil colleagues on some of the programmes. He should be out there more often.

**Senator Terry Leyden:** I do not particularly want to be out there. My point is that I would prefer it if the public had a right to see these artworks in the National Gallery instead of them being stuck out in RTÉ where nobody can see them. They are now going to Sotheby's in London, a British company, to be sold instead going to Irish companies. It is outrageous. RTÉ is losing its way. I am member of the Oireachtas Committee on Communications, Climate Action and Environment, which the chief executive of RTÉ will appear before in due course. RTÉ is short of funds, but by God, it is fairly spending them.

**Senator Maria Byrne:** I wish to raise the decision of the Environmental Protection Agency, EPA, to grant a licence to Irish Cement to burn up to 90,000 tonnes of toxic waste daily. Irish Cement is based in Castlemungret in Limerick where there are a number of schools along with plans for up to 800 houses. The area also contains a number of nursing homes and a respite home, so there are a lot of very vulnerable people living in the area. There are three schools within less than a kilometre of Irish Cement. After the EPA granted the licence, thousands of people took to the streets of Limerick last week. I was glad to join the protest. There must be engagement between the EPA and Limerick Against Pollution. The Minister for Communications, Climate Action and Environment also needs to have an input into it because there is real fear about the burning of up to 90,000 tonnes of toxic waste. Limerick Against Pollution hopes to appeal regarding some of the produce it is proposed to burn. The Minister needs to intervene because we are talking about climate change, a topic that is at the top of all our agendas, and burning in the old kilns is not acceptable.

**Senator Marie-Louise O'Donnell:** I thank Senator O'Reilly as his incantations and exul-

tations are well heeled. I was educated in County Cavan so I echo everything he said. Anything that can put Cavan even more on the map is fine by me since it gave me a great education and a great sense of articulation. I thank the Senator for all he said about Cavan.

I know how fond of iPads and iPhones my colleagues are - for very good reasons. Even though I chastise them about it, they are as linked to them as the umbilical cords of the great documentary on the Rotunda. I suggest every Senator and Deputy have a look at Stephen Cluskey, CEO of Mobility Mojo, on the World Wide Web. He spoke at Skift Forum Europe. He fell about 17 or 18 years ago at the age of 18 and was paralysed from the neck down. He has now become the CEO of Mobility Mojo. Skift is the largest creative business event in the global travel industry, and he was its main speaker today both as an Irish representative and a young man who has been paralysed. A total of one billion people worldwide are disabled. A total of 40 million people in the US are disabled, of which 4.7 million are disabled veterans. In the US, one million people have knee injuries while there are 25,000 car accidents per year. So 25% of the total tourism market is made up of high-access needs. We also have one million seniors in Europe. Mr. Cluskey spoke about accessibility. I have just done a big series on train travel in Ireland. Accessibility is not just about getting on and off trains. It encompasses opening up a whole world to people with a disability, be it their eyes, hands or feet. It is a significant area. The fact that a young Irish man who is paralysed from the neck down has become the CEO of Mobility Mojo and was the main speaker at this global forum is an outstanding achievement and has done more for disability in Ireland than anything else. I know Senators use technology for very good reasons even though I chastise them for it. I ask that they look up Skift, which is the largest creative business event in the global travel industry, and have a look at Mr. Cluskey's speech because it would do their hearts good.

**Senator Frank Feighan:** Senator Leyden rightly said that it might be time to look at a 24-hour blackout on information regarding Brexit. Yesterday, there was a controversial and disputed interpretation from Number 10 regarding the Johnson-Merkel talks that needed to be challenged. I believe the Tánaiste was right when he said that a no-deal Brexit would not be Ireland's choice or the choice of the EU but would be a decision made by the British Government. We must put that firmly on the table. I welcome the fact that the Taoiseach will meet the British Prime Minister, with whom he had a discussion last night regarding Brexit, in the coming days in advance of the European Summit on 17 October.

I was horrified to think that the signalling system between Portlaoise and Heuston Station was affected by recklessness and what was effectively terrorism. It certainly inconvenienced tens of thousands of commuters and put them at risk. One wonders what is happening. I suspect it is about getting the copper wire because 500 metres of copper wire were taken up, but this is vandalism. I call on the authorities to root this out immediately. I listened to people on the radio. Thankfully, there were no accidents. Irish Rail had to take action. However, it inconvenienced by 90 minutes tens of thousands of people travelling to work. One wonders who these people are who are picking up the signalling system and going after copper wire. It certainly is not worth that as it costs the State and people tens of thousands, indeed millions, of euro.

**Senator Lynn Ruane:** I second Senator Black's amendment to the Order of Business. I wish to raise my concern about and hope for the group announced by the Minister for Employment Affairs and Social Protection regarding a statutory maintenance agency. I have been a bit scarred by judge-led task forces in recent years with regard to my drug decriminalisation Bill and how that panned out. The Minister means well and is eager to move forward with a statu-



tory maintenance agency so that the State can pursue absent parents for financial support for the parent instead of, in most cases, the woman having to pursue the father. I am concerned about what the timeline may be. The research is already there, so I do not think we need to carry out more research and we just need to know which type of statutory agency works best in Ireland. I am worried that we will move towards a general election and a new department but this research will not be carried out. I hope that, when possible, the Minister, Deputy Doherty, can come to the Chamber to discuss this very important issue of the statutory maintenance agency and give us much more feedback on how she sees the work being carried out.

I have a Bill that is currently being drafted by the Office of the Parliamentary Legal Advisors in regard to a statutory agency and I do not want to cross over with other work. It has been a long time coming. Dolphin House is not a nice place for women to have to continue to be in order to pursue maintenance when this ends up pushing them further into poverty and further into abusive relationships. I hope the Leader will communicate with the Minister, Deputy Doherty, in the coming days.

**Senator Martin Conway:** I agree with Senator Leyden in regard to RTÉ and the paintings which, by the way, would look very well on the wall of the Seanad, given the fact this used to be an art gallery during the Fitzgeralds' reign. The State needs to intervene to keep those paintings in State ownership.

My main concern, which I spoke about briefly yesterday, concerns the just transition. An area of the country which was stated clearly by the Minister in his speech as one that will benefit, rightly so, from the just transition fund is the midlands. However, another place that is going to be significantly impacted with the recalibration in regard to our climate and the non-burning of coal is Moneypoint. I ask the Leader to bring in the Minister, Deputy Bruton, so he can put his assurances on the record of the House that Moneypoint will also benefit from the just transition fund.

The ESB also has questions to answer. Has it set up a just transition team? Is it working in collaboration with the Government and the Minister in terms of its responsibilities with regard to just transition and the electorate and people of west Clare, whose jobs are very much under threat. There are also the indirect effects which businesses will suffer as a result of the recalibration of Moneypoint.

I was shocked to hear on radio this morning that criminal gangs are supposed to have received money from builders in order to provide protection to building workers so council houses can be built, and that this somehow received the blessing of Dublin City Council. The chief executive officer of Dublin City Council needs to make a statement today denying that this has happened. If he does not, we have to assume it did happen. If it did, what is he doing about it? Has the person or persons who are supposed to have given the blessing and the nod and a wink to go ahead with this been suspended pending an investigation? We need to know urgently because that type of behaviour is absolutely deplorable.

**Senator Robbie Gallagher:** I want to raise the issue of mobile phone coverage or, more accurately, the lack of mobile phone coverage throughout the country. For example, Monaghan town is located along the main Dublin to Derry road, the N2, yet if one drives north, south, east or west, just one mile out of town, calls are dropped or there is no phone coverage whatsoever. It is frustrating for citizens, particularly those who are in business, that the coverage ranges from non-existent to very poor. When this is combined with the fact we have issues in regard

to broadband in rural Ireland, this is clearly an issue that needs to be addressed.

Councillor Paul McCabe of Meath County Council recently proposed at a meeting that a mobile phone blackspot programme would be rolled out throughout County Meath, and I know places like Drumconrath and Kilmainhamwood have little or no phone coverage. It seems to be a problem that is getting worse rather than better. For that reason, I ask the Leader to invite the Minister to the House for a debate on the deteriorating phone coverage that most citizens are experiencing, particularly those in rural Ireland.

With regard to yesterday's budget, I welcome the additional 1 million hours for home-care packages. It is an issue I have raised in the House many times. Much more needs to be done and I would like a debate on home care and home help, which is an area that is totally lacking in funding. A lady of 93 years of age from outside Monaghan town has been approved for a home-care package but, unfortunately, there is no money for it. Clearly, there are also those who have home-care packages that are not adequate. When we consider the ageing population and the demographics of this country, it is a problem that is going to get worse rather than better. For that reason, it is time for the Minister to come to the House to have a debate on the entire area of home-care packages and home help for our elderly citizens.

**Senator Rónán Mullen:** I would rather export our paintings than our people. At a time when there is considerable uncertainty about the future of the national finances, we should be careful about calling on the Government to engage in yet more public expenditure just to keep paintings in Ireland. It might not be our first priority, I would suggest.

I want to echo and welcome what Senator Coffey said about the very positive development of there being €4.8 million for a fully staffed, 20-bed regional hospice in Waterford. This is a gap that needed to be filled. As somebody who wrote a report on the future of palliative care in Council of Europe countries, I have been very conscious of the great work of the hospice movement. It is also a great example of the kind of public-private mutual support and assistance Senator Boyhan spoke about earlier today.

I know the Government is rightly focused on Brexit at the moment, perhaps to the exclusion of all other foreign affairs matters. The issue of Hong Kong is one that should trouble us all in this House. Normally, when I see on my television people with face masks storming buildings, I think they are probably in the wrong. However, I have to say the protesters in Hong Kong must be given more than the benefit of the doubt. They are in a very dangerous situation in Hong Kong. China agreed to an international treaty that there would be one country, two systems, and that was to last until at least 2047. However, the threatened extradition law, whereby people could be extradited from Hong Kong to China, has been truly frightening for people.

I know our country and the Government do significant business with China and the Government enjoys reasonably friendly relations with China, despite the fact it is an authoritarian communist regime, with a contempt for democracy, the rule of law, free speech and religious freedoms. We think about the treatment of Falun Gong, the underground church and Uighur Muslims. This is something that needs our attention.

I was at a conference a couple of months ago in Portugal which was addressed by Cardinal Zen of Hong Kong, who wanted to talk about the secret agreement between the Vatican and the Chinese authorities on the future of the church there. It was also addressed by Martin Lee, one of the fathers of democracy in Hong Kong. The Chinese put on enormous pressure to get those

people disinvited from the conference, and people showed up and snatched brochures from the conference venue. I said to myself: if this is what China is like now, what will it be like in 20 years? We need to wake up to the real vulnerability of many countries, including our own, to the financial incentives of engaging with China in particular ways, but which may come at a terrible price for democracy and human rights in the future. Although I fully commend the Government for what it is trying to achieve in regard to Brexit, the disturbing events in Hong Kong are something I think all democratic countries should be turning attention to in their parliaments, and I hope that we will do so soon.

**Senator Kieran O'Donnell:** I want to return to an issue I raised in the House a short time ago, namely, Lyric FM. This is in the context of RTÉ, the paintings and so forth. Lyric FM is very important, both as a national broadcaster in terms of culture and music, but more particularly because it has been based in Limerick for over 20 years. People have families there and Lyric FM is part of the cultural identity of the city. While RTÉ might look to retain Lyric FM, there are serious concerns among the staff who would find moving to Montrose in Dublin unacceptable. I am aware that the RTÉ board is undertaking a review of all activities within the RTÉ family, but we want Lyric FM to remain in our family in Limerick. I am on the cultural and educational panel and I ask that we seek to ensure that Lyric FM is not only retained, but remains in the heart of Limerick city.

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

**Senator Kieran O'Donnell:** Furthermore, our regional studios are based in the same building as Lyric FM. We speak about RTÉ devolving and decentralising to the regions. We want both Lyric FM and the regional studios to remain in Limerick. It is ironic that our current President was the Minister for Arts, Culture and the Gaeltacht who signed the letter to establish Lyric FM. It is unacceptable that there is even a suggestion of its demise or cessation of broadcasting from Limerick.

**Senator Diarmuid Wilson:** I endorse what Senator Mullen said about China and its treatment of its provinces and other independent democratic states such as Taiwan. I had the honour of attending Taiwan's national day celebrations yesterday evening with many Members of both this House and the Lower House.

I join my colleague Senator Joe O'Reilly in congratulating Virginia International Logistics and the Cole family on completing the first zero-carbon HGV delivery in Europe. It is a marvellous achievement and we look forward to more transport companies following its example. I also welcome the creation of 120 jobs by Liberty Insurance over the next three years. That is 40 jobs per year. It makes up somewhat for the 430 jobs that have been lost in that business since 2010. Any investment in a town such as Cavan is very welcome. I wholeheartedly agree with what Senator Joe O'Reilly said in that regard and congratulate him on the efforts he made to ensure this employment. Sometimes the person who is playing in the back line does not get the credit when a forward scores a goal. I congratulate the Senator on the work he has done in that regard. As I recently pointed out in this House, we need to look at the overall infrastructure of the Border counties, which have been neglected for decades. That is the only way to get real investment and jobs into the part of the country the Senator and I both come from and are proud to represent.

**Senator Jerry Buttimer:** I thank the 22 Members of the House for their contributions to the Order of Business. I join my colleagues in welcoming to the House our former colleague,

Leader, and friend, Mr. Maurice Cummins. I thank him for his presence and acknowledge his outstanding contribution as a member of the Oireachtas and his local authority over long years of service.

Some 13 Members, including Senators Clifford-Lee, Conway-Walsh, Norris, Coffey, Craughwell, O'Reilly, Devine, Humphreys, O'Mahony, Conway, Gallagher and Mullen referred to the budget in their contributions, on which we had a debate yesterday. I can tell Senator Clifford-Lee that the transport budget has been increased by €2.7 billion, which is a 16% increase.

**Senator Lorraine Clifford-Lee:** Not for rail commuters.

**Senator Jerry Buttimer:** Vaping is becoming a matter of huge concern in this House. As Senator Clifford-Lee noted, Senator James Reilly proposed legislation on vaping. The Minister for Health stated at the Joint Committee on Health last week that he had given consideration to legislation banning flavoured vaping products for young people. We need to have a serious conversation about this because vaping is a gateway to smoking, as the Senator noted. I welcome the Minister's statement that he will not meet any representatives of the vaping industry.

Senator Boyhan raised a number of issues regarding horticulture, forestry and Bord na Móna. I would be happy to have the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Doyle, come to the House. I thank Senator Boyhan for his very thoughtful contribution.

Senator Conway-Walsh raised the issue of the budget. The Sinn Féin policy seems to be that of an ostrich putting its head in the sand, as the Taoiseach said this morning

**Senator Rose Conway-Walsh:** The Government will soon run out of animals with which to dehumanise us.

**Senator Rónán Mullen:** There are still a few snakes in the grass.

**Senator Rose Conway-Walsh:** Remember the crocodile?

**Senator Jerry Buttimer:** To be fair to the majority of the political class, we acknowledge that Brexit is coming. Sinn Féin seems to be oblivious to that fact.

**Senator Rose Conway-Walsh:** Which party said from the start that the North needed special status within the EU? I am glad everyone else got on that page.

**Senator Jerry Buttimer:** Senator Norris-----

*(Interruptions).*

**An Cathaoirleach:** We should steer away from the wolves and ostriches.

**Senator Paudie Coffey:** Sinn Féin would make no provision for a no-deal Brexit.

**Senator Rose Conway-Walsh:** That was real leadership.

**Senator Jerry Buttimer:** Senator Norris noted the passing of Ulick O'Connor. On my behalf and on behalf of the House, I extend sympathies to the O'Connor family. Those of us of a certain generation were familiar with him from his appearances on "The Late Late Show",

which Senator Norris very colourfully described. He was also a renowned athlete and journalist, though many people did not know that. I pay tribute to him for his work, acknowledge his contribution to Irish life and extend our sympathies to his family. Ar dheis Dé go raibh a anam dílis.

Senator Paul Daly raised the issue of reverse journeys being taken to have cataract operations done. The Minister for Health should come to the House to discuss this matter and we will try to facilitate that.

Senator Craughwell raised an issue related to the Defence Forces. He has proposed an amendment to the Order of Business which I will not accept. It is inappropriate for any Member to call for an amendment to the Order of Business in order to discuss an individual's specific case.

**Senator Gerard P. Craughwell:** It is far from an individual case.

**Senator Jerry Buttimer:** The Senator raised a specific issue about a specific individual.

**Senator Gerard P. Craughwell:** It impacts on hundreds of others.

**Senator Jerry Buttimer:** It is inappropriate and unacceptable to invite the Minister of State with responsibility for defence to the House to discuss an operational matter.

**Senator Gerard P. Craughwell:** I disagree.

**Senator Jerry Buttimer:** It is an operational matter regarding the United Nations Interim Force in Lebanon, UNIFIL, and troops going abroad. I remind Senators that-----

**Senator Diarmuid Wilson:** It relates to the closure of barracks.

**Senator Jerry Buttimer:** The Senator did not mention barracks in his amendment to the Order of Business.

**Senator Diarmuid Wilson:** I am just throwing it out there.

**Senator Jerry Buttimer:** He did not mention barracks being closed.

**An Cathaoirleach:** Whatever about Lyric FM, the Senator might ignore Radio Luxembourg.

**Senator Jerry Buttimer:** Radio Cavan is good at interrupting sometimes.

**Senator Diarmuid Wilson:** It is stereo only.

**Senator Gerard P. Craughwell:** It is disingenuous for the Leader to attack me-----

**Senator Jerry Buttimer:** I understand the Senator's motivation and appreciate where he is coming from. We should put political partisanship aside when it comes to members of the Defence Forces. However, this is not about pay or conditions. If that were the case, the Senator would have welcomed the additional €32 million for defence and the €15 million for pay and conditions of the Defence Forces in the budget.

**Senator Gerard P. Craughwell:** The Defence Forces may be getting €32 million, but €30 million was unspent this year and €92 million has been returned to the Exchequer since 2014.

The Leader should not draw me on.

**Senator Jerry Buttimer:** I am well able for the Senator.

**Senator Gerard P. Craughwell:** I do not know about that.

**Senator Jerry Buttimer:** I appeal to Senator Craughwell, and Senator Leyden who seconded the amendment, to reflect on what they are asking the House to do.

**Senator Terry Leyden:** Do not blame me.

**Senator Jerry Buttimer:** Senator Leyden seconded the amendment. I ask him to reflect on it rather than divide the House.

**Senator Kieran O'Donnell:** Did he know what he was seconding?

**Senator Jerry Buttimer:** We do not bring in the Minister for Justice and Equality to speak about an assistant Garda Commissioner or a chief superintendent resigning. Similarly, the Senator has never asked for the Minister for Education and Skills to come to the House to discuss the resignation of a school principal or the CEO of an education and training board.

**Senator Gerard P. Craughwell:** This is about a unit and who is going to command it.

**Senator Jerry Buttimer:** It is not, and the Senator knows that well. If the Senator was to be absolutely honest in his approach to this matter, he knows there are contingency plans in the Defence Forces regarding personnel in many different areas.

**Senator Gerard P. Craughwell:** I have no knowledge of any contingency plan to fill that vacancy.

**Senator Jerry Buttimer:** In light of that comment, the Senator should withdraw his amendment to the Order of Business-----

**Senator Gerard P. Craughwell:** Absolutely not.

**Senator Jerry Buttimer:** -----because he is trying to divide the House on an operational matter in which we have no role, duty or responsibility.

**Senator Gerard P. Craughwell:** We have a duty of care to those who will serve.

**Senator Martin Conway:** The amendment is out of order.

**Senator Jerry Buttimer:** If Senator Craughwell did his homework on the matter, he would know that somebody will be appointed and that the leadership of the Defence Forces is well served in the training of our forces-----

**Senator Gerard P. Craughwell:** Is the Leader telling me there is somebody ready to go?

**Senator Jerry Buttimer:** I am saying to the Senator that, as a former director of adult education and a Member of the Oireachtas for the past 12 years, dealing with many health matters, there is always a contingency plan.

**Senator Gerard P. Craughwell:** Is the Leader telling me there is a man or a woman ready to fill the post?

**Senator Jerry Buttimer:** What I am saying to the Senator, and I appeal to his better nature, is that, rather than divide the House on an operational matter for our Defence Forces, he should withdraw the amendment.

**Senator Gerard P. Craughwell:** The Leader needs to understand that my position was one of concern-----

**Senator Jerry Buttimer:** Senator Craughwell also referred to the issue of education, to which the Minister, Deputy McHugh, and the Minister of State, Deputy Mitchell O'Connor, are committed. As the Senator knows, €11 billion is being allocated to education in the budget this year. He is right about the issue of retention and recruitment, and I agree with him that there should be no deviation whatsoever in the provision of posts.

Senators Reilly and Wilson referred to Virginia International Logistics and its wonderful achievement. We congratulate those involved and welcome the new jobs at Liberty Insurance in Cavan.

Senator Devine made a very good point about the just transition commissioner, and I would be very happy to have a debate on the matter. It is a very topical matter on which we need a real and in-depth conversation.

I welcome Senator Humphreys's commendation of the Minister, Deputy Harris. The Minister will be before the House next week or the week after and we can have a debate then on the matters raised.

I will not accept Senator Black's proposed amendment to the Order of Business on the basis that the Bill before the House today deals with social welfare. All Stages of the Bill will be dealt with in the Dáil next week. We had a Second Stage debate here in July and have had very thorough Committee Stage debates on two separate days already this term. We have allocated three hours to debate on the Bill today, and I have in fact extended the time allocated today following requests to do so. As Members will be aware, the Bill is about allowing for increases to protect the self-employed, with payments due on 1 November.

The matter Senator Black raised about the Border communities and Brexit is one to which we need to pay particular attention. Again, we hope to have the Minister of State, Deputy McEntee, or the Minister, Deputy Coveney, before the Seanad post the European Council meeting but, as the House will be aware, it is a very fluid situation.

Senators Leyden and Feighan, along with Senator Black, made two sensible contributions about Brexit, specifically the need for a communications blackout in respect of negotiations. Senator Leyden is dead right. The statements are helping nobody and are only causing confusion and raising the heat at a time when calmness is what is needed on all sides, especially the British side, let me add, not our side.

Senators Leyden, Conway, Mullen and Kieran O'Donnell raised the issue of RTÉ, Lyric FM and the paintings. I heard what Senator Mullen said. Notwithstanding his comments, if I am correct, it was RTÉ that commissioned the paintings originally. Therefore, public money was won and used to commission them.

**Senator Martin Conway:** Absolutely.

**Senator Jerry Buttimer:** As a consequence, I do not believe it is right for RTÉ to sell the

artworks. I know that Louis le Brocquy's wife commented that she had no moral objection to the paintings being sold, but RTÉ should reflect on the points Senators made today. It should not be allowed to sell the works. They should be put on public display in the National Gallery. That is the most fitting place for them. There are five pieces of work. Notwithstanding the comments made about the nature of the auction house selling them - I am sure it is doing what it is doing to try to get the best international price - RTÉ should not sell them. They were procured and commissioned by RTÉ from taxpayers' money and should not be sold under any shape or form.

**Senator Martin Conway:** RTÉ should sell Montrose instead.

**Senator Jerry Buttimer:** It has sold part of Montrose, as the Senator knows.

**Senator Martin Conway:** It should sell the whole lot.

**Senator Jerry Buttimer:** Senator Kieran O'Donnell also raised the issue of Lyric FM. As he knows, we have in the past debated Lyric FM, its importance in Limerick and the role it has played. I hope RTÉ will not do anything to downgrade or move Lyric FM. We saw RTÉ close its local radio station in my city of Cork, which was a travesty and a huge mistake. RTÉ should have a commitment to the regions in its broadcasting policy, and Lyric FM in Limerick fulfils those criteria very well. I stand with all Members of the House regarding the matters raised about Lyric FM.

Senator Byrne raised the issue of the Environmental Protection Agency, EPA, and Irish Cement. The points she made are very relevant, and I would be happy for the Minister to come before the House to discuss the matter.

Senator Marie-Louise O'Donnell referred to Stephen Cluskey, the young man who is the new CEO of Mobility Mojo. We congratulate him, wish him well and thank him for his work.

Senator Ruane raised the issue of a statutory maintenance agency. We need to have that debate and legislation on the matter. Senator Ruane is dead right that we should not put women who are already in precarious positions in positions of vulnerability. We should not add to the burden and the pressure on them. There is an obligation on people to pay maintenance and to stand up and be held to account in that regard. I will support the Senator on every step on the way to that. It would be appropriate for the Minister to come before the House to discuss the matter. I do not have a timeline but I will work with the Senator on the matter.

Senator Feighan raised the issue of public transport, and I would be happy for the Minister, Deputy Ross, to come before the House to discuss that. I think the theft of the items the Senator mentioned is more of a justice matter.

**Senator Rónán Mullen:** The Minister, Deputy Ross, intervenes in justice issues, as we know.

**Senator Jerry Buttimer:** Gabh mo leithscéal?

**Senator Rónán Mullen:** Deputy Ross intervenes in justice issues from time to time, does he not?

**Senator Jerry Buttimer:** He is like many public representatives. He has strengths in many different areas.



**Senator Diarmuid Wilson:** Every area except his own. He has responsibility for transport.

**An Cathaoirleach:** I ask Senators not to invite a discussion on the Minister when he is not here to defend himself.

**Senator Jerry Buttimer:** Senator Conway, besides his comments on a just transition and matters concerning RTÉ, raised a very important matter concerning Dublin City Council. If the allegations are correct, the actions would be wholly inappropriate for a city council. An investigation is ongoing. It came out in the High Court yesterday, as part of an action taken by the Criminal Assets Bureau, CAB, that the council is paying money to criminals, supposedly to protect a building site. It would be absolutely unacceptable and disgraceful if Dublin City Council behaved in this manner, and the people who authorised and paid that money should be held to account. We cannot condone or support any activity of that type. I am constrained in what I can say because the matter is the subject of an investigation, but I agree with Senator Conway that the matter should be dealt with appropriately.

Senator Gallagher raised the issue of mobile phone coverage. I think all of us in the House accept that the issue is a source of frustration we share from time to time, namely, losing calls on motorways, in certain parts of the country and in certain parts of urban Ireland. I would be happy for the Minister to come before the House to have a debate on that and the home care package situation as well.

Senator Mullen raised the issues in Hong Kong, and I think we all are concerned by the activity there. The Tánaiste and Minister, Deputy Coveney, as the House will be aware, has been engaged in different EU foreign affairs meetings about the issue of China. We need to be very careful in how we engage, but equally, the Chinese authorities need to be held to account. Like Senator Wilson, if I may, I wish the Taiwanese people every success on their independence day on 10 October. I thank the ambassador for his Taiwanese independence day reception last night.

With that, I ask Senator Craughwell to withdraw his amendment rather than divide the House. I will not accept either amendment.

**An Cathaoirleach:** Senator Craughwell has proposed an amendment to the Order of Business, “That a debate with the Minister of State at the Department of Defence on the imminent deployment of troops to Lebanon be taken today.” Is the amendment being pressed?

**Senator Gerard P. Craughwell:** The Whip, Senator McFadden, has engaged with me, and her bona fides on the Defence Forces are well known. I will engage with her and withdraw the amendment.

**An Cathaoirleach:** The amendment is withdrawn.

**Senator Jerry Buttimer:** I thank Senator Craughwell for that because I think we all want to see an outcome.

**An Cathaoirleach:** The Leader should thank Senator McFadden.

**Senator Jerry Buttimer:** I thank her too.

**An Cathaoirleach:** Senator Black has proposed an amendment to the Order of Business, “That No. 4 be adjourned after three hours.” Is the amendment being pressed?

9 October 2019

**Senator Frances Black:** Tá sé.

Amendment put:

The Seanad divided: Tá, 13; Níl, 23.	
Tá	Níl
Bacik, Ivana.	Burke, Paddy.
Black, Frances.	Buttimer, Jerry.
Craughwell, Gerard P.	Byrne, Maria.
Devine, Máire.	Coffey, Paudie.
Gavan, Paul.	Coghlan, Paul.
Higgins, Alice-Mary.	Conway, Martin.
Humphreys, Kevin.	Daly, Paul.
Kelleher, Colette.	Davitt, Aidan.
Mac Lochlainn, Pádraig.	Feighan, Frank.
Mullen, Rónán.	Gallagher, Robbie.
Norris, David.	Hopkins, Maura.
Ó Ríordáin, Aodhán.	Horkan, Gerry.
Ruane, Lynn.	Lawless, Billy.
	Lawlor, Anthony.
	Leyden, Terry.
	McFadden, Gabrielle.
	Murnane O'Connor, Jennifer.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	Reilly, James.
	Wilson, Diarmuid.

Tellers: Tá, Senators Frances Black and Lynn Ruane; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

*1 o'clock*

Order of Business agreed to.

### **Health and Childcare Support (Miscellaneous Provisions) Bill 2019: Order for Second Stage**

Bill entitled an Act to make provision, in the event of the withdrawal of the United Kingdom from membership of the European Union occurring without an agreement between the United Kingdom and the European Union under Article 50 of the Treaty on European Union setting out the arrangements for such withdrawal, for certain matters consequent on such withdrawal

and, in particular—

A. in the spirit of the State’s commitment to the British-Irish Agreement done at Belfast on the 10th day of April, 1998, and having regard to the State’s membership of the European Union, to make exceptional provision for the reimbursement by the Health Service Executive to eligible persons resident in Northern Ireland of certain medical expenses incurred in a Member State in respect of necessary medical treatment during their stay in that Member State, and

B. having regard to the Common Travel Area between the State and the United Kingdom, to make provision for eligibility of certain persons to apply for financial support under the Affordable Childcare Scheme, and for that purpose to amend the Childcare Support Act 2018,

And to provide for related matters.

**Senator Catherine Noone:** I move: “That Second Stage be taken today.”

Question put and agreed to.

### **Health and Childcare Support (Miscellaneous Provisions) Bill 2019: Second Stage**

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

**Acting Chairman (Senator Gerry Horkan):** I welcome the Minister, Deputy Harris, back to the House once more and call on him to speak.

**Minister for Health (Deputy Simon Harris):** I thank the Acting Chairman and Seanad Éireann for facilitating what I hope will be the passage of this important legislation this afternoon. Of course, our Brexit preparedness work as a Government and as an Oireachtas continues. This is an important piece of legislation in terms of the Republic of Ireland ensuring that we provide supports to citizens in Northern Ireland. There is cross-party support, in this House and the other House, to make sure that we do that and that we fulfil not only our obligations under, but the spirit of, the Good Friday Agreement. Particularly from my perspective as Minister for Health, it is so appropriate that we have endeavoured to put in place a scheme which effectively means if somebody from Northern Ireland gets sick while on holiday in the European Union or, indeed, while in the European Union, we here in Ireland will ensure their costs are covered.

I welcome the opportunity to introduce the Bill. This Bill is being introduced on my own behalf, as Minister for Health, and on behalf of my colleague, the Minister for Children and Youth Affairs, as it contains two sets of legislative provisions. The health-related aspect concerns the provision of similar benefits to those available under European health insurance cards, EHIC, to eligible residents of Northern Ireland in the case of a no-deal Brexit. The Bill also includes amendments to the Childcare Support Act 2018, to provide for British citizens to have access to the forthcoming national childcare scheme on the same basis as Irish citizens.

Before discussing the provisions of the Bill in more detail, I will put this legislation in context. The legislation has been identified by Government as a clear priority in the context of ongoing contingency planning for a no-deal Brexit. I acknowledge and appreciate the co-

operation of colleagues in this House, and indeed the other House, who facilitated the Bill for debate as a matter of priority, taking account of the short timeframe between publication of the Bill on Monday last and its introduction in the Seanad today. I also thank my officials and officials in the Department of Children and Youth Affairs and the Department of Foreign Affairs and Trade for what has been intense and sustained work and effort to ensure that we could have this legislation at this point. This tight timeframe has unfortunately been necessary due to the pressing urgency for the legislation to be enacted before the end of this month, given that the Government continues to plan for a no-deal Brexit.

Brexit has undoubtedly raised a number of issues regarding the provision of, and access to, health services that need to be addressed. In recognition of this, in April the Oireachtas enacted legislation which, if commenced, will allow for the continuation of reciprocal healthcare arrangements between the State and the UK. This was necessary to provide a statutory means to facilitate the continuation of a range of existing reciprocal healthcare arrangements between Ireland and the UK, after the UK leaves the EU.

In the context of planning for a possible no-deal Brexit, ensuring that the citizenship and identity provisions of the Good Friday Agreement are respected and upheld in all relevant policy areas is an important issue, and one that the Government remains very engaged on. The Government will continue to work with the UK to reinforce the message that the rights and entitlements of all those living in Northern Ireland are of fundamental importance and must be protected to the greatest extent possible. The Government is proactively working to ensure that people in Northern Ireland can continue to enjoy access to EU rights, opportunities and benefits, including the benefits of EHIC, in the future.

The way EHIC works is that the state that issues the card, in this case Ireland, meets the cost of any services accessed by the holder in another EU or EEA jurisdiction. The practical effect is that EU citizens can visit another member state and avail of necessary public healthcare during a temporary visit there. Therefore, the objective of this legislation is to ensure that if the UK leaves the EU without a withdrawal agreement, eligible residents in Northern Ireland will not be out of pocket if health expenses are incurred while on a temporary stay in another EU or EEA member state or Switzerland.

This Bill has been brought forward, therefore, to ensure continued provision of the equivalent benefits of EHIC to eligible residents of Northern Ireland, as part of our ongoing planning for a possible no-deal Brexit. It is important to note that in the event of an orderly Brexit, the transition period will ensure no effective change in terms of access to EU programmes, including EHIC, thus highlighting the benefit of a Brexit with a deal rather than a no-deal Brexit scenario.

Under the Good Friday Agreement, all the people of Northern Ireland are recognised as having the birthright to identify themselves and be accepted as Irish or British, or both, as they so choose, and accordingly the right to hold both Irish and British citizenship. In view of the various adverse effects of a no-deal Brexit outcome for EU citizens in Northern Ireland, among which is the loss of access to the benefits of EHIC when travelling to another member state, and recalling the relationship between the EU and the Good Friday Agreement, the Government is putting in place this measure in an effort to mitigate this loss to EU citizens, which includes Irish citizens as well as British citizens. The scheme will be based, as far as possible, on the rules that apply under EHIC. For example, the applicant must not travel for the purpose of receiving planned healthcare, and any co-payments which apply to residents of the country being

visited will not be reimbursable.

Presentation of an EHIC by an EU citizen travelling to another member state, issued under governing EU legislation, generally results in accessing healthcare at a significantly reduced or no-cost basis, which is, of course, of benefit to patients. Given the limited timeframe to the end of October, and the absolute imperative to have a scheme in place for 1 November, the immediate priority is to devise and implement an approach which ensures that in the event of a no-deal scenario occurring, eligible residents of Northern Ireland can have access to arrangements that allow for them to be reimbursed for the cost of healthcare which may become necessary while on a temporary stay in an EU or EEA member state.

The scheme to be implemented is one where a patient will pay upfront for treatment received at the point of delivery. They will then claim reimbursement directly from the HSE following their return home. My Department has requested the HSE to design and build the ICT and administrative systems necessary to implement this scheme. I am pleased to say that this work is well under way. It is envisaged that the operational aspects underpinning the scheme will include an online application portal, with the aim of providing a user-friendly, single-step reimbursement application process for eligible residents in Northern Ireland. In order to ensure compliance with the rules of the scheme and guard against fraud, it will also be necessary to provide a robust system of verification of applications, including validating the applicant's eligibility status, for example, proof of residence in Northern Ireland, and validation of reimbursement claims, for example, by the provision of appropriate receipts when applying for reimbursement.

Part 3 of the Bill is designed to amend the Childcare Support Act 2018 in order to make provision for British citizens to access the national childcare scheme on the same basis as Irish citizens. The latter is a national scheme of financial support for parents towards the cost of quality childcare. Once introduced, it will replace the existing targeted childcare schemes with a single streamlined and user-friendly scheme, providing both universal and targeted childcare subsidies. An issue could arise for British citizens living in Northern Ireland who wish to access the scheme in the State, and register their children with childcare providers here, and also for British citizens moving to here to live. In the event of an orderly withdrawal of the UK from the EU, British citizens will be treated as nationals of EU member states for the period of the transition. However, in the event of a no-deal outcome or in the longer term, the policy approach reflected in this Bill, consistent with the principles and intent of the common travel area, is to make provision for British citizens to access the national childcare scheme in the State on the same basis as Irish citizens.

The amendments in Part 3 put beyond doubt that British citizens will be eligible to apply for the national childcare scheme in the event of a no-deal Brexit. As such, it offers assurance to British citizens living in Northern Ireland who wish to access the scheme and avail of childcare services in the State, as well as British citizens moving to Ireland to live.

I will now briefly outline the main provisions of the Bill. Part 1, section 1, provides the Short Title of the Bill and provides for the commencement of the various parts of the Bill. Section 2 is a standard provision concerning the paying of expenses in respect of the administration of the Bill. Section 3 sets out the definitions required under Part 2 of the Bill.

Section 4 makes provision for the implementation of a scheme for the reimbursement of expenses incurred by eligible persons resident in Northern Ireland in respect of necessary medi-

cal treatment. Section 5 provides that the Minister may, with the consent of the Minister for Finance and the Minister for Public Expenditure and Reform, make regulations to provide for the administrative arrangements to give full effect to the provisions of Part 2. It also outlines the principles and policies the Minister shall have regard to when drafting the regulations.

Section 6 provides that the HSE, for the purposes of Part 2 of the Bill, may enter into arrangements with competent institutions in other member states. Such arrangements may cover matters such as the processing of reimbursements, the calculation of the value of medical expenses to be reimbursed, the exchange of information between the two bodies and the facilitation of other administrative and technical co-operation in respect of the reimbursement of medical expenses.

Section 7 provides that the HSE may have regard to the decisions of the Administrative Commission for the Coordination of Social Security Systems in respect of the operation and administration of the EHIC as operated under EU Regulations 883/2004 and 987/2009. Section 8 requires the HSE to carry out a review of the operation of the Act not later than two years after its commencement and that the Minister must lay that review before the Oireachtas not later than one month after the report is received.

Part 3, section 9, provides for the definition of “principal Act” for the purposes of Part 3. Section 10 provides for an amendment to section 7 of the Childcare Support Act 2018 to make explicit reference to the eligibility of a British citizen to apply for financial support under the Act. Section 11 is a consequential amendment to section 15 of the Childcare Support Act to provide that payment will not be made where the person does not satisfy the eligibility criteria in section 7 of the 2018 Act, as amended now by section 10 of this Bill.

Statutory regulations will also be required in respect of Part 2 in order to define, as necessary, the administrative arrangements for the direct reimbursement scheme. Officials from my Department will progress the drafting of these regulations, in conjunction with the Office of the Attorney General, over the coming weeks. Officials from my Department are also working with the HSE, in tandem with drafting the detailed regulations, to finalise the development of an application process that can take account of the administrative, operational and validation aspects necessary to deliver on the Government’s objective.

The provision of benefits similar to those available under EHIC to eligible residents of Northern Ireland has been identified by Government as a clear priority in the context of contingency planning for a no-deal Brexit. I greatly appreciate, therefore, the urgency this Bill is being dealt with and I thank Senators in advance for facilitating the smooth passage of the Bill.

From a healthcare perspective, the purpose of the Brexit omnibus legislation passed by this House and the Lower House in April was to ensure that the reciprocal arrangements could continue North, South, east and west. In many ways, this legislation is going one step further because it is not just looking at the reciprocal arrangements North, South, east and west but also at the rights and eligibility of people in Northern Ireland when they travel to the EU outside of Ireland for the purpose of healthcare. That is very welcome. It is this State stepping up to the mark in making sure that we look after people in Northern Ireland if and when the UK leaves the EU. That is even more important in the context of the Good Friday Agreement and in the context of the fact that a majority of people in Northern Ireland did not vote to leave the European Union. I commend the Bill to the House.

**Acting Chairman (Senator Gerry Horkan):** I thank the Minister for his comprehensive opening statement. I call Senator Gallagher, who has eight minutes.

**Senator Robbie Gallagher:** I welcome the Minister back to the House to discuss this legislation that all of us hope will never have to be used. Fianna Fáil will support this Bill, which seeks to maintain provision of certain health benefits to eligible residents of Northern Ireland and to make provision for British citizens to access the affordable childcare scheme on the same basis as Irish citizens in the event of a no-deal Brexit.

The reimbursement of medical expenses to eligible residents of Northern Ireland is a provision which is being proposed under the spirit of the Good Friday Agreement. The EHIC is one of the EU programmes where access for citizens in Northern Ireland would be affected in the absence of an agreement on UK withdrawal, and this Bill aims to address that particular situation. Under this proposed legislation, it is envisaged that the EHIC-equivalent benefits will be available to Irish, EU and British citizens living in Northern Ireland who require necessary healthcare when visiting EU or EEA member states or Switzerland. EHIC allows EU residents to access health provision in any EU country and in Switzerland, Iceland, Liechtenstein and Norway if they become ill or are injured while on a temporary stay in this country. Currently, one can only apply for an EHIC from the Irish health authority if one is ordinarily resident in Ireland and not receiving a social insurance payment from another EU state or paying another EU state's social insurance or one is not the dependant of such a person.

The term "necessary care" was defined under decision 194/2003 by the Administrative Commission on Social security for Migrant workers. That decision defines "necessary care" as benefits granted to prevent an insured person being forced to return home to their member state and to enable them to continue their temporary stay in another member state under safe medical conditions. The decision specifically states that it does not cover people who travel within Europe to get treatment in another country. What happens to the EHIC in the future will be decided as part of the negotiations on the future EU-UK relationship.

Fianna Fáil, for its part, welcomes the introduction of the national childcare scheme which we, and the parents of Ireland, have been waiting on since the single affordable childcare scheme, as it was then known, was first announced in the budget in 2017. It will provide much-needed support to parents for whom childcare costs have become similar in scale to having a second mortgage. Fianna Fáil is disappointed, however, at the overall way in which these childcare measures have been handled. As matters stand, the affordability and sustainability of childcare in Ireland leaves much to be desired. Despite the high cost to families, many childcare providers still struggle to maintain the service. The current system does not work for anyone. We are concerned that the scheme is not income progressive and, as a result, is unfair to low and middle income families. In fact, the subsidy will subsidise demand for childcare places. It could increase childcare costs across the board and will make childcare even more expensive for low and middle income households.

The Bill will restrict the mode of childcare that parents can choose for their child. Parents will have no choice or flexibility. They cannot opt to use a mix of centre-based care and-or informal care at home such as a childminder or relative. That issue should be addressed and I ask the Minister to respond on that.

**Senator Máire Devine:** I welcome the Minister back to the House. I will try to be concise and constructive in the few words that I have to say about this Bill.

When it comes to Brexit and related matters, Sinn Féin has supported the Government's position and given credit where it is due. For some time, we have called for a solution to be found by the Irish Government and European Union on the issue of the European health insurance card, EHIC, for people in the North. We pushed this issue repeatedly and, in fairness, the Government listened and responded. When the Government announced that it would cover people in the North or issue them with the EHIC, Sinn Féin welcomed that and, what is more, it was welcomed by people in the North. When that announcement was made people across the Six Counties contacted their Sinn Féin representatives seeking more detail. However, as the detail became clear on Monday morning, I must admit that I and many others were disappointed that the Government had decided in favour of a reimbursement scheme rather than extending the scheme to people in the North. What compounded the disappointment was the commitment given by the Government several times in recent weeks that it would extend the EHIC scheme to people in the North post-Brexit. The EHIC scheme is fantastic and people know how beneficial it is.

Having worked with Sinn Féin MEPs in Europe, I believe we need to have the EHIC attached to our passports to make things much simpler. A person lying on a beach abroad will not have the card in his or her possession. Many accidents and health problems occur when people are in the mountains or on beaches when on holiday. I was stung for an awful lot of money while abroad because I did not physically have the card with me, even though I presented a photograph of it. Let us simply matters. Participation in the scheme allows a person on holiday or a short-term break to access healthcare in another EU member state or in the European Economic Area free of charge or at a reduced cost. One of the first things people pack before they travel is the European health insurance card. They know that if they need a doctor or have an emergency, the card will provide cover. Given the importance of the EHIC, losing it has been a serious worry for people in the North since Brexit. One can imagine how reassuring it was for those in the North when the Government gave a commitment to issue them with the EHIC and all the benefits the card entails. However, the Government changed direction and decided to establish a reimbursement scheme. Perhaps the Government is more honourable than car insurance providers but obtaining reimbursement from insurance companies, particularly when one takes out car insurance abroad, is a nightmare and people often give up. We should have provided people in the North with the same scheme that people here and the rest of the European Union enjoy. Reimbursement creates many practical problems as some people may be unable to pay their bills. What will happen to people who are stranded abroad and do not have enough money to pay for treatment? They may also have to wait months to be reimbursed. It is regrettable that the Government has not kept the scheme as it was.

When the Bill comes before the Select Committee on Health in the coming weeks, Sinn Féin will propose amendments to try to deliver the European health insurance card, as opposed to a reimbursement scheme, that is available to all other citizens living in the EU and European Economic Area countries. As the Minister said, people in the North voted to remain. I acknowledge that he listened to the argument that the card is needed but the reimbursement scheme muddies the waters a little.

**Senator Catherine Noone:** I fully support the legislation. As the Minister said, the Bill seeks to maintain the provision of certain health benefits to eligible residents of the North of Ireland. In the context of a Brexit deal or no-deal outcome, the card is an extremely important issue for people resident in the North. The reimbursement of necessary medical expenses to eligible residents of the North is an exceptional provision, which is being proposed, as the Minis-



ter said, by the Government in the spirit of the Good Friday Agreement. The EHIC programme is a real success story. The idea that residents of the North would be precluded or excluded from using the card, especially when they voted to remain in the EU, cannot be countenanced. Given that it is within our power to avoid such an outcome, it is good that we are doing so.

Concerns over the loss of EHIC benefit have emerged as a crucial issue for those entitled to EU citizenship and living in the North. The issue has come to represent a very tangible example of the unwanted loss of long-standing EU rights, benefits and opportunities. We cannot highlight that enough. As Senator Gallagher said, many of us harbour a hope that the legislation, and many other measures being prepared and put in place in advance of Brexit, will not be required. Achieving this objective has proved complex from a policy point of view and from the legal and operational perspectives. Officials in the Department of Health have worked intensely to progress this matter in recent months. I acknowledge the work that has been done by the Minister and his officials to get this legislation to this point so quickly.

The Government recently approved the immediate drafting of a Bill to provide for the benefits similar to those available under EHIC to residents of Northern Ireland in the case of a no-deal Brexit. The Government understands the importance placed on continued access to the benefits of EU membership, including these provisions. The legislation will provide the benefits of EHIC, albeit through a domestic reimbursement mechanism in Irish law, in line with the Government's commitment to the Good Friday Agreement. This is a clear priority in the context of contingency planning for a no-deal Brexit or a no-Brexit deal, which we would prefer.

I agree with the suggestion made by Senator Devine that we should make it as easy as possible to avail of the card. While the roll-out of the new public services card, PSC, has not run smoothly recently, that experience speaks to the necessity of a card such as this. I have visited other countries where a considerable amount of personal information is downloaded on to a card. I understand that there are data issues but it would be great if we had a similar card for people to use when they travel. People could present the card or card number when they avail of medical services in a hospital in Ireland and thus make their information available to the people who want to provide medical care. I am a strong proponent of such a card. Again, I agree with the Senator that we should make it as easy as possible for people to use the EHIC because people do not always have the card to hand when it is required.

Given the limited timeframe available, it is crucial to ensure the speedy passage of the legislation through the Houses of the Oireachtas, as a matter of priority, to achieve enactment before the end of the month. This will ensure that arrangements are in place, if needed, from 1 November. The phrase "if needed" is the operative part of my sentence. I thank the Minister and his officials for their work on the legislation.

**Acting Chairman (Senator Gerry Horkan):** I call on the Minister to conclude.

**Minister for Health (Deputy Simon Harris):** The Minister of State, Deputy Jim Daly, will take the remaining Stages of this legislation on my behalf. At the conclusion of Second Stage, I acknowledge, as Senator Devine rightly said, the cross-party support for these measures. Everybody in this House has been working in the national interest on the issue of Brexit. I am pleased that the Government has been able to respond and engage with political parties and civic society in Northern Ireland in trying to address these challenges.

Senator Gallagher made a point about the childcare scheme and raised a broader issue re-

lated to his views on childcare. What we are trying to do in the legislation is replicate for British citizens the entitlement Irish citizens will have under the national childcare scheme. The scheme provides for progressive income-related subsidies for families as well as universal subsidies. That is the right approach. Under the scheme, those who need more get more. I am pleased that in yesterday's budget we have provided for further enhancements to the scheme, which will support lower income parents, working parents in need of longer childcare hours and lone parents. We want to build on that in the coming years.

Senator Devine's question about why it is a reimbursement scheme is a legitimate one. She is right. The initial point we would all have liked to arrive at was a point where one could effectively replicate the EHIC card. For a variety of reasons, including extensive engagement with many different stakeholders, legal advice, the European Commission and, most crucially, the very short timeframe between now and a potential no-deal Brexit on 31 October, we took the decision to go with this version because we felt it was most important to have a workable scheme in place within that timeframe. Is this scheme perfect? No, it is not. Is it the best scheme we can put forward in this very short period of time? I genuinely believe it is. I take the Senator's point, which is a fair one, but getting to this point has been extraordinarily complex. It is in that vein that we present the content of the legislation in the way we do.

I am conscious colleagues have tabled amendments on Committee Stage that have all been ruled out of order. One theme about which it would be useful for me to reassure the House in an effort to be helpful concerns the amendment from Senator Devine about the definition of who is eligible. It has been suggested that we should add Irish and British citizens who are ordinarily resident in Northern Ireland. I am conscious the House will not get to debate this because it has been ruled out of order but while I am on my feet, it is useful for the record of the House and to provide reassurance to say we do not believe the amendment is necessary because section 7(1)(b)(iv) of the Childcare Support Act 2018 provides that persons who are nationals of EU member states are eligible to apply for financial support under the childcare scheme. Irish citizens ordinarily resident in Northern Ireland are already covered in section 7, so the legal advice available to me is that there is no need to refer specifically to Irish citizens ordinarily in Northern Ireland in section 7 as they will continue to be nationals of an EU member state after Brexit. British citizens ordinarily resident in Northern Ireland are captured at section 10 of the Bill. This is because regardless of their ordinary residence, British citizens will be eligible to apply for the scheme. Therefore, there is no need to refer specifically in section 7 to British citizens ordinarily resident in Northern Ireland. I say that to be helpful and constructive rather than argumentative.

I genuinely commend this legislation to the Seanad and, ultimately, to the Oireachtas. It is a very important step forward in terms of supporting people in Northern Ireland regardless of whether they choose to be Irish or British citizens or both, as is their right under the Good Friday Agreement. This is an honest attempt to ensure that access to healthcare in the EU in emergency cases can continue post Brexit.

Question put and agreed to.

Sections 1 to 9, inclusive, agreed to.

**Acting Chairman (Senator Gerry Horkan):** Amendment No. 1 has been ruled out of order as it is not relevant to the subject matter of the Bill.

Amendment No. 1 not moved.

## SECTION 10

**Acting Chairman (Senator Gerry Horkan):** Amendments Nos. 2 and 8 are related and may be discussed together by agreement. Is that agreed?

**Senator Máire Devine:** I move amendment No. 2:

In page 8, line 18, after ““(iva)”” to insert the following:

“an Irish citizen who is ordinarily resident in Northern Ireland, a British citizen who is ordinarily resident in Northern Ireland, and”.

Senator Higgins asked if I could speak on her behalf about her amendments.

**Acting Chairman (Senator Gerry Horkan):** Senator Devine cannot do so as they are out of order.

**Senator Máire Devine:** So that is it then. They are gone into the ether.

**Acting Chairman (Senator Gerry Horkan):** We will just deal with Senator Devine’s amendments.

**Senator Máire Devine:** My amendments are okay.

**Acting Chairman (Senator Gerry Horkan):** I do not know if they are okay but they are not out of order.

**Senator Máire Devine:** Both of these amendments pertain to the Childcare Support Act 2018, which was alluded to by the Minister. The Bill provides for British citizens to access the national childcare scheme on the same basis as Irish citizens and assesses British citizens in the same manner as the Irish Nationality and Citizenship Act 2004, which states that a British citizen means a citizen of the United Kingdom of Great Britain and Northern Ireland. Does the insertion of British citizen here not then immediately presuppose that Irish citizens in the North are British citizens to be assessed in that manner after Brexit for the purposes of this Bill? I do not know if the Minister of State is aware of the Emma DeSouza case, which concerns whether citizenship differs. She is a British citizen even though she claims to be Irish. She is a British citizen because it is Irish identity that she has the right to claim. She has gone to Europe. I think she is there today. The ruling has not yet been made but it looks like it could push it, which is not in the spirit of the Good Friday Agreement, but then Great Britain is in so much turmoil that it does not seem as though it has common sense at the moment. Could the Bill not differentiate between British citizens, Irish citizens ordinarily resident in the North, and British citizens ordinarily resident in the North? Obviously, the Constitution states that it is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation and that is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Can this not be provided for in this Bill in this manner? I have submitted the amendments to discuss this matter further. I do not intend to

press them to a vote today, but depending on the answer, we will possibly be resubmitting them when the Bill comes before the Oireachtas Select Committee on Health.

**Minister of State at the Department of Health (Deputy Jim Daly):** Section 7 of the Childcare Support Act 2018 provides for the persons who are eligible to apply for financial support under the national childcare scheme. The Government, through this Bill, is amending section 7 to ensure that all British citizens, whether resident in Northern Ireland or elsewhere, will retain the same right as Irish citizens to apply for the national childcare scheme. Section 7(1)(b)(iv) provides that persons who are nationals of a member state of the EU are eligible to apply for financial support under the scheme. Irish citizens ordinarily resident in Northern Ireland are already covered in section 7 and there is no need to refer specifically to Irish citizens ordinarily resident in Northern Ireland in section 7 as they will continue to be nationals of an EU member state after Brexit. British citizens who are ordinarily resident in Northern Ireland are captured by the amendment proposed at section 10 of the Bill. This is because British citizens, regardless of their ordinary residence, will be eligible to apply for the scheme. There is, therefore, no need to refer specifically to British citizens ordinarily resident in Northern Ireland in section 7.

On amendment No. 8, section 15 of the Childcare Support Act 2018 provides that financial support under the national childcare scheme shall not be paid unless the person satisfies the eligibility criteria. The eligibility criteria includes a reference to a person who is a national of a member state of the EU. Irish citizens who are ordinarily resident in Northern Ireland will continue to be nationals of a member state of the EU after Brexit and the proposed amendment referring to “Irish citizens ordinarily resident in Northern Ireland” is not, therefore, necessary. British citizens who are ordinarily resident in Northern Ireland are captured by the amendment proposed at section 10 of the Bill as they are British citizens, regardless of their ordinary residence. In terms of a consequential amendment to section 15 arising from the amendment made to section 7, there is no need to refer specifically to British citizens ordinarily resident in Northern Ireland. I do not, therefore, propose to accept the amendments proposed to sections 7 and 15 of the Childcare Support Act 2018 but I hope that this explanation reassures the Senator with regard to the eligibility of persons living in Northern Ireland.

**Senator Máire Devine:** I need to go through it with more of a fine-tooth comb. I will not press it to a vote but I thank the Minister of State for the explanation.

Amendment, by leave, withdrawn.

Section 10 agreed to.

**Acting Chairman (Senator Gerry Horkan):** Amendments Nos. 3 to 7, inclusive, have been ruled out of order as they are not relevant to the subject matter of the Bill.

Amendments Nos. 3 to 7, inclusive, not moved.

Amendment No. 8 not moved.

Section 11 agreed to.

Title agreed to.

Bill reported without amendment, received for final consideration and passed.

*Sitting suspended at 1.45 p.m. and resumed at 2.45 p.m.*

**Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Bill 2019:  
Committee and Remaining Stages**

Sections 1 to 38, inclusive, agreed to.

Schedule agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):**  
I thank the Seanad for supporting this Bill.

The primary purpose of the legislation is to give effect to provisions of the EU Council Framework Decision 2009/829/JHA on the cross-border recognition of decisions on supervision measures as an alternative to provisional detention. While the Bill is complex in drafting, it has a simple purpose, namely, to enable a person who is the subject of the supervision decision in one EU member state but who lives in another to return home to continue his or her supervision there. The Bill’s proposal would protect the rights of accused persons who face charges in other member states while ensuring victims and communities are protected through the enforcement of supervision measures. This will allow a supervised person to maintain ties with family and continue employment or education while awaiting trial.

It is worth noting the Bill is based on consent. A person cannot be transferred from one country to another without his or her consent. The legislation will not affect many people. However, for those that it will affect, it will have a significant impact on their lives. For that reason, it is important legislation. I thank Members for supporting it.

**Senator Martin Conway:** I thank all Members for their co-operation in passing this Bill. Another group of people who will be positively affected by this legislation will be the families of the perpetrators who are victims themselves to a large extent. This is particularly the case where the loved ones of a perpetrator may be living in another country and are not in a position to visit the person they love. This Bill certainly will give due recognition to that, and also people in this country who have loved ones abroad and wish to serve their sentences abroad. As the Minister of State said, it is giving effect to an EU directive. While it is complex in nature, it is simple in terms of what it is trying to achieve. It is a good Bill. I thank the Minister of State, Deputy Stanton, for bringing it before us and thank the House for passing it.

**Senator Fintan Warfield:** I am speaking on behalf of our justice spokesperson. The Minister of State will know that Sinn Féin supported this legislation, which will have the effect of allowing an Irish resident who is sentenced to a period of probation while temporarily in another member state of the EU to return home and be supervised by the Irish probation service. It is a prudent measure that makes sense for many people under probation and for their families.

I have been asked to add one issue which is very relevant in the context of the Minister of

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State's espousal of the principles of the Bill. It is the case of two US army veterans who have been unable to travel home to New York to their families for the past six months. They have been awaiting trial for non-violent action at Shannon Airport in the west of Ireland on St. Patrick's Day. The two men were arrested at Shannon on 17 March and were tried in respect of an Omni Air International aircraft which was on its way to Kuwait. The veterans believed it was carrying US troops and weapons in violation of international law. They have been charged with trespassing and causing €2,500 worth of criminal damage to the perimeter fence of the airport and have had their passports taken away as part of their bail conditions. While I recognise that the Minister of State cannot interfere in the administration of justice in the courts, I refer to his claim that accused persons ought not suffer a disproportionate interference in their life in facing trial and his statement that he is in favour of proposals to allow an accused person to maintain ties with family and continue employment or education in his or her home country while awaiting trial in the case of EU citizens. I would welcome if the Minister of State would take the cases of Mr. Mayers and Mr. Kauff under his consideration for future legislation in this area.

Question put and agreed to.

### **Parent's Leave and Benefit Bill 2019: Order for Second Stage**

Bill entitled an Act to entitle certain employees who are relevant parents in relation to a child to employment leave for the purposes of enabling them to provide, or assist in the provision of, care to the child; to entitle certain employees who are surviving parents in relation to a child to employment leave on the death of a relevant parent; to provide for the payment of parent's benefit to certain persons and, for that purpose, to amend the Social Welfare Consolidation Act 2005; for those purposes to provide for the consequential amendment of certain other enactments; and to provide for related matters.

**Senator Martin Conway:** I move: "That Second Stage be taken today."

Question put and agreed to.

### **Parent's Leave and Benefit Bill 2019: Second Stage**

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

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I am pleased to address the House on Second Stage of the Parent's Leave and Benefit Bill 2019. This Bill has its origin in a commitment in A Programme for a Partnership Government to increase paid parental leave in the first year of a child's life. Senators may also be aware that a provision was included in the general scheme of the Bill to address the lacuna in the law whereby male same-sex couples who adopt jointly are not eligible for adoptive leave even though they can adopt. This situation arises because the only people entitled to adoptive leave are adopting mothers and sole male adopters. A female couple possibly could claim adoptive leave as one or both of them could be regarded as adopting mothers but the law clearly needs

to be reformed to address the situation of both genders. I had strongly hoped to be in a position to bring this forward at this time but the urgency attending this Bill and the desire to introduce parent's leave by 1 November meant that we ran out of time. It is my strong intention to address the issue in a forthcoming civil law (miscellaneous provisions) Bill which will proceed without delay. I know Senators here are very anxious that this be done and I am as well. I just want to put that on the record at the very start because it is on my mind and I was concerned about it. We are under terrible time pressure to get this Bill over the line by November and my officials just physically did not have the time to get it done properly. Everything would be delayed a lot longer if that happened. I am giving a commitment now to get this done as soon as possible in the next civil law (miscellaneous provisions) Bill which hopefully will come through without too long a delay.

Leave for parents at this time has a significant positive impact. The experiences early in life are critical in establishing the foundation for learning, work and future health. Evidence shows that children benefit from being cared for and spending time with both parents at this time. Parent's leave will give an opportunity to fathers additional to that provided by the Paternity Leave and Benefit Act 2016 to take part in the care of their child at this young age. Evidence from countries such as Norway shows that parent's leave, aside from its benefit for the child and positive impact on fatherhood, promotes equality for women and supports higher levels of female participation in the labour force. It facilitates women in combining paid work with caring for their children and, in this way, makes it more likely that they will remain in the labour force.

The commitment in the programme for Government that I have just mentioned gave rise to interdepartmental consultations on its implementation. The outcome was that the Government decided to develop a new social insurance based, non-transferable paid parental leave scheme of two weeks' leave to each parent to be taken in the first year of a child's life for employees and the self-employed. The Government approved the general scheme of the Bill that was needed to put this into effect and this scheme was published on 23 April last. The Oireachtas Joint Committee on Justice and Equality waived pre-legislative scrutiny because of the urgency of the Bill in view of our commitment to introduce the leave and benefit with effect from 1 November 2019. I am very grateful to the committee for this and we, for our part, have endeavoured to present to the House what I believe is a well-considered proposal which expands significantly the family leave available to new parents while also having regard to the need to minimise the burden that this will bring for employers.

The overall significance of the Bill is that it provides for parent's leave of two weeks' duration, which can be increased to a maximum of nine weeks by order of the Minister for Justice and Equality. It also provides for the payment of parent's benefit where the parent fulfils the relevant eligibility conditions. This leave will be a stand-alone entitlement with no sharing permitted and will not affect any existing entitlements such as maternity, adoptive, paternity, and unpaid parental leave. Section 2 contains provisions on interpretation. Most importantly, it defines "relevant parent", that is, the person who will be entitled to parent's leave, as follows:

"relevant parent", in relation to a child, means a person who is—

(a) in the case of a child who is, or is to be, adopted—

(i) the adopting mother or sole male adopter of the child,

(ii) the spouse, civil partner or cohabitant, as the case may be, of the adopting

mother or sole male adopter of the child, or

(iii) where the child is, or is to be, adopted jointly by—

(I) a married couple of the same sex,

(II) a couple that are civil partners of each other, or

(III) a cohabiting couple of the same sex,

each of the couple referred to in *clause (I), (II) or (III)*,

and

(b) in any other case—

(i) a parent of the child,

(ii) the spouse, civil partner or cohabitant, as the case may be, of a parent of the child, or

(iii) a parent of the child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act;

This is quite a broad definition and Senators may already have noted that more than two people could, in some situations, be relevant parents, for example, where the parents are not married to each other and either or both parents are married to other people. Section 5 creates the entitlement to two weeks' leave for a relevant parent of a child who is adopted or born on or after 1 November 2019. The purpose of the leave is to enable the parent to provide or assist in the provision of care to the child. A key point is that this is the purpose of the leave. A person may be a relevant parent but will not be entitled to the leave if they are not fulfilling this purpose. Leave can be taken as a continuous period or in minimum periods of one week. The two weeks' duration can be extended by order of the Minister for Justice and Equality up to a maximum of nine weeks. Such an order will require the prior approval by resolution of both Houses of the Oireachtas. Usually, parliamentary oversight of the making of ministerial orders takes the form of a power on the part of either House to annul an instrument that has already been made. The positive resolution requirement here is in recognition of the significance of this ministerial power, that is to increase the amount of parent's leave up to a maximum of nine weeks.

Section 6 provides that the relevant parent shall give the employer six weeks' notice of the intention to take parent's leave. Section 7 covers the allocation of parent's leave. The leave shall be taken in the first year of the child's life or, in the case of adoption, in the year after placement. Notwithstanding this, the period is extended where the parent cannot take the leave due to postponement under sections 13 or 14.

*3 o'clock*

These deal, respectively, with postponement by the employer and postponement on the hospitalisation of the child. In such cases, the failure to take the leave within a year cannot be regarded as the fault of the parent and the extension beyond a year is justified on this basis. There is a further exception where the leave cannot be taken within the year due to the require-



ment to give six weeks of notice, such as where a parent dies and the untaken leave transfers to the other parent, in accordance with section 16, very close to the expiry of the year.

Sections 7(4) and 7(5) provide, in the case of adoption and birth respectively, that where this takes place between 1 November next and the commencement of the section, the one-year period runs from the date of commencement. This deals with the situation in which passage of the Bill may be delayed and ensures that the eligibility date of 1 November will still apply and that parents will have the full year in which to take the leave. I hope that such a situation does not arise but if it were to arise, these provisions will minimise negative consequences for parents.

Sections 8 to 10, inclusive, provide for the sequencing of types of leave where a parent is entitled to more than one type of leave. The general approach adopted is that maternity, adoptive and paternity leave are to be taken first as they are inherently related to the event of birth or adoption. As parent's leave is for the care of the child over the first year of life, it should naturally follow the other forms of leave. However, a qualifying parent will be entitled to take parent's or paternity leave in any order wished. This policy was adopted as it was felt there was a potential danger that parents could confuse parent's and paternity leave. The policy is designed to avoid a case where a parent would take parent's leave first and therefore would be ineligible to take paternity leave. In such a case, it would be regarded as harsh to deny the person the paternity leave.

Section 13 provides for postponement of leave at the initiative of the employer where the taking of leave would have a substantial adverse effect on the business or organisation. An example of this would be where there are seasonal peaks. The postponement may last up to a maximum of 12 weeks. Postponement under this section can only take place once in respect of each period of leave applied for. This section is similar but not identical to section 11 of the Parental Leave Act 1998, which provides for unpaid parental leave. It is important that employers have this possibility but we should also note that the standard for exercising it is that the taking of leave would have a substantial adverse effect on the operation of the business, profession or occupation.

Section 19 provides for the protection of employees from penalisation having proposed to exercise or having exercised the entitlement to parent's leave. This is a standard provision in family leave legislation. Section 20 contains a general right to return to work on the same terms and conditions that applied prior to the parent taking leave. Section 24 contains provisions on the exercise of jurisdiction by an adjudication officer of the Workplace Relations Commission and by the Labour Court on appeal in the case of disputes relating to parent's leave.

Part 5 provides for the introduction and payment of parent's benefit in the Social Welfare Consolidation Act 2005. Section 29 introduces a new Chapter 11B to the Social Welfare Consolidation Act 2005 that sets out the general qualifying conditions for receipt of parent's benefit payable for two weeks to employees and the self-employed, the required social insurance contributions, which are aligned with the requirement in place for maternity and paternity benefit, and the weekly rate of benefit payable, which is also in line with that for maternity and paternity leave, which is €245 per week. The benefit will be payable in a continuous period or in individual blocks of one week.

It is worth reflecting on the fact that to implement the requirement in the work-life balance directive for four months of parental leave, two of which must be paid, equivalent to 18 and

nine weeks respectively, the only thing required of us would be to provide that nine weeks of the existing parental leave under the Parental Leave Acts 1998 to 2019 be paid. Pursuant to the programme for Government, however, we are going well beyond this with the current Bill and providing potentially nine additional weeks of paid parent's leave. I am very happy to share responsibility for these developments as these are reforms that were very much needed. They are important for the development of the next generation, for helping parents reconcile their parenting role with paid work and for promoting gender equality through facilitating women in continuing paid careers after becoming mothers. I look forward to hearing the views of Senators and I commend the Bill to the House.

**Senator Gerry Horkan:** I thank the Minister of State for his very comprehensive opening statement. I certainly will not repeat what he said in his very detailed outline of what is involved in the Bill. I hope there is unanimity in the House that this is positive and we can get through the business of dealing with the Bill quickly.

Fianna Fáil is proud and happy to support this Bill, which will provide each parent of a child under the age of one with two weeks of paid parent's leave. This benefit will be available to parents of children born after 1 November 2019, which is quite soon. I know the Minister of State outlined delays etc. and we discussed last night how people will have children in that window of time and whether they will miss out if the baby is born on 31 October instead of 1 November. This benefit is separate from parental leave, which is unpaid.

My party wholeheartedly welcomes this initiative. This payment will provide working parents with the opportunity to spend some more time with their new baby during its first year of life. I hope the "use it or lose it" nature of the entitlement will encourage more men to take leave from their employment. Parental leave policies that support fathers' involvement are a powerful policy tool in tackling gender inequality. Studies have demonstrated that fathers who play an active role in the initial stages of their child's life are more likely to share child rearing duties later in life. I am sure in this day and age that this happens anyway but it is what the studies have shown. This in turn reduces the imbalance between the men and women in terms of responsibility for domestic duties and supports women's participation in the workforce, which is crucial.

If our positions were swapped, the Minister of State might put the argument I will make that this Government's record on childcare costs is poor. Practical support for working parents is very much needed. The OECD average for childcare costs is 12.6% of net family income but in Ireland that figure is more than twice as high, at 27.4%. Families are spending a staggering amount of net income on childcare costs. In the parts of Dublin where I served as a councillor, it amounts to a phenomenal cost per child. It can amount to €1,000 or €1,500 in many cases. Our percentage is the second highest in Europe and the Government is not doing enough to change this. The OECD's Education at a Glance 2017 report indicates that Ireland's expenditure on early childhood years education was only 0.1% of gross domestic product, GDP. We can argue about GDP figures a little, but it is compared with the EU average of 0.8%. There is eight times the difference between the EU average and what we are doing. The average rate of pay in the childcare sector is €11.18 per hour, which is well below the living wage. Nothing in yesterday's budget provides any comfort that this is going to change in the foreseeable future.

While the provisions of this Bill are welcome, it would be remiss of us not to take this opportunity to highlight the Government's failings in supporting working families. I acknowledge that the Minister of State is not the Minister for Children and Youth Affairs. Budget 2020

has failed to address the crisis in childcare. The Bill before the House provides that the paid leave entitlement will apply in respect of babies who are born after 1 November 2019, which is less than four weeks away. Although I am happy to facilitate its passage as quickly as possible, I am concerned that employers have been given very little time to make arrangements to facilitate this additional period of leave. I hope the Minister of State can explain the delay to a greater degree than it has been explained to date. The Minister for Justice and Equality, Deputy Flanagan, and the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, announced in April to much fanfare that this benefit would become available. The Bill did not undergo any pre-legislative scrutiny in advance of its publication on 4 October last. Senators were given a limited number of hours to consider the Bill and submit any proposed amendments. The Minister of State has acknowledged that this is not how we should be doing our business. I am not having a go at him personally. Nonetheless, we will support the Bill. I thank the Minister of State for his opening statement. I look forward to the Bill being passed as quickly as possible.

**Senator Martin Conway:** I welcome the Minister of State. The Parent's Leave and Benefit Bill 2019 is a key component of the Government's commitment in this area, as set out in A Programme for a Partnership Government. I am delighted that Fianna Fáil is facilitating the quick passage of the Bill through the House in the interests of confidence and supply. I know that parents all over the country are waiting in anticipation of the passage of the Bill. Now that this country's unemployment rate has decreased to 5.2%, we need to think outside the box as we seek to supply a high-quality workforce to businesses and various other interests in this country while facilitating people as they seek to achieve a work-life balance. All parents want to spend as much time as they can with their children.

While this Bill is an incremental step in the right direction, I think we will all acknowledge that much more needs to be done. If we can strike a proper balance between lifestyle and work, we will have a far better society, a far healthier society and a far happier society at work and at home. To that end, this Bill is a significant step in the right direction. We have a great deal to do to facilitate people who wish to work from home, which is an ideal situation. We all meet people from time to time who work from home, and we hear about the benefits of doing so. Last night, I spoke to a man whose wife works for IBM. She works from home three or four days a week. He maintains that she believes she is far more productive, and achieves much more, when she works from home. The whole principle of lifestyle balance is important. This Bill goes a long way towards achieving that.

I thank the Minister of State for bringing this Bill before the House. I sincerely hope we can expedite it through the House today. I look forward to families in my constituency and throughout the whole country benefitting immediately from the provisions of this Bill at the start of next month. I am thinking particularly of people who are trying to plan childcare. I fully acknowledge the challenges with childcare. It is a challenge all over the country. People encounter this challenge when they are going back to work because they cannot get high-quality childcare. Much needs to be done. By getting this done, we are doing something that is worthwhile and is in the interests of parents and young children. I welcome the Bill.

**Senator Fintan Warfield:** I would like to refer to an article that was published in The Irish Times on 23 April last under the headline "Adoptive benefit to be paid to gay couples under new law" and the subheading "Legal anomaly left male same-sex adoptive parents unable to claim State benefit". It states:

An anomaly in the law that prevented male same-sex couples from receiving adoptive leave and benefit is set to be resolved by legislation that has been approved by the Cabinet.

Ministers last week consented to the change, which will seek to resolve the issue that arose after the referendum approving same-sex marriage was passed in 2015 and has since been raised in the Dáil by Government and Opposition TDs.

Adoptive benefit is paid to parents to support them during a period of adoptive leave. Currently, an employed adopting mother or a single father is entitled to 24 weeks' adoptive leave and the associated benefit.

The Cabinet last week approved the general scheme of the Parental Leave and Benefit Bill 2019, which gives effect to previous announcements on parental leave and will also close the adoptive leave legal loophole if passed through the Oireachtas.

David Stanton, the Minister of State at the Department of Justice, said the proposals are “the final steps needed to enable male same-sex couples to receive adoptive leave and benefit”.

“This is further progress towards ensuring equality for all families,” he said, adding that he hoped that colleagues on all sides of the Dáil and Seanad would work to implement it.

I do not know. I am happy to work to implement it. How can we be expected to support a Bill that excludes a cohort of people who were promised that they would be included in it? Senator Norris and I will have to go back to the community to tell gay fathers and prospective fathers, with whom we communicated prior to this debate, that they have to wait yet again because another aspect of this matter has been deemed to be a legislative priority. The Bill itself is fine. Obviously, it is a good Bill. However, I do not like being put in a position in which I have to support legislation which glaringly excludes gay men. We see this time and again. The bloody Children and Family Relationships Act 2015 has left us with a mess. It seems to me that LGBT parents, in particular, are left behind. That can sometimes be said of the LGBT community as a whole. The 2015 Act, for which the Department of Justice and Equality is ultimately responsible, will not be fully commenced until five years after it was enacted and five years after we passed the referendum on civil marriage equality. I do not know. I would like to hear more about why some elements of this Bill, as announced in April, have been excluded from it now.

**Senator David Norris:** I welcome the support of Senator Warfield. I am not sure he was aware of this matter until I asked him to stand for a vote. To be quite clear about it, there is nothing whatsoever on this subject in the printed text of the Minister of State's speech. He added some impromptu remarks on it, perhaps when he saw that two gay Members of the House were present.

**Senator Martin Conway:** We should be more impromptu here.

**Senator David Norris:** Yes. I am certainly impromptu. I do not read my speeches, but I am going to read a few things into the record. This is not acceptable. I am going to set out why it is completely unacceptable. The draft heads of the Bill suggested that there would be a resolution to the issue of gay male couples not being entitled to adoptive leave or benefit. As it stands, only single male adopters or women can avail of this. The Bill, as drafted, does not include the sections that would have corresponded to heads 36 and 39 of the general scheme

of the Bill, in which this issue was addressed. This lacuna in the law was addressed when the general scheme of the Parental Leave and Benefit Bill 2019, as it was then known, was issued in April. As Senator Warfield stated, it was noted at the time in the press release from the Department of Justice and Equality, in *Gay Community News* and in articles in *The Irish Times* that the Bill would resolve this anomaly. However, the relevant section has disappeared. I have correspondence from people who have written repeatedly to the Department of Justice and Equality without receiving a single reply. Not once have they received a reply. The Minister of State can shake his head as much as he likes but I am taking the word of my correspondents. This has been going on for quite a long time. I point out that at the time of the Seanad debate on the Bill in July 2016, this very same Minister of State, Deputy Stanton, stated that he was aware of the anomaly but it was not possible to resolve it in the time available for the Bill. That was three years ago yet we are still getting the same excuse that there is not time.

The Minister of State had three years and that should have been enough. He stated that the Department of Justice and Equality would bring forward amendments to the Adoptive Leave Acts following examination of the adoptive leave and social welfare legislation provisions that would need to be amended. He stated at that time that this would be done “in other legislation as soon as possible and not later than the end of the year,” which was three years ago, in 2016. What is the problem? I would certainly like to know.

My correspondents state that the current lack of provision makes it less likely that male same-sex couples will adopt as the cost is increased hugely if one partner must give up their job to care for the child, rather than being able to avail of adoptive leave, and would also potentially face a loss of future earnings if unable to re-enter the workforce at the same level. That is the situation on the ground.

They continue:

While it is not likely that a child would be placed with us before the end of the year, it is also not unlikely. It is a cause of some concern to us that we still have no clarity on what to expect and so will not be in a position to make fully informed choices on whether we potentially decline the placement of a child with us, or consider whether one of us must give up their job.

That is the real human situation they are in after three years of procrastination and delay without adequate explanation.

They continue:

As children being adopted from the US often have developmental or addiction issues, we would definitely want and need to have one of us full-time with any child we adopt for longer than two weeks (the current extent of parental leave). We would want to act in the best interests of that child and provide full-time care from one parent. The shifting time-lines make it difficult to plan and we have already ourselves delayed moving forward with the adoption for a number of years, pending same-sex marriage legislation, permission for same-sex couples to adopt jointly, and now this. We could of course wait for the legislation to be amended at some point in the next years. However, we may by then be too old to adopt. We did call the Workplace Relations Commission but their advice was simply that they could not advise us unless we took a case, which we could only take after a. adopting a child, b. applying for adoptive leave, and c. being turned down (at which point one of us

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would have had to quit their jobs to care for the child). It will be really difficult to go into a situation where we tell a birth mother that the income of her child's new family will probably be halved after the adoption or that we will have to enter into a legal battle with my employer in order to get time off.

This clearly is not equality. It is not just fathers but mothers as well. I have had a communication from two women. I will not go through the whole communication but they wrote a poem and I would like to end by putting the poem on the record.

Considered a single mother and yet,  
Our girls have two parents. And don't you forget...  
That we voted for marriage equality.  
But what we have is not equal. Not really you see.  
It's a double standard and every way we lose.  
All we want is fairness - yet we can't even choose,  
To have both our kids parents recognised in law.  
We are Irish citizens - and yes we are both Mná.  
Something so simple, a passport application.  
Should have been easy, but for a small stipulation.  
That I sign away my wife as though she doesn't exist.  
My entire life with a single signature dismissed.  
My family is equal though my country doesn't see.  
All the hurt and humiliation it's been causing me.  
And countless others who are in the same boat.  
Come on Ireland we can do better. Didn't we already vote?

I would say to the Minister of State, "Come on, Minister, you can do better." He gave the excuse in 2016 that he did not have time to draft the legislation. In the heads of the Bill, the appropriate sections were drafted and it was announced to the press yet, once again, we have a situation where this has to be rushed through and there is no room for gay people in it. That is intolerable. It is not acceptable in this House. With the greatest regret, because I support parental leave, I will be calling for a vote, and if I am allowed a vote, I will be voting against this Bill. It is time that manners were put on the Department and that it lived up to its responsibilities to look after all the children. It is not in the Constitution but it is in the Proclamation that we cherish all the children of the nation equally. This Government, this statement and the speech of the Minister of State today, with its hurried reference to same-sex couples, which is not in the printed text of the speech, is not good enough, and I, as a parliamentarian, do not accept it.

**Senator Maura Hopkins:** This Bill is positive. I thank the Minister of State for his work

on this issue. We know that parents want choice, flexibility and the opportunity to spend as much time with their children as possible. Given also the huge challenges around the costs of childcare, an array of options for supporting families is important because every family situation is different. We know how vital the early years are in terms of development of the child and it is important that all parents would have the ability to spend that time with their children in a financially viable way.

It is important that this payment is in addition to the existing maternity, paternity and adoptive leave entitlements. As the Minister of State said, the Government intends to increase the paid leave available to new parents over time, which is very welcome. Obviously, there have been changes to parental leave. Since September 2019, a parent can take 22 weeks of parental leave for each eligible child and that has been extended up to the child's 12th birthday. Before this, it was 18 weeks to be taken before the child's eighth birthday.

Therefore, there have been positive changes, although more needs to be done. We have heard the concerns today in regard to ensuring that all parents have access to this leave, and I am sure the Minister of State is taking that on board. It very much signals a more flexible attitude to the challenges of life outside of work. It also has the potential to boost a parent's feeling of goodwill towards their employer, along with, from the employer's point of view, allowing for greater retention within the workforce, and particularly so in the case of women.

I thank the Minister of State for his work on this issue. We know more needs to be done and I am sure he will take the concerns on board.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I heard what the Fianna Fáil Senator said with regard to the delay and I am sorry for the delay in presenting this Bill. We wanted to get it right. An important concern is the burden it places or may place on employers. A huge amount of work was done to get that right so it would not be challenged later on. I cannot emphasise enough the amount of work my officials put into this, along with the Office of the Attorney General and the Parliamentary Counsel. A huge amount of effort went into consulting with others to get the main thrust of this over the line, as we have it. A number of mitigating factors, such as the six-week notice, were included on foot of that. In due course, we were satisfied that the costs imposed on employers were not disproportionate, having regard to the benefits of this scheme for parents, children and society. There is a balance there which we have to get right.

This Bill includes same-sex couples and its provisions will be available to same-sex couples. The lacuna I mentioned earlier refers specifically to adoptive leave and benefit which will be addressed in the Civil Law (Miscellaneous Provisions) Bill. I was anxious to include it in this Bill but we ran out of time. There were so many complications and details we had to get right, otherwise the whole Bill might not have gone through. I regret the delay in addressing that lacuna. It is at the top of our list and we will get it done when the Civil Law (Miscellaneous Provisions) Bill comes through. We had hoped to include it here but it was not possible to do so.

I am also conscious that one of the few groups in society without access to any form of official leave are Members of the Oireachtas. This is a matter which I have addressed previously. It is something about which we need to talk. One possible option would be to have some form of substitution for Members for a period. I have spoken to colleagues here, both mothers and fathers, who have been in this position. The work and demands never stop for them and it is

a huge challenge. If we want to attract more people into politics, young people in particular, we need to look at this. We have to talk about it, debate it and see if we can change our way of doing business so that Members could have substitutes during their leave. Substitution is one suggestion, but there may be others. It is unfair that Members of the Houses cannot spend time with their new babies like everyone else in society now can. We may need to address this at a future date. We will have to get our heads around it and see what we can do to improve that situation for people here.

**An Leas-Chathaoirleach:** I thank the Minister of State and the Senators. The question-----

**Senator David Norris:** I do not accept what the Minister of State says.

**An Leas-Chathaoirleach:** The Senator cannot-----

**Senator David Norris:** I ask the Minister what happened to pages 36 and 39-----

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

**Senator David Norris:** -----which were in the Bill in July.

**An Leas-Chathaoirleach:** The Senator has had his say.

**Senator David Norris:** What happened to them? The Minister of State has not answered that.

**An Leas-Chathaoirleach:** The Senator should show some respect.

**Senator David Norris:** It is an absolute disgrace. He is giving the same excuse-----

**An Leas-Chathaoirleach:** The Senator is a disgrace. As the father of the House, he is acting disgracefully.

**Senator David Norris:** -----he gave three years ago. It is not good enough and it does not wash in this House.

**An Leas-Chathaoirleach:** Senator Norris is out of order. He has had his say and it is on the record. I am putting the question-----

**Senator David Norris:** More will be on the record because I am going to say more. I am fed up with inequality in this country.

**An Leas-Chathaoirleach:** The Senator can say more when we get to the next Stage.

Question put:

The Seanad divided: Tá, 29; Níl, 3.	
Tá	Níl
Bacik, Ivana.	Craughwell, Gerard P.
Burke, Paddy.	Kelleher, Colette.
Buttimer, Jerry.	Norris, David.
Byrne, Maria.	
Coffey, Paudie.	



Conway, Martin.	
Daly, Paul.	
Davitt, Aidan.	
Devine, Máire.	
Feighan, Frank.	
Gallagher, Robbie.	
Gavan, Paul.	
Higgins, Alice-Mary.	
Hopkins, Maura.	
Horkan, Gerry.	
Lawless, Billy.	
Lawlor, Anthony.	
Lombard, Tim.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
Mullen, Rónán.	
Murnane O'Connor, Jennifer.	
Noone, Catherine.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Mahony, John.	
O'Reilly, Joe.	
Warfield, Fintan.	
Wilson, Diarmuid.	

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

Question declared carried.

**Senator David Norris:** Can I point out that there is not even the possibility of an amendment to this Bill being taken in the House today? It is a complete disgrace and I am leaving the Chamber in protest.

**An Leas-Chathaoirleach:** That might be a relief to the other Senators.

### **Parent's Leave and Benefits Bill 2019: Committee and Remaining Stages**

Sections 1 to 38, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

9 October 2019

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

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I thank colleagues in the House for their co-operation on this very important Bill, which will make a big difference for families and children. As we said, it introduces two weeks' paid benefit at a weekly rate of €245 for all employees and self-employed persons with sufficient PSRI contributions availing of parent's leave. The Department of Employment Affairs and Social Protection estimates that up to 60,000 parents will benefit from the scheme at any point in time in a full year when fully rolled out. The estimate for each week of parental benefit for both parents for a full year is €15.8 million. This is very important legislation. I also thank the officials in my Department, the Department of Employment Affairs and Social Protection, the Office of the Attorney General, the Office of the Parliamentary Counsel and the drafters' office for all the great work that went into this. The Bill is extraordinarily technical, and I am delighted it has come to this Stage. I thank the Cathaoirleach and colleagues in the Seanad for facilitating its passing.

**Acting Chairman (Senator Catherine Noone):** I thank the Minister of State and his colleagues.

Question put and agreed to.

*Sitting suspended at 3.50 p.m. and resumed at 4.15 p.m.*

### **Social Welfare Bill 2019: Report Stage**

**Acting Chairman (Senator Gerry Horkan):** Social Welfare Bill 2019, Report and Final Stages, to conclude after three hours by means of the putting of one question from the Chair which shall, in relation to amendments, include only those set down or accepted by the Government.

I welcome the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, back to the House. Before we commence, I remind Senators they may speak only once on Report Stage amendments, except the proposer of an amendment, who may reply to the discussion on that amendment. On Report Stage each non-Government amendment must be seconded.

Amendment No. 1 is in the names of Senators Higgins and Ruane. It arises out of Committee proceedings. Amendments Nos. 1 and 8 are related and may be discussed together by agreement. Is that agreed? Agreed.

Has Senator Higgins got a seconder?

**Senator Alice-Mary Higgins:** My seconder is on the way and should be here shortly. Can I introduce the topic at that point?

**Acting Chairman (Senator Gerry Horkan):** No. The amendment needs to be seconded at the start.

**Senator Alice-Mary Higgins:** There are two names on the amendment. I have a formal

seconder and I know that to press the amendment I will require a seconder.

**Acting Chairman (Senator Gerry Horkan):** Please go ahead. We have agreed to discuss amendments Nos. 1 and 8 together.

**Senator Alice-Mary Higgins:** I move amendment No. 1:

In page 9, line 42, to delete “or submit to”.

Amendments Nos. 1 and 8 relate to my concern about the “submit to” language. Again, this is around the tenor and form of engagement. It is one thing to allow an assessment of somebody’s needs but submitting to an assessment implies a level of compulsion around what kind of assessment might be involved. For example, concerns have been raised about what form of assessment might be imposed by a provider employed by the Minister, in terms of an individual, to assess the appropriate developmental next steps for him or her. If somebody is uncomfortable with a particular form of assessment, let us say somebody finds it intrusive, upsetting or in any way inappropriate, my concern is that the phrase “submit to” requires, effectively, that he or she must accept any or all forms of action in terms of an assessment of him or her.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** These amendments relate to the new section 68I, which concerns refusal or failure to attend activation meetings, and the new section 68J, which concerns refusal or failure to participate in prescribed schemes, programmes or courses. When we discussed these matters on Committee Stage last week, I explained to the Senator that these new sections mirror the equivalent provisions which apply to jobseeker’s benefit. We had a conversation and a discourse at the time. I said I would come back to the Senator with regard to her queries about possible disparities in the language. I subsequently wrote to the Senator to confirm that there is no disparity in the language. It is not the case that there is a disparity.

I do not propose to accept these amendments for two reasons. First, the acceptance of the amendments would result in unnecessary inconsistencies between the new jobseeker’s benefit self-employment scheme and the existing jobseeker’s benefit scheme. Second, and perhaps more importantly, I do not think the changes are necessary in any event. I genuinely appreciate that the Senator’s concern in this instance relates to the language involved. I appreciate that the formal language used in legislation can seem to be out of line with the positive purpose and intent of activation processes. There is a balance to be struck between the Department’s responsibility to support, encourage and enable jobseekers to enhance their employability and avail of opportunities to work, and the jobseeker’s responsibility to engage in the activation process.

The measures set out in the new section apply to both jobseeker’s allowance and jobseeker’s benefit schemes and are an integral part of the activation process. They require claimants to attend meetings for the purposes of providing information that is intended to improve their knowledge of work, education or training opportunities that can be availed of. They also provide for an assessment to be carried out to help determine the person’s education, training or development needs. Such meetings provide an opportunity to support the person by identifying his or her education, training or development needs.

The proposed legislation already includes a safeguard that any opportunity identified must be considered appropriate having regard to the education, training and development needs of the person and his or her personal circumstances. The section also provides that a penalty rate will be applied to a person’s payment only in cases in which he or she does not attend or fails to

attend meetings to avail of the opportunity without having a good cause or a good reason to do so. We can all have reasons for being unable to attend one or two meetings, but non-attendance cannot be consistent. I think these measures are straightforward, balanced and reasonable. They are designed to support and encourage jobseekers to enhance their employability and to avail of opportunities. To that end, I am afraid I cannot accept these amendments.

**Senator Alice-Mary Higgins:** I regret that the Minister is not able to accept these amendments. I will withdraw them because there is no point in pressing them.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 2:

In page 9, after line 43, to insert the following:

“(4) The signing of a personal progression plan shall not be considered a requirement in terms of subsection (3)(a) or (b).”.

This amendment relates to personal progression plans. Having reviewed the conversation with the Minister on Committee Stage, during which she spoke about the guidelines that currently exist in respect of personal progression plans, I have decided to withdraw this amendment. I hope to be able to engage with the Minister on the guidelines. That might be a more appropriate way of strengthening good practice in this area.

Amendment, by leave, withdrawn.

**Acting Chairman (Senator Gerry Horkan):** As amendments Nos. 3, 5, 6, 10 and 11 are related, amendment No. 6 is a physical alternative to amendment No. 5 and amendment No. 11 is a physical alternative to amendment No. 10, amendments Nos. 3, 5, 6, 10 and 11 may be discussed together.

**Senator Alice-Mary Higgins:** I move amendment No. 3:

In page 10, line 27, to delete “**prescribed**”.

**Senator Alice-Mary Higgins:** I have a seconder. The case for this amendment was discussed in the context of amendment No. 1. I am concerned about the tone of the language being used. As I said earlier, a new kind of language is being introduced and I hope this does not lead to a new kind of practice or a change in practice. That is a concern. While I am not going to press all of these amendments, I have a concern that relates to a number of them. The Minister has repeatedly said that any suggested course of development or action will be agreed with the person. On that basis, I am using the Minister’s language in amendments Nos. 6 and 11 to suggest that the word “agreed” be used rather than the word “prescribed”. The Minister has already provided for other caveats in this section by using words like “appropriate” and “subject to”. Obviously, it is not the case that anything can be agreed. There is a requirement for people to accept reasonable offers. In that context, I hope the Minister might agree to substitute the word “agreed” for the word “prescribed”. The Minister has spoken about this issue. I am not going to press my amendments in this group other than those in which I am adopting the language suggested by the Minister.

**Deputy Regina Doherty:** I used the word “agreed” as a means of explaining that a person will not be expected to sign a personal progression plan if he or she does not agree with the

contents of the plan. I think the Senator was suggesting that some people might be encouraged, coerced or forced to sign personal progression plans, or that some penalty might be imposed thereafter in the event of someone failing to sign such a plan. I suggested that nobody would sign any document that they did not agree with. The terms and conditions of jobseeker's benefit and jobseeker's allowance mean that people must actively engage. Therefore, the language that is currently used in the jobseeker's benefit and jobseeker's allowance schemes for the employed is exactly the same as that prescribed in this Bill. I do not propose to change it as to do so would be to create an anomaly. This amendment seeks something slightly different from what the Senator asked me for last week. Last week, she was asking about whether somebody should sign a personal progression plan. I repeat on the record of the House that I cannot, by any stretch of the imagination, understand why somebody who does not agree with what is in his or her personal progression plan would sign the plan. Therefore, such a person definitely does not have to do so.

**Senator Alice-Mary Higgins:** The thing that is being "prescribed" is the particular route of progress - the next development steps and actions - contained within the personal progression plan. It is a little bit of a dicing of the thread to say that the person will be able to agree to the personal progression plan while having his or her next steps prescribed for him or her, given that those steps are set out in the personal progression plan. It is a little semantic in that regard. The thing to be prescribed will emerge from the process which leads to the personal progression plan. Having said that, I regret that the Minister is not able to accept these amendments at this point. I hope the agreement of personal progression plans will be extended to ensure we do not have people being told they must take up particular activities or steps that have been designated for them without their agreement. We will review how this pans out. I note for the record that the language being used here is slightly different from the existing language. I presented the language the last time and I do not want to read it at length into the record again. The use of the word "prescribed" is new.

Amendment, by leave, withdrawn.

**Acting Chairman (Senator Gerry Horkan):** As amendments Nos. 4, 7, 9 and 12 to 14, inclusive, are related and may be discussed together.

**Senator Alice-Mary Higgins:** I move amendment No. 4:

In page 10, line 33, to delete "an" and substitute "any reasonable".

These amendments relate to the same issue of divergence in language. People were previously required to show that they would accept any reasonable offer or proposal. The framing of the language implied that there would be a range of offers. The language has changed and people are now being required to accept an offer or "an opportunity". Again, the requirement of reasonability is removed in this context. There is still the language of what is "appropriate", but it is not clear who decides that. I would have liked it if we would have stuck to the original language, which referred to any reasonable offer or proposal. I would have liked if we could have been consistent with the language in other parts of the Social Welfare Bill. As I have not had an indication from the Minister that she is willing to look at reconciling the language for now, I do not see the merit in pressing the amendment at this point.

Amendment, by leave, withdrawn.

Debate adjourned.

### Gnó an tSeanaid - Business of Seanad

**Senator Jerry Buttimer:** I propose an amendment to the Order of Business: “That, notwithstanding anything in today’s Order, No. 5 will be taken immediately on the conclusion of No. 4.”

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

### Social Welfare Bill 2019: Report Stage (Resumed) and Final Stage

Amendment No. 5 not moved.

**Senator Alice-Mary Higgins:** I move amendment No. 6:

In page 10, line 38, to delete “prescribed” and substitute “agreed”.

**Senator Colette Kelleher:** I second the amendment.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 7.

In page 10, line 43, to delete “an” and substitute “any reasonable”.

**Senator Colette Kelleher:** I second the amendment.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 8.

In page 11, line 12, to delete “or submit to”.

**Senator Colette Kelleher:** I second the amendment.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 9.

In page 11, line 16, to delete “an” and substitute “any reasonable”.

**Senator Colette Kelleher:** I second the amendment.

Amendment put and declared lost

**Senator Alice-Mary Higgins:** I move amendment No. 10.

In page 11, lines 19 and 20, to delete “which is prescribed for the purposes of this section and”.

**Senator Colette Kelleher:** I second the amendment.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 11:

In page 11, line 20, to delete “prescribed” and substitute “agreed”.

**Senator Colette Kelleher:** I second the amendment.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 12:

In page 11, line 30, to delete “an” and substitute “any reasonable”.

**Senator Colette Kelleher:** I second the amendment.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 13:

In page 12, line 6, to delete “an” and substitute “any reasonable”.

**Senator Colette Kelleher:** I second the amendment.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 14:

In page 12, line 15, to delete “an” and substitute “any reasonable”.

**Senator Colette Kelleher:** I second the amendment.

Amendment, by leave, withdrawn.

**Acting Chairman (Senator Gerry Horkan):** Amendments Nos. 15 to 17, inclusive, are related. Amendments Nos. 16 and 17 are logical alternatives to amendment No. 15, so amendments Nos. 15 to 17, inclusive, may be discussed together by agreement. Is that agreed? Agreed.

**Senator Alice-Mary Higgins:** I move amendment No. 15:

In page 13, between lines 4 and 5, to insert the following:

**“Amendment of section 263 of Principal Act**

**6.** Section 263 of the Principal Act is amended by the substitution of the following subsection for subsection (3):

“(3) A specified body which accepts a personal public service number as an appropriate means of identification for the purposes of a transaction must also set out and offer alternative methods by which a person can prove their identity for the purposes of that transaction.”.

**Senator Colette Kelleher:** I second the amendment.

**Senator Alice-Mary Higgins:** I wish to withdraw amendment No. 15 but I want to move amendment No. 16. I do not know the procedure when the amendments are grouped.

**Acting Chairman (Senator Gerry Horkan):** We have already agreed that amendments Nos. 15 to 17, inclusive, will be discussed together.

**Senator Alice-Mary Higgins:** In speaking to this section I have put forward three material alternatives, three different ways through which I have tried to address the same issue. Amendment No. 15 refers to the personal public service number, PPSN, but my main concern is not with the PPSN as it exists. Many people have it as an identity card for different purposes.

Amendment No. 16 proposes the substitution of the following subsection for subsection (3): “(3) A specified body which accepts a Public Services Card, MyGovID or entry in the Single Customer View Dataset as an appropriate means of identification for the purposes of a transaction must also set out and offer alternative methods by which a person can prove their identity for the purposes of that transaction.” I tried to word it in a way that reflects the fact that the Data Protection Commission has told us that a specified body cannot make possession of a public services card, MyGovID or entry in the single customer view dataset a mandatory requirement in respect of access to a service. We know that from the Data Protection Commission report. That is the legal position. I had a previous amendment which replicated that but I do not want to put into law what has already been identified as being in law. I proposed this new subsection simply to underscore for the Government when it seemed at one point it may have been proceeding, for example, with the national childcare scheme, in requiring persons to engage with the public services card system, a deeply flawed system, and the MyGovID system, which is linked.

I was cautious in putting forward an amendment to the principal Act because the law already prohibits what I am seeking to avoid. Given the Government has now made it clear that there will be a paper alternative, although I believe it is still inadequate, that allows persons to access the national childcare scheme via alternative means, and then MyGovID and the online interface connected with that, I can withdraw amendment No. 16. I am torn because I would like to copperfasten it but I believe the legal interpretation of the existing law will fulfil the function that I seek to bring forward. That interpretation differs from the one the Minister has offered.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Is the amendment being moved or withdrawn?

**Senator Alice-Mary Higgins:** I will withdraw amendment No. 15 but I would like to hear the Minister’s response to amendment No. 16.

**Acting Chairman (Senator Gerry Horkan):** We are discussing amendments Nos. 15 to 17, inclusive together. Senator Higgins has concluded. I note Senator Devine wants to come in.

**Senator Máire Devine:** We support amendment No. 16. No person should be forced into getting a public services card to make a transaction. We note, as Senator Higgins said, that the Data Protection Commission has ruled that an obligation for anybody other than the Department of Employment Affairs and Social Protection is illegal and cannot happen, but that this seems to have been ignored by the Department of Children and Youth Affairs, although my colleague has informed me that there is talk of having a paper alternative that will allow persons access the national childcare scheme. Imposing such an obligation is unlawful. I do not know why the alternative has not occurred but there are moves to do that.



**Deputy Regina Doherty:** The first point I would make is that there was always a plan in the national childcare scheme to have a paper alternative. It is not new. It is there since the scheme was conceived more than a year ago. It is not a reaction to anything. It is a matter for each public service body that is identified in section 5 of the Social Welfare Consolidation Act 2005 to determine its own approach, whatever approach it wishes to take, with regard to authenticating the identity of a person engaging in a transaction with that body and, in that context, whether it requires the production of a public services card. There is nobody who makes anybody do anything. On that basis, I do not propose to accept the amendment.

**Acting Chairman (Senator Gerry Horkan):** Does Senator Higgins wish to reply to the Minister?

**Senator Alice-Mary Higgins:** I will withdraw the amendment in light of the arguments I put forward. It is a discussion that will happen Department by Department. I understand the Minister will be discussing these issues with us in committee shortly. In that context, I will withdraw the amendment.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 16:

In page 13, between lines 4 and 5, to insert the following:

**“Amendment of section 263 of Principal Act**

6. Section 263 of the Principal Act is amended by the substitution of the following subsection for subsection (3):

“(3) A specified body which accepts a Public Services Card, MyGovID or entry in the Single Customer View Dataset as an appropriate means of identification for the purposes of a transaction must also set out and offer alternative methods by which a person can prove their identity for the purposes of that transaction.”.”

**Senator Lynn Ruane:** I second the amendment.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 17:

In page 13, between lines 4 and 5, to insert the following:

**“Amendment of section 263 of Principal Act**

6. Section 263 of the Principal Act is amended by the substitution of the following subsection for subsection (3):

“(3) Any specified body which accepts a Public Service Card as a form of identification for the purposes of a transaction must also offer the option of at least one alternative method of identification for the purposes of that transaction.”.”

**Senator Lynn Ruane:** I second the amendment.

Amendment, by leave, withdrawn.

**Acting Chairman (Senator Gerry Horkan):** Amendments Nos. 18 and 19 are related and may be discussed together by agreement. Is that agreed? Agreed.

**Senator Alice-Mary Higgins:** I move amendment No. 18

In page 14, after line 25, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, for a period of at least six months following the enactment of this Act, ensure that a personal public service number is not treated as mandatory or as the only acceptable means by which the Minister can be satisfied as to the identity of an individual seeking access to social welfare payments or services.”.

Amendments Nos. 18 and 19 propose alternative approaches to deal with the same issue. This is a last effort to implore the Minister to ensure that for a period of at least six months following the enactment of the Act she does not make the public services card, MyGovID or inclusion in the single customer view dataset mandatory or as the only acceptable means by which she can be satisfied as to the identity of an individual seeking access to social welfare payments or services. Given that very serious concerns have been raised about the process by which people are signed up, the level of appropriate information provided to persons and the use of the single customer view dataset by other specified bodies, I ask the Minister to press the pause button for a brief period and ensure that while people may still have the option to seek a public services card, we do not require anybody to do so while there are still serious concerns and many question marks over this.

**Deputy Regina Doherty:** Are we on amendment No. 18 or amendment No. 19?

**Acting Chairman (Senator Gerry Horkan):** Amendments Nos. 18 and 19 are being discussed together.

**Senator Alice-Mary Higgins:** I would rather amendment No. 19.

**Deputy Regina Doherty:** One relates to the PPS number, which-----

**Senator Alice-Mary Higgins:** I had indicated amendment No. 19 as the one I am interested in a response on.

**Acting Chairman (Senator Gerry Horkan):** For everybody's benefit, amendments Nos. 18 and 19 are related and may be discussed together by agreement. That was agreed so we are discussing the two. The Senator is mainly interested in amendment No. 19.

**Senator Alice-Mary Higgins:** I indicated that amendment No. 18 was worded incorrectly from my office, so amendment No. 19 is the amendment I am speaking to.

**Deputy Regina Doherty:** The amendments will change the requirement for persons presenting for a social welfare payment in respect of themselves or another person, to have their identity authenticated and, consequently, to have been issued with a public services card, PSC. The Senator has read the findings of the Data Protection Commission and at this stage she has probably even read the report. Therefore, she knows that the Department has a legal basis for requiring the production of a public services card in the circumstances. In one of the few findings we agree with, although not in its totality, the Data Protection Commissioner confirmed that the legal basis we operate under is completely sound. The finding states: “The Data Pro-

tection Commission finds that arising from the combination of Sections 241(1)(B), 242(4) and 263(1) of the SWCA 2005, there is a legal basis under section 2A(1)(c)(ii), (iii) and (iv) of the Acts for DEASP [my Department] to process certain personal data [...] by way of SAFE2 registration and the issuing of a PSC”. Therefore, to do what the Senator has just asked us to do would effectively be unlawful so I am sorry I cannot accept that amendment.

**Senator Alice-Mary Higgins:** As the Minister will also be aware, while there is a legal basis for the requirement for the card, there were concerns and findings on the process whereby persons were being issued with or accessing the card. That was regarding improvements in the internal process. I had hoped that some pause and consideration might be given. That said, given we will get to engage on these issues in the committee, I will not press amendment No. 19 at this time.

**Acting Chairman (Senator Gerry Horkan):** Amendment No. 18-----

**Senator Alice-Mary Higgins:** Excuse me, I will press amendment No. 19 because I strongly believe there should be a pause.

**Acting Chairman (Senator Gerry Horkan):** Let us deal with amendment No. 18 first.

**Senator Alice-Mary Higgins:** I withdraw amendment No. 18.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 19:

In page 14, after line 25, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, for a period of at least six months following the enactment of this Act, ensure that a Public Services Card, MyGovID or inclusion in the Single Customer View Dataset are not treated as

mandatory or as the only acceptable means by which the Minister can be satisfied as to the identity of an individual seeking access to social welfare payments or services.”.

**Senator Lynn Ruane:** I second the amendment.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 20:

In page 14, after line 25, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within one month of the enactment of this Act, consult with the Joint Committee for Employment Affairs and Social Protection with the intention of attending a meeting of that committee and providing a briefing in relation to the Public Services Card and any actions his or her department is undertaking in response to the Data Protection Commission’s investigation report into the Public Services Card.”.

**Senator Lynn Ruane:** I second the amendment.

**Senator Alice-Mary Higgins:** Amendment No. 20 is on the Minister’s engagement with the Joint Committee on Employment Affairs and Social Protection. I understand from the clerk

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to the committee that the Minister is scheduled to appear at the committee on 26 October. If the Minister is able to confirm that, I do not need to press the amendment.

**Deputy Regina Doherty:** Yes, I confirm.

**Senator Alice-Mary Higgins:** In the context of having confirmation that the Minister will attend the committee on 26 October I will withdraw the amendment.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 21:

In page 14, after line 25, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within six months of the enactment of this Act, prepare and lay a report before the Houses of the Oireachtas outlining potential actions in relation to social welfare supports and services in the context of the Climate Action Plan and “just transition” to include a consideration of—

(a) fuel allowance,

(b) policy and practice around Housing Assistance Payment and Rent Supplement,

and

(c) training for caseworkers and preparation of targeted social welfare education, training and employment services for those currently in sectors likely to experience downsizing as part of a just transition.”.

**Senator Lynn Ruane:** I second the amendment.

**Senator Alice-Mary Higgins:** Amendment No. 21 is on the wider issue of a just transition. We have had a lengthy debate on this. I look forward to engaging with the Minister on this elsewhere. We have not had a satisfactory engagement on this issue but it intersects with a number of other processes so in that context I will withdraw it at this point.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 22:

In page 14, after line 25, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within eight months of the enactment of this Act, prepare and lay before both Houses of the Oireachtas a report on policy options to strengthen social protection supports for one parent families with a youngest child between the ages of fourteen and eighteen, inclusive. The report will include a consideration of—

(a) the current qualification thresholds for jobseeker’s transitional payment, and

(b) the potential to raise income disregard for families in this cohort to the same amount as the income disregard for one parent families whose youngest child is un-

der the age of fourteen.”.

Amendment No. 22 deals with the issue of one-parent families where the youngest child is over the age of 14. I pointed out to the Minister that there are real concerns on this issue. I know we have a disagreement on policy in that regard. The increase we saw for a qualified child in the budget again recognises that teenagers have an additional cost. However, that €3 per week increase is very little for a lone parent with a child over the age of 14 who will possibly lose €100, given the changes in the budget, and even more in income disregard as soon as the child turns 14. A one-parent family with a 15 year old child is still a one-parent family and should still be given appropriate recognition and support from the State.

**Senator Máire Devine:** Sinn Féin supports this amendment. A child turns 14 and this is the most expensive time of a parent’s life where he or she is crucified with costs for socialising, etc. Children learn to socialise and get out there at that age and they probably get up to stuff they should not be doing. It is a massive cost for the parent and for a lone parent to feel these cuts and not allow children to explore the world because of this miserly cut is not acceptable. I support the amendment and it should be extended until children come of age at 18.

**Deputy Regina Doherty:** There have been no cuts.

**Senator Máire Devine:** I am sorry-----

**Deputy Regina Doherty:** I have been Minister for three years. This is my third budget and I have done nothing but increase the disregard for lone parents every year for the last three years. For the last two years I have increased the qualified child allowance for the first time in 11 years so there certainly have not been any cuts on my watch. I understand why the Senator wants to do this. I am not trying to split hairs with her and I am sure we will have this conversation when we get to the social welfare Bill. When we commissioned the Indecon research a number of years ago, it cost in excess of €180,000. In the last week, I had to fight tooth and nail for the money I received in the budget and there are two commissioned pieces of research I had to get money for. One of them is on bereavement poverty, for which I only secured €60,000 by the skin of my teeth, and the other is on statutory maintenance guidelines. With respect, these reports cost money I do not have. Much and all as I know the Senator’s intentions are incredibly good and grounded, I do not have €60,000 or €180,000 to give to Indecon or anybody else to do the kind of reports the Senator is asking for in the next number of amendments. It is for that reason alone I will have to reject the amendments. I am sorry.

**Senator Alice-Mary Higgins:** While I appreciate the pressed nature of the Department’s budget, and I have argued for a higher budget for the Minister for many policy areas that are of national concern, I am more concerned about the pressed budgets of lone parents with children over the age of 14 and in that sense I am pressing the amendment.

Amendment put.

The Seanad divided by electronic means.

**Senator Alice-Mary Higgins:** Under Standing Order 62(3)(b) I request that the division be taken again other than by electronic means.

Amendment again put:

The Seanad divided: Tá, 19; Níl, 18.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Black, Frances.	Burke, Paddy.
Conway-Walsh, Rose.	Buttimer, Jerry.
Craughwell, Gerard P.	Byrne, Maria.
Daly, Paul.	Coffey, Paudie.
Devine, Máire.	Conway, Martin.
Dolan, John.	Feighan, Frank.
Gallagher, Robbie.	Hopkins, Maura.
Gavan, Paul.	Lawless, Billy.
Higgins, Alice-Mary.	Lawlor, Anthony.
Horkan, Gerry.	Lombard, Tim.
Humphreys, Kevin.	McFadden, Gabrielle.
Kelleher, Colette.	Mulherin, Michelle.
Mac Lochlainn, Pádraig.	Noone, Catherine.
Murnane O'Connor, Jennifer.	O'Donnell, Kieran.
Ó Ríordáin, Aodhán.	O'Donnell, Marie-Louise.
Ruane, Lynn.	O'Mahony, John.
Warfield, Fintan.	O'Reilly, Joe.
Wilson, Diarmuid.	

Tellers: Tá, Senators Alice-Mary Higgins and Lynn Ruane; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared carried.

**Acting Chairman (Senator Gerard P. Craughwell):** The Minister has requested the floor.

**Deputy Regina Doherty:** When we spoke earlier, Senator Higgins suggested a date of 26 October for the committee meeting and I agreed. It turns out that is a Saturday so unless it is just the Senator and I-----

**Senator Alice-Mary Higgins:** My apologies. Perhaps the-----

**Deputy Regina Doherty:** We would be on our own. The date issued to me is 7 November.

**Senator Alice-Mary Higgins:** I thank the Minister for the clarification.

**Senator Alice-Mary Higgins:** I move amendment No. 23:

In page 14, after line 25, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within eighteen months of the enactment of this Act, prepare and lay before the Houses of the Oireachtas a report on the role of social protection supports and services and the provision of educational opportunities for people in receipt of social welfare payments,

including—

- (a) an examination of the range of educational options presented to jobseekers, including those on jobseeker's transitional payment,
- (b) a consideration of access routes to further education for those in receipt of social welfare payments,
- (c) a review of literacy supports offered or available to those in receipt of social welfare payments, and
- (d) recommendations in relation to *paragraphs (a), (b) and (c)*.”.

**Senator Lynn Ruane:** I second the amendment.

**Senator Alice-Mary Higgins:** We discussed this amendment at length on Committee Stage. I do not believe it needs much more elaboration and I will press it.

**Acting Chairman (Senator Gerard P. Craughwell):** Does the Minister wish to speak on it?

**Deputy Regina Doherty:** We spoke at length on this last week and I explained that while I tend to stick my nose into other Ministers' Departments, I do not have statutory responsibility for training, education courses or literary courses. I cannot do a report on something that is not under the remit of the Department. Even if I wanted to do so, I would not get the support of officials or Government money to do something that is not under the remit of the Department. I implore the Senator not to include in legislation something I physically cannot do, notwithstanding whether it is in the law. I ask her to withdraw the amendment.

**Senator Alice-Mary Higgins:** With respect, the amendment was found to be in line with the topic of the Bill and, therefore, to be in line with social welfare. It is not apply to all of the issues. It refers specifically to the access route through social welfare payments to educational supports, further education and training and literacy support. I am not asking for a major piece of work. I am asking specifically about how access intersects with the social welfare support and systems. In this context, I will press the amendment.

**Deputy Regina Doherty:** As I said to the Senator last week, we do not own the policy in this regard. We are an agent which acts on behalf of the educational facilities, whether they be skills-based, Springboard, education and training boards, private institutions or educational institutions at second level, third level or thereafter. We are an income support for people who want to retrain through education. We are not the policy owners of our educational departments or institutions. The Senator thinks we do an awful lot more than we do. We pay income support to allow people to retrain so they can make themselves labour ready for the particular market in which they are interested. That is the sum total of what we do.

Amendment put:

The Seanad divided: Tá, 15; Níl, 19.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Black, Frances.	Burke, Paddy.

Conway-Walsh, Rose.	Buttimer, Jerry.
Daly, Paul.	Byrne, Maria.
Devine, Máire.	Coffey, Paudie.
Dolan, John.	Conway, Martin.
Gallagher, Robbie.	Craughwell, Gerard P.
Gavan, Paul.	Feighan, Frank.
Higgins, Alice-Mary.	Hopkins, Maura.
Horkan, Gerry.	Lawless, Billy.
Humphreys, Kevin.	Lawlor, Anthony.
Kelleher, Colette.	Lombard, Tim.
Mac Lochlainn, Pádraig.	McFadden, Gabrielle.
Ó Ríordáin, Aodhán.	Mulherin, Michelle.
Warfield, Fintan.	Noone, Catherine.
	O'Donnell, Kieran.
	O'Donnell, Marie-Louise.
	O'Mahony, John.
	O'Reilly, Joe.

Tellers: Tá, Senators Alice-Mary Higgins and Frances Black; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

Bill received for final consideration.

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

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):**

I thank everybody for the speed with which the Bill has passed over the recent weeks. Everybody is aware that we want to commence this on 1 November in the interests of all of the entrepreneurial people whom we serve. It will go to the Dáil next week.

**Senator Anthony Lawlor:** I acknowledge my colleague, Senator Ray Butler, who has put an awful lot of effort in this issue and who has been pushing for the self-employed since he entered the Dáil in 2011. The Government has reduced the length of time for which people can be bankrupt, which is important. This Bill allows the self-employed to get some social welfare when they are going through some hardship. I thank the Minister and I thank Members of the House for their co-operation today.

Question put and agreed to.

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

Sections 1 and 2 agreed to.

Title agreed to.



Bill reported without amendment.

**Acting Chairman (Senator Gerard P. Craughwell):** When is it proposed to take Report Stage?

**Senator Aodhán Ó Ríordáin:** Next Tuesday, 15 October 2019.

Report Stage ordered for Tuesday, 15 October 2019.

**Acting Chairman (Senator Gerard P. Craughwell):** That concludes the matter. Does anyone wish to speak on it?

**Senator Aodhán Ó Ríordáin:** I appreciate the Minister's presence and that the Government is not opposing the Bill. I will again outline the motivations behind it. We are not trying to limit the funding available to schools but to pressure the State and the Department to increase capitation funding so that voluntary contributions will no longer be necessary. Arising from the passage of this Bill through the previous Stage, I had a meeting with some principals in Ballymun who were concerned that we were trying to take away an avenue of funding that they greatly need without providing replacement funding. It is important to state that we are not able to include elements of replacement funding in an Opposition Bill because it would then be ruled out of order. The Labour Party's pre-budget submission does speak about the need for the return of pre-crash levels of capitation, which would cost €25 million. We have spoken about a 50% increase in capitation for DEIS schools, which would cost €23 million and benefit these schools in Ballymun. We have also spoken about a school books scheme, which would cost approximately €40 million.

We are trying - and I know the Minister appreciates this - to make the relationship between parents and schools one based on education rather than on money. Parents who are being asked for a voluntary contribution or for book rental scheme money and who are struggling are less likely to engage in school life. They just are. They are less likely to turn up to parent-teacher meetings, to hang around the school gate, or to come to school events. We can work on this together. We can have a process, but let us have a vision of free education which means that people never feel that money is a barrier between them and a proper conversation about their child's development or about their child's growing in the school environment. That is all we are trying to achieve here.

While many schools will say they need voluntary contributions to survive, it is unreasonable to suggest they would not be able to do so. This Bill prohibits the connection between a voluntary contribution and the provision of a school service. It does not prohibit fundraising or anything else of that sort. It strikes me that parents' associations feel as if they are just fundraising bodies. It is all about money all the time. We are losing the capacity and goodwill in the school community to talk about education, child development, beauty, love, poetry, and all of the other things education should be about. I appreciate that the Minister is not opposing the Bill. I acknowledge hard questions will be asked about where the money is coming from but I have outlined the ethic we are coming from. We are coming from a genuinely good place. Since the Government is not opposing the Bill, we have the capacity to work on it together and achieve something. Obviously, replacement funding is needed. There is disappointment over the capitation announcement made by the Government yesterday but let us not dwell on that. Let us dwell on what we could achieve. This Bill comes from a good place, a decent place, a place that is trying to maximise the educational relationship between students, parents and

schools. With that, I would appreciate the Minister's comments.

**Senator Robbie Gallagher:** The Minister is welcome back to the House this afternoon. I compliment my colleagues opposite on introducing this legislation. Fianna Fáil believes it will require a number of amendments to strengthen it but that is for another day. We are happy to acknowledge the intent of the Bill. As Senator Ó Ríordáin outlined, there is some way to travel in this regard. If there were a cut-off tomorrow morning, schools effectively would not function. The intent of the Bill is very positive, however, and we are happy to support it. It will require a large increase in the capitation grant for the desired objective to be met but that is a conversation for another day. The Bill is a good start. I welcome the legislation and compliment the Senators on introducing it.

**Senator Ivana Bacik:** I welcome the Minister, Deputy Joe McHugh, to the House. I echo what Senator Ó Ríordáin said about our motivation as Labour Party Senators in introducing this Bill. It is in keeping with our ethical view and belief that education should be free and that schools should not have a need for voluntary contributions in the way described. We are very anxious to work with colleagues across the House and the Minister to ensure the Bill can be strengthened and passed in a way that everyone can support. I thank Senator Gallagher for his words of support from the other side of the House. I hope we can achieve full cross-party support on this.

The Labour Party was very keen to support the No Child 2020 goals of improving educational outcomes for all our children and, in particular, pushing for initiatives such as the school-book scheme. I realise a move was made in the budget on that. There should also be a push for hot meals for every child during the school day. We need to do a lot more in this country to ensure educational opportunities are equalised for all children. This Bill is in that spirit.

I thank the Minister for not opposing the Bill today and I thank colleagues for their support. We look forward to working with all colleagues to try to ensure this Bill passes. I commend Senator Ó Ríordáin, who has driven this Bill from the very start. It arises from his commitment as a former teacher and school principal.

**Senator Alice-Mary Higgins:** On behalf of Civil Engagement, I wish to speak formally in favour of the Bill. We support it. Senator Ruane, a member of the Joint Committee on Education and Skills, has been vocal in supporting it. It is very much in the spirit of No Child 2020. I join Senator Bacik in commending the Government on the hot meals and books schemes. I hope such schemes scale up from pilot schemes very rapidly. I am sure the Minister will tell us how it is intended to scale them up to ensure they become good practice. It is about recognising that we need to invest collectively in the education of every child and realise no child should feel his or her engagement in education or any of the experiences that make up education is conditional on his or her family being able to contribute fees or pay extra charges, which can result in great anxiety among families at the start of the school term.

I commend Senator Ó Ríordáin, whom I know has been consistently strong in advocating educational equality in all its forms. This is another really strong Bill. We look forward to engaging with our Labour Party colleagues on it.

**Senator Maria Byrne:** The Minister is very welcome. I welcome the sentiments in the Bill and the fact that we are supporting it today. I have reservations about one or two aspects but I believe they could be ironed out. They concern extracurricular activities, such as school

trips, or schemes such as the book rental scheme. Will these be affected, or will there be a way to work around the issues? Where there are extra trips, students may have to pay a fee for using the bus. I would not like to see such activities removed because many trips and schemes such as the book rental scheme are of great benefit to students. It is very welcome that there is cross-party support for the Bill. We can all work together to deliver what is best for the students. They are the kernel of this.

**Senator Paul Gavan:** I congratulate my colleagues in the Labour Party. I fully support this Bill. I came over from England at a young age and my parents were quite shocked that free education did not really exist in this country. Unfortunately, it still does not really exist. It is important to appreciate the cross-party consensus in this Chamber. The Seanad works at its best when we are not adversarial but try to work together. Let us hope that, in this spirit of co-operation, we can work to advance this Bill. It will be very significant if we can work together to ensure it makes a difference for parents. September and October comprise a really difficult time for parents each year because of the additional costs. I am sure that, with goodwill, we can make further progress. Well done today.

**Senator Frances Black:** I welcome the Minister to the Chamber. I would like to speak briefly to section 1. I will stick to that section. I know we are not on Second Stage but I would like to put on record just a few points about the section. I hope that is acceptable.

I commend Senator Ó Ríordáin and his colleagues in the Labour Party.

**Acting Chairman (Senator Gerard P. Craughwell):** Only general comments are allowed at this stage. The Bill has already passed.

**Senator Frances Black:** In that case, I apologise. I commend my colleague, Senator Ó Ríordáin, and his colleagues in the Labour Party on introducing the Bill. I support it fully. I have no doubt that it prohibits the charging of fees in regard to admission, enrolment, providing education or specific school activities. I really wanted to speak about section 1 so I apologise. I support my colleagues. I had written a great speech about section 1. Forgive me.

**Acting Chairman (Senator Gerard P. Craughwell):** We have spared the Senator that.

**Senator Frances Black:** There is no doubt but that this is the right thing to do.

**Acting Chairman (Senator Gerard P. Craughwell):** There will be an opportunity on Report Stage to make a final speech.

**Senator Frances Black:** I will be able to make the very brilliant speech I have just written.

**Acting Chairman (Senator Gerard P. Craughwell):** We will all await that with bated breath.

**Senator Frances Black:** All I can say is that I welcome the Bill. I have two grandchildren. I know families who struggle paying the extra fees. I have worked with them down through the years. I welcome the legislation. It is fantastic that there is cross-party support today.

**Minister for Education and Skills (Deputy Joe McHugh):** I thank everybody. We are supporting the Bill on this Stage. I take on board the Senators' suggestion that this is the ideal forum to do what we need to do. We are all trying to figure out a way through this. One of the main things I noticed when I got this job, nearly a year ago, was the pressure voluntary boards

of management are under with regard to capitation. The budget announcement yesterday is not reflective of where I want to be as a Minister. In fact, I wanted to go further than the 5% increase of last year. The rate of 2.5% is, I hope, indicative of where I want to go and where we need to go. Unfortunately, the budget yesterday was reflective of where we are at a given point in time, a very uncertain time. I do not want to repeat that over and over. The budget is preparing for a scenario that nobody wants.

With regard to the Bill, each school must in its own way deal with activities such as swimming lessons or yoga lessons and with the cost of the bus. Somebody very close to me, an eight year old, took a bus the other day to go to yoga lessons. Obviously, there was a charge for that. First, we must consider what is the best way to sustain schools in terms of the bread-and-butter issues. I refer to making provision for the move from oil to more sustainable energy. Currently, all the schools that rely on putting oil in tanks face into a winter with increased costs and they are under pressure in the context of capitation.

We must ensure that schools have the flexibility to deal with situations as they emerge. Senator Ó Ríordáin referred to school books. That is a matter I wish to pursue in a way that it is not just a pilot, as suggested by one speaker. I am signalling today a €1 million school book pilot scheme to find if there is a way of providing school books to all young people. The pilot is intended for primary schools. We still have to figure out how many schools can be involved given the allocation is €1 million. We could potentially involve 50 schools. I came across international research which showed that when a free books scheme was introduced in Helsinki, it received a lot of negative feedback from outlying areas because people saw it as a factor in attracting parents to send their children to schools in the city. It is no good having a pilot without there being a prospect of it being rolled out and, likewise, there is no point in a pilot scheme hanging around for a couple of years. We will introduce the pilot in September with the deliberate aim of bringing in school books. However, we must take other issues into account as well, namely, those relating to publishers, the cost of books and the frequency with which new editions emerge. I know times change and information changes but there is much frustration on the part of parents as well due to the frequent appearance of new editions. We must look at all the wider issues within the pilot. I look forward to working with Members on it.

The Education (Admissions to Schools) Act dealt fairly comprehensively with the voluntary contributions. No school can charge parents who want to send a son or daughter to that school, and they cannot charge for extending their period in the school. We must also take into account the fact that many parents gave a contribution of their own volition and they want to do it on a voluntary basis. I know the history of this House. I first came here in 2002 and I watched Bills coming through the Seanad. They started off in one place and ended up in a completely different place, not just with consensus but with good insight and thought-provoking debate. This is the place to do it. I look forward to doing that. We will see where it takes us. I am on the same pathway as Members in terms of the sustainability of schools, equality, fairness and inclusiveness. I hope we can achieve something in due course.

**Acting Chairman: (Senator Gerard P. Craughwell):** That concludes the business of the day. I ask the Acting Leader to indicate when it is proposed to sit again.

**Senator Maria Byrne:** Tomorrow at 10.30 a.m.

The Seanad adjourned at 5.55 p.m. until 10.30 a.m. on Thursday, 10 October 2019.