



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 1 Meitheamh 2017

Thursday, 1 June 2017

Chuaigh an Leas-Cheann Comhairle i gceannas ar 12 p.m.

Paidir.

Prayer.

Leaders' Questions

An Leas-Cheann Comhairle: Before we start, I remind Members that the time allocation today is only 15 minutes. When the leaders have had an opportunity to come in - I am obliged to call them first - there will be many disappointed Members, but I will have to cut off the debate. However, I will take the names of those offering.

Deputy Thomas Byrne: None of us knows if this is the Tánaiste's last day but I certainly wish her luck. I also wish the candidate she did not prefer who is sitting beside her luck.

Deputy Simon Coveney: Thanks, Tom.

Deputy Bernard J. Durkan: Go easy.

Deputy Thomas Byrne: For the past few years consumers have been offered all sorts of deal to entice them to buy cars. Some deals are better than others. Personal contract plans, PCPs, encompass the initial front-loading cost of buying a new car and an expected residual value to reduce the amount borrowed. Dealers in Ireland are saying that as many as 70% of new car sales are based on PCPs. They are saying also that up to 30% of car finance packages are based on PCPs. Some car loan providers have better practices than others. Some require a 20% deposit, while others require less. A customer normally makes a monthly payment and must at the end of the term of the plan make a final substantial payment. Ownership does not transfer until the last payment is made. The plans normally last for about three years. There was a surge in car sales in 2014. Many of those who bought cars in 2014 are coming to the end of their PCPs and, as per the contract, are now being forced to make a bubble payment. Now it appears US regulators are very worried about this issue and some in the United States financial services market are predicting a possible financial collapse as a result of the number of defaults on car loans. The car loan market in the United States is worth \$1.3 trillion, but the big banks seem to be pulling back a little because many consumers have taken on more debt than they can handle. We know that the Bank of England is also concerned about the issue and examining it in terms of the impact it could have on the financial market. According to media reports, the So-

ciety of the Irish Motor Industry is carrying out its own report on the issue. We also know that in Ireland, PCPs are completely unregulated. The story I have set out for the Tánaiste which I have set out before about nervousness in the United States and the United Kingdom and the Government looking the other way is one we have heard before. What is the position on PCPs for consumers purchasing cars? What is the answer for those who may not be able to make the bubble payments that are now arising or will arise next year or the following year? What is the remedy for consumers who have been mis-sold these products in the past few years or who have not received the professional advice they might have expected? That professional advice has not been required by the State because the sector is completely unregulated.

An Leas-Cheann Comhairle: I thank the Deputy for observing the time limit.

The Tánaiste: I thank him for his interest in the Fine Gael leadership election.

Deputy Thomas Byrne: We have a strong interest in it.

The Tánaiste: I hope all other parties will show the same level of transparency, democracy and excitement in their leadership elections as we have shown in the course of ours.

Deputy Mattie McGrath: It is a Punch and Judy show.

An Leas-Cheann Comhairle: The clock is running.

(Interruptions).

The Tánaiste: By the way, I believe it is Deputy Thomas Byrne's birthday. I wish him a happy birthday.

An Leas-Cheann Comhairle: The clock is counting down.

The Tánaiste: The Deputy spoke about personal contract plans. I have noted, as he said, that the issue has been raised in other countries. I have heard the debate in the United Kingdom about them. There is quite a lot of concern that people may be taking on unmanageable debt. I appreciate the Deputy raising the point which has not received very much coverage in this country but it is one to which the public needs to be alerted and of which it needs to have a greater awareness. There is also a need for awareness of the matter at Government level. We are talking about a financial product. Like all financial products, we must ensure people are properly informed and are not taking on unsustainable debt. PCPs can be very good because they make new cars affordable and many are happy to enter into such arrangements. However, if they are too easily available or people are not aware of the consequences and cannot afford to repay their loans, as has been found in other countries, they can lead to people taking on unsustainable debt. It is essentially the responsibility of the Financial Regulator who oversees such products. If there are issues arising or it is found that the products offered in this country are not reaching the appropriate criteria and standards, it is up to the Financial Regulator to take further action. I will raise the matter with the Minister for Finance and ask him to revert directly to the Deputy because it is a very real issue which, as I said, has created considerable concerns in the United Kingdom and elsewhere.

An Leas-Cheann Comhairle: I also thank the Tánaiste for observing the time limit.

Deputy Thomas Byrne: With all due respect to the Tánaiste, that is an utterly pathetic answer. PCPs in Ireland are not regulated as specific products. The Central Bank is telling jour-

nalists who ask the question that it is not responsible, that they are a matter for the Competition and Consumer Protection Commission. The Government has no figures whatsoever for how many of these contracts have been entered into and we cannot get them. My colleague, Deputy Michael McGrath, has written to the Central Bank to see if figures can be obtained. That is the reality; it is like the Wild West and the Government is sitting back and doing nothing. If someone goes into a garage or to a motor dealer, the encounter is not regulated in any way. This has been a huge gap in the market in terms of regulation in the past few years. Fingers have been pointed at other parties for standing over a lack of regulation but this has been happening since 2013 or 2014 since these products came onto the market. There has been no Government regulatory response.

There are significant worries in the United States, the Bank of England and the motor dealers' association in Ireland. I assume that if people cannot pay these bubble payments and cars go back on the market it will have severe adverse consequences for motor dealers. The truth is that second-hand car prices are collapsing because of the large numbers of cars being imported from the UK. That is having a very negative effect and there are no answers from the Government.

The Tánaiste: As the Deputy is well aware, there has been an increase in car sales although there has been somewhat of a decrease this year.

Deputy Thomas Byrne: There are no figures on finance.

The Tánaiste: Yes, but anybody who puts a lending product into the Irish market has a responsibility. This issue is now becoming more relevant because of the increase in car sales. These products are available. As the Deputy said, people can access finance in an easier way than before when they buy cars from garages. Given the improving economy, people want to change their cars and so on.

The Deputy has made a relevant point. It is an area that needs further examination. I will see what the Department of Finance has to say about it and whether figures can be collected in a way that is appropriate in respect of this issue. As I said to the Deputy, I recognise the potential risk for people in terms of debt and taking on debt that is unsustainable.

It is important that there is transparency. If regulation is needed, it should be put in place. As the Deputy said, this is an emerging area. I will ask the Minister to revert directly to the Deputy and see if figures can be gathered and an assessment can be made as to whether there is a problem that would put people at risk in terms of this product.

Deputy Mary Lou McDonald: Yesterday, the Committee of Public Accounts witnessed the toxic shambles that is senior Garda management. As we watched that theatre unfold, word came through of a shooting on Dorset Street in Dublin's north inner city, which claimed the life of a man. This ruthless murder was another shocking incident in broad daylight at the heart of a community caught in the grip of a criminal feud that has spiralled out of control.

There is no excuse for the fear inflicted on the people of the inner city by criminals who flout the law and put the lives of innocents in jeopardy. Those responsible for this shooting must be brought to justice. I appeal to anyone who has any information whatsoever to bring it to the Garda. The Tánaiste and Minister for Justice and Equality cannot stand idly by while these gangsters walk our streets with impunity, take life without fear of being caught and have families and communities living in fear. The actions of those involved and these crimes are an

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affront to the spirit of the north inner city, our communities, families and all who inhabit this city who have had enough.

It is the Tánaiste's responsibility, as Minister for Justice and Equality, and that of Commissioner Nóirín O'Sullivan to ensure that safety and good order is achieved sooner rather than later. The violence must be brought to an end rapidly before any more lives are lost. The Tánaiste and Commissioner must dedicate all of the appropriate resources to dealing with the violent criminal gangs in our capital city. So far, they have been far too slow to respond to the fear that now exists in the community. People are terrified, which is unacceptable.

Garda numbers have been cut across the State and in the north inner city. Garda stations have been closed. Fitzgibbon Street Garda station has been closed since 2011. There have been severe cuts to community services and organisations which deal with young people at risk. Far from supporting the community, the Government is contributing to an environment in which this violence flourishes.

The Tánaiste must recruit and resource the Garda in the area as a matter of urgency. There must also be a whole-of-Government response and approach. Last year, I put it to the Tánaiste to establish a task force in the north inner city, with a multiagency approach which listens to the community and offers support and which has a long-term plan to find strategies and provide resources to make the community safe. Sadly, the Government did not listen. The Government's response to the north inner city has been superficial and tokenistic and the violence and the suffering go on. People have had enough of promises and expressions of shock and horror from these benches. Is the Tánaiste now listening and will she now finally commit to resourcing a proper task force for the north inner city?

The Tánaiste: For 30 years our gardaí and Defence Forces sought to prevent people getting involved in shootings and terrorist activity across this country. They dedicated themselves to preventing those murders. Unfortunately and despite that effort, they were unable to prevent some murders. However, they certainly helped to maintain the peace and protect communities. Our gardaí are doing the very same now. I abhor and condemn the fatal shooting yesterday, the circumstances in which it took place and its callousness. Unfortunately, this is what our gardaí are confronted with, namely, criminal gangs which devastate communities by importing drugs and which are determined to murder one another.

There is no question of standing idly by. The Government has committed enormous resources to the north inner city and the armed response unit is working flat out, morning, noon and night, to keep people and communities safe. It has prevented a large number of planned killing. Unfortunately, it is the case that criminals continue to plan to murder one another as we see in this criminal situation with these gangs. I am absolutely committed to ensuring that gardaí will make every effort to bring the perpetrators to justice. I agree with the Deputy that anyone with information on this should bring it to the attention of An Garda Síochána.

For our part in government, we are determined that gardaí will continue to be properly resourced to deal with the many challenges they face, including the scourge of these violent gangs. We have shown that by the number of patrols across Dublin and the country, the recruitment of 900 extra gardaí this year and the provision of increased resources and supports for gardaí, including new vehicles. Every effort will be made and no resource will be spared to deal with this scourge. Gardaí have done this in Limerick before where people are serving and have served prison terms in relation to 24 out of 25 murders and I have no doubt they will be

successful in dealing with the current threat from these gangs.

It is particularly disingenuous of Deputy McDonald to talk about the lack of resources going into the north inner city when this area was ignored for so many decades. She can see what the Taoiseach and the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, have done in the last nine months to a year in the provision of new resources for schools, youth services, diversion projects and housing in that area. It is particularly disingenuous to fail to acknowledge the resources being provided. The Taoiseach spent half a day recently looking at these projects and it has been acknowledged by local councillors and others that the resources have been made available there.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Mary Lou McDonald: I am aware that the Taoiseach was in the north inner city on Monday. Perhaps in the most grim way possible, the fact that there was a shooting on Wednesday actually serves to highlight the tokenistic and superficial approach of the Government over the last year.

Minister of State at the Department of Health (Deputy Catherine Byrne): That is a lie.

The Tánaiste: Pathetic.

Deputy Mary Lou McDonald: So there is no misunderstanding, local people are well aware of that fact.

Deputy Catherine Byrne: Local people are well aware of the good being done by the Taoiseach and the Minister, Deputy Donohoe.

Deputy Mary Lou McDonald: Can the Leas-Cheann Comhairle ask the Government benches to contain themselves?

An Leas-Cheann Comhairle: The Tánaiste not the Minister of State, Deputy Byrne, is delegated to take questions.

Deputy Catherine Byrne: She is lying.

Deputy Mary Lou McDonald: Far from a determined approach to tackle the issues, it seems the Government imagines people in the inner city will be happy with crumbs from the table, with a small bit of attention and with a few bob thrown here and there. That is not good enough. More importantly-----

Deputy Catherine Byrne: What have you done for them? Deputy McDonald has done nothing for them in all the years she has been here.

An Leas-Cheann Comhairle: Deputy Byrne.

Deputy Regina Doherty: Deputy McDonald is a disgrace.

Deputy Catherine Byrne: She is wrong.

Deputy David Cullinane: She is a disgrace, the Minister of State is right.

Deputy Patrick O'Donovan: It is Deputy Mary Lou McDonald she is speaking about.

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An Leas-Cheann Comhairle: Please allow the Tánaiste to respond.

Deputy Mary Lou McDonald: They have obstructed me in putting my-----

An Leas-Cheann Comhairle: There is no injury time today.

Deputy Mary Lou McDonald: Apart from it being an insult to the people of that part of Dublin, more to the point, it is not going to work.

An Leas-Cheann Comhairle: I cannot allow the Deputy-----

Deputy Mary Lou McDonald: The north inner city coalition has set out in great detail-----

An Leas-Cheann Comhairle: Unless the Standing Orders are changed-----

Deputy Mary Lou McDonald: It is very unfair that they can shout me down and that my time has been eaten up in that way.

Deputy Patrick O'Donovan: As if the Deputy has never shouted anyone down.

Deputy Mary Lou McDonald: I suppose that is the Blueshirts for you.

An Leas-Cheann Comhairle: The Deputy was given some injury time.

Deputy Catherine Byrne: It is very hard to listen to her. She sat at the public meetings and never opened her mouth. I was present at them.

An Leas-Cheann Comhairle: I cannot allow the Minister of State to speak.

The Tánaiste: As usual, Deputy Mary Lou McDonald is dividing communities. She cannot acknowledge the positive initiatives that have been taken. There is the usual negativity and she cannot even acknowledge the huge initiative that has been taken in the north-east inner city.

Deputy Timmy Dooley: There is a lot of lobbying today for ministerial positions.

The Tánaiste: In less than one year we have seen a huge number of short, medium and longer term measures and the community recognises this. When I attended meetings with the Taoiseach and the Minister, Deputy Paschal Donohoe, it acknowledged the importance of the initiatives that were under way and the investment being made. Unlike Deputy Mary Lou McDonald, it actually acknowledges that there is a long way to go. There were 30 years of under-investment.

Deputy Mary Lou McDonald: By whom?

The Tánaiste: It will not be dealt with overnight.

Deputy Pearse Doherty: Fine Gael has been in government.

The Tánaiste: Clearly, there is huge-----

(Interruptions).

The Tánaiste: Perhaps for a change Deputy Mary Lou McDonald should try to acknowledge some of the positive things that have happened.

Deputy Patrick O'Donovan: What about Sinn Féin's responsibility in the North.

Deputy Dessie Ellis: Does the Minister of State know where it is?

Deputy Patrick O'Donovan: The Deputy is getting very tetchy. He might explode.

An Leas-Cheann Comhairle: Please, Deputies. I know that we are off next week.

Deputy Pearse Doherty: There is a lot of tension in Fine Gael this weather. It will all be over next week, folks - just relax.

Deputy Michael Harty: I refer to the report on the future of health care, the Sláintecare report. I am concerned there has been very little reaction from the Government to it. I know that it is only two days since it was launched, that it will be presented to the Cabinet next week and that it will be debated in the Dáil on 16 June, but it is very important that it be kept to the forefront. It is much more than report; it is a blueprint for reforming the health service, the people's health service. We must understand why reform is absolutely necessary and must be implemented, not next year or sometime in the future but now. Soon our ageing population will overwhelm primary care and hospital services. Trolley queues are endemic in hospitals and there are lengthening waiting times in outpatient departments and for procedures. The report is a blueprint for reforming the entire health service, not just bits of it to satisfy crises when they occur. If a problem for scoliosis or cystic fibrosis patients is highlighted, it is partially dealt with and if the trolley queues are longer than usual, they are partially dealt with, but there is no overall plan for the health service.

The report clearly identifies the need for change. Additionally, it outlines a ten-year vision for transforming the health service. It gives direction and impetus. We must move away from fragmented, disjointed and incoherent health service planning which lacks cohesion and credibility. We must address the lack of capacity in the system. It is a cross-party report. The reform programme needs political commitment at the very highest level, from the new Taoiseach's office, to drive it forward. We have had three Fine Gael Ministers for Health in the past six years and they have all failed to reform the health system.

Deputy David Cullinane: Hear, hear.

Deputy Michael Harty: The strength of the reform programme is that it challenges everybody to engage in cultural change. It challenges the Government, the Department of Health, the HSE, doctors, nurses, hospital and clinical management. It demands a lot from people but it also promises fairness and equality. We must have a health service of which we are proud and people will not be afraid. It will not be cheap but doing nothing will prove much more costly. The Sláintecare reform programme plans to respect the patient and staff in equal measure and will reward those in the public service fairly for their hard work. Spending money on an inefficient system gives very poor value for money. We must spend money on transforming our service into a new, coherent and patient-responsive one. Can the Government commit to this reform programme and what is its response to it? The country is waiting for the Government's response and the Government will be judged on how it acts in transforming the health service.

The Tánaiste: I acknowledge the Deputy's expertise in this area and the work done by Deputy Shortall and the members of the Committee on the Future of Healthcare. The country would be pleased to see an all-party approach to health. Every citizen and every Member wishes to have a health service as described by Deputy Harty, that grants equal access, is fair

and provides a good service. When speaking about health I always make the point that many good things are happening in our health service and I have no doubt that the Deputy would be the first to acknowledge that. There have been tremendous improvements in cancer care and dealing with heart attacks and strokes. There have been huge initiatives and extra funding. The Deputy spoke about the need for a coherent approach that would be continued across Governments and Ministers. If we could arrive at that point, it would be welcome.

I refer to what the Minister for Health, Deputy Harris, said. When the committee's report was published earlier this week he acknowledged that he had wanted to see support from across the Houses of the Oireachtas for a cross-party committee to work on a ten year strategy. He said, "I firmly believe that this is the last chance of this generation to get this right and to take the politics out of health". We have agreed that there will be a full day debate on Thursday week on this important document. Clearly, it includes many suggestions. One of the proposed initiatives, a greater focus on primary care, is already the goal of the Government and funding and priority have been given to that. However, the report goes into greater detail in that regard. Other areas identified also concur with the Government's policy. We have a ten-year plan but clearly issues arise relating to, for example, the funding of it, the timing, the pace and the priority areas. We will benefit from the discussion in the House and if a second day is required we will provide for that as well.

The Government has given an initial welcome to the report but has not yet had an opportunity to consider it in detail. It certainly will do that.

Deputy Michael Harty: I acknowledge that there have been huge improvements in some sections of our health service. The difficulty with planning the health service is that it is fragmented. There is a lack of integration and of an overall plan in the health service. A ten-year vision for the service is lacking. We move from crisis to crisis and from year to year. There are annual budgets but there must be multi-annual budgets. There must be a new framework for how we fund the health service. Underpinning that, there must be governance, accountability and answerability in the service. We must introduce legislation. The most important aspects of this report are the introduction of legislation and the establishment of an implementation office. If an implementation office is not introduced within the first three months of the report being published, we will know whether the Government is serious about this. We must have this reform driven forward and introduce legislation, governance and accountability, which is sadly lacking in our health service. I earnestly request that the Government take on a ten-year vision for change and not allow our fragmented service to continue.

The Tánaiste: When the committee was doing its work, it invited many experts to its meetings and received the contributions of many stakeholders in the area, including health care professionals, academics and other interested parties. Undoubtedly, that contributed hugely to the report. The Government acknowledges the level of expertise that went into framing the report so it must be taken extremely seriously. I believe every Member of the House would like to see a ten year plan to which everybody would adhere and work. There are issues, of course, and we will have the debate on Thursday week. The Deputy's point about an implementation office is very well made. It also requires a whole-of-Government approach because funding is such a huge issue. Clearly, the Ministers for Finance, Public Expenditure and Reform, and Health, and the other relevant Ministers have a key role in future funding. The funding needs are great; there is no question about that. It is an extra €1 billion this year. We are seeing considerable sums of money going into our health service. We have to make sure the reforms are happening and that the money is well spent.

Deputy Róisín Shortall: On a related matter, a couple of months ago when news first broke about Government proposals to hand over governance and ownership of the new national maternity hospital to St. Vincent's Healthcare Group group, the public reacted with outrage and disbelief. That reaction centred on two points. The first was the inappropriateness of a religious group having any role in the governance of a public maternity hospital and the second was the profligate manner in which the Government viewed it is acceptable to gift a valuable asset — a State asset — to private interests.

We have not heard the Government, including the Minister, on this week's developments but we have heard from St. Vincent's Healthcare Group. It stated that, despite the departure of the Sisters of Charity, the terms of the Mulvey report would still apply. St. Vincent's Healthcare Group is a private corporate body. It has no right to dictate the Government's public policy. A public hospital funded by the public for public patients should, of course, remain in public ownership.

There is, however, a wider context for public disquiet over giving away a €300 million asset to this private body. The corporate entity known as St. Vincent's Healthcare Group has been under audit by the HSE for some time. Concerns relate to the entanglement of St. Vincent's University Hospital and St. Michael's Hospital, both public hospitals, on the one hand, and St. Vincent's Private Hospital, on the other, and to the suspected cross-subsidisation from public to private. The director general of the HSE told the Committee of Public Accounts in April 2015 that the private hospital was "being run on the back of the public hospital". He described it as having a "parasitic dependence on the public hospital", to such an extent that it may well not be viable as a public hospital in its own right. Many questions remain. The HSE still has not been informed about the detail of the charge created on St. Michael's Hospital by St. Vincent's Private Hospital in favour of Bank of Ireland. What about the financial arrangements within the group and the top-ups and salary scales in operation? A review of suspected breaches of contract in the context of consultants' work is to begin shortly.

St. Vincent's Healthcare Group epitomises many of the structural problems within the Irish health care system. The need to disentangle this dysfunction was a key recommendation of the Committee on the Future of Healthcare. Does the Tánaiste not accept that it would be highly imprudent to contemplate exacerbating the anomalous corporate governance arrangement within St. Vincent's Healthcare Group by adding yet another public hospital to its portfolio of assets?

The Tánaiste: The decisions that have been taken are extremely important in terms of the separation of the influence of any religious body on our health services. Everybody here will welcome the decision announced this week by the Sisters of Charity to end their involvement with the St. Vincent's Healthcare Group. It is a very significant development for the whole health care sector. It deals with the concerns raised regarding the question of religious influence in the new national maternity hospital. The sisters will relinquish their shareholding, and ownership will be transferred to a new company with charitable status, to be called St. Vincent's Hospital. The sisters have confirmed that they will not have any involvement in the new company or in the operation of the new maternity hospital. It is very important that this has been completely clarified. There is to be no influence within the hospital or the new body with charitable status. That is very important.

As the Deputy knows, there has been very extensive engagement on this issue under Mr. Kieran Mulvey and with the Minister. The Minister continues to look at a number of issues and

will be reverting. He should be given the remaining time to continue that work. The Deputy makes a broader point about the ownership of hospitals in this country. We do have a long history of a combination of having public hospitals as well as voluntary hospitals. We have at least 17 voluntary hospitals in this country and it is a well-established way of delivering services.

Deputy Joan Collins: It should not be.

Deputy Frances Fitzgerald: Deputy Shortall raised the question of whether that should be changed in the case of this particular hospital. There are complicated issues involved in that but, as the Deputy said, the health care report addresses this issue of the model we want to adopt going forward. The Deputy used the phrase “to disentangle”. In terms of disentangling this issue, there are complex funding decisions to be taken into account. There is also the matter of service delivery. So many services are delivered in this country by voluntary hospitals. There is a lot of support for voluntary hospitals. The debate certainly began on the system that was being suggested for St. Vincent’s. We have come to a very clear outcome on that, and a very important outcome. It is absolutely the right outcome. In terms of the broader issue of the combination of public hospitals and voluntary hospitals that we are going to have in this country going forward, I believe there is a political discussion to be had on that. There are many different elements to it.

Deputy Róisín Shortall: If the Tánaiste is accepting that point, why would she then add to the complexity by handing over a public asset to a private organisation? This is not just a question of a voluntary hospital, it is a question of two public hospitals within a private corporate entity. In the case of the children’s hospital, which will be on the grounds of St. James’s, nobody suggested for a moment that St. James’s should own it. Does anybody in Government actually know what the financial status is of the different elements of the St. Vincent’s Healthcare Group? Can the Tánaiste clarify the status of the Mulvey report? Can she guarantee that public money will only be used in the public interest and that the Government will ensure that the public purse is protected by ensuring that the new national maternity hospital will remain in public ownership? That is a key point. It would be most unwise on financial grounds for the Government to contemplate doing anything else.

Deputy Frances Fitzgerald: I believe is very important that this project gets built without the delay. I am sure the Deputy is familiar with the circumstances in which care is being delivered to pregnant women in Holles Street at present. Staff do an amazing job but there are very poor conditions. Now that this issue of the role of the Sisters of Charity has been resolved, I believe the priority is to get this hospital built.

Deputy Róisín Shortall: What about ownership issue?

Deputy Frances Fitzgerald: Many negotiations have taken place to ensure that we can arrive at that point. The Minister is still considering some of the outstanding issues the Deputy has raised. Of course, public money will only be used to ensure a quality health care service. That is very clear from the arrangements that have been made for the transition. The transition is to a body that has a charitable status. That is the reality of the situation. It is St. Vincent’s charitable status. It is not anything else. It is to ensure that health care is delivered to the public and that the highest standards are met for pregnant women and for women who need maternity and obstetric services. I believe it is important that we move ahead. I do acknowledge that the Deputy is making a broader point but with regard to the particular circumstances, a huge amount of work has been done in order to allow this hospital to go ahead at this site now.

Questions on Promised Legislation

An Leas-Cheann Comhairle: I ask Deputies for their co-operation. We have 15 minutes. Custom and practice is that the leader or the representative of the party asks a question. There are already six leaders or representatives, which could take up most of the time. After that, there are 16 Members indicating. There will be very little time. If we get to that point, Deputies can trust me to do a draw because everybody put their hands up at the one time. I call Deputy Byrne on behalf of Fianna Fáil.

Deputy Thomas Byrne: Could the Tánaiste enlighten the House as to the status of the Technological Universities Bill? There have been many complaints among the wider public that the Dáil has not passed much legislation. I believe it is a legitimate complaint. New politics is blamed. However, in this case and many others, the root cause is a complete lack of engagement with other parties, in particular Fianna Fáil, on various Bills. I had engagement with the Minister for Education and Skills about a year ago and have asked for further engagement but there are many people in the higher education sector, such as DIT, which I visited with my party leader last week, who simply do not know what is going on and are left in limbo. The Dáil has shown itself to be willing to legislate if it can but in many instances, it depends on the Government to bring forward that legislation or, at the very least, to engage with us on what it expects to be in the legislation.

Deputy David Cullinane: My question is on the same matter.

An Leas-Cheann Comhairle: That is circumventing but I will give the Deputy 30 seconds unless Deputy McDonald wants to give him her slot.

Deputy David Cullinane: No, it is the same issue. The last time I raised this issue was a number of weeks ago when the Minister was in the Chamber. He said there was some agreement with the TUI and that he hoped he could progress the Bill. He might be aware that since then, Waterford Institute of Technology has gone into a three-year cost recovery programme and there are ongoing negotiations with trade unions regarding the curtailment of hours for programmes and the closing of some campuses in the summer months. It is of real concern to the staff and students in the institutes of technology so could the Minister comment on that?

An Leas-Cheann Comhairle: I call Deputy Brassil.

Deputy John Brassil: Tralee Institute of Technology is at a very advanced stage-----

Deputy Seán Barrett: On a point of order, there are many backbenchers-----

An Leas-Cheann Comhairle: If it is a point of order-----

Deputy Seán Barrett: ----- in this establishment who never get a chance to ask any questions.

An Leas-Cheann Comhairle: That is not correct. The Deputy should not make any accusations or allegations.

Deputy Seán Barrett: The worst thing that can happen in this place is to be a Government backbencher.

An Leas-Cheann Comhairle: Deputy Barrett has been Ceann Comhairle.

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Deputy Seán Barrett: It is an absolute disgrace. Everybody else can speak-----

Deputy John Brassil: I remind Deputy Barrett that I am as entitled to speak in this Chamber as he is and I would appreciate some respect.

An Leas-Cheann Comhairle: All I will say is that I have a good memory. Deputies Durkan and McLoughlin, who always get a fair share, will be in the hat if there is any time but we are wasting time now. It is not a point of order and Deputy Barrett should know that.

(Interruptions).

An Leas-Cheann Comhairle: Deputy Barrett can bring it to the reform committee.

Deputy John Brassil: Tralee Institute of Technology and Cork Institute of Technology are at a very advanced stage of a merger that is waiting on the Technological Universities Bill.

An Leas-Cheann Comhairle: I am sure Deputies Durkan and McLoughlin are well able to protect themselves.

Deputy John Brassil: The merger is now in jeopardy as a result of the stalling of this legislation and I ask that it be progressed and completed immediately.

Minister for Education and Skills (Deputy Richard Bruton): I thank Deputy Brassil for raising this issue, which I have discussed on numerous occasions in the Dáil. This Bill was on Committee Stage in the House and is being restored to the Order Paper. Deputies will recall that in the last Dáil, very significant problems arose that led to it not being possible to complete that Bill. I regard this Bill as being very important in terms of providing a framework for regional educational development. I believe we need stronger regions with stronger institutions at regional level to drive economic and social development. We have sought to resolve the issues that prevented it from moving forward. Some of those were industrial relations issues. I indicated previously that we had discussions with the TUI. We have a set of proposals that are going to the TUI membership and, hopefully, that will remove one of the major obstacles lying in its way. If we can conclude that, we will move forward to bring that legislation back into the House. It is on Committee Stage but there is no pointing in coming into committee with proposals if they will be scuppered at the very first opportunity. I share the Deputy's anxiety to move this forward and will provide a briefing for Deputy Thomas Byrne and anyone else who wants one.

Deputy Mary Lou McDonald: Yesterday we heard extraordinary accounts from senior civilian executives of An Garda Síochána in respect of the Garda Training College in Templemore. To say that the set up has been reflected as shambolic and toxic is to use very mild terms. On the Tánaiste's behalf, the Taoiseach committed that she would come to the Dáil to make a statement about the irregularities, malpractice and possibly corruption in Templemore and that she would also take questions from Members on those matters. So far, she has failed to do so. As we advance in our inquiries, it becomes more apparent that the Garda Commissioner, Nóirín O'Sullivan, and the Tánaiste and Minister for Justice and Equality have very serious questions to answer. When will the Tánaiste present herself to the Dáil to make a comprehensive statement on the issues at the Garda College in Templemore and take questions from Members?

Deputy Frances Fitzgerald: I have answered many questions about this issue. As I said, I will take any action required on my part once the Committee of Public Accounts has reported

on its examination. To be very clear, without prejudicing any individual which would be grossly unfair, nobody is above the law and if any wrongdoing is uncovered, it will be investigated.

Deputy Mary Lou McDonald: I did not ask that question.

An Leas-Cheann Comhairle: Let the Tánaiste speak.

Deputy Mary Lou McDonald: I just want to know when the Minister-----

An Leas-Cheann Comhairle: I have no control over her response.

Deputy Mary Lou McDonald: The Minister just needs to name a day.

An Leas-Cheann Comhairle: The clock is ticking and others are going to be deprived.

The Tánaiste Frances Fitzgerald: It is really important that the Committee of Public Accounts complete its work before any further public comment is made.

(Interruptions).

Deputy Mary Lou McDonald: I just want to an answer to the question.

An Leas-Cheann Comhairle: I have no control over the Tánaiste's response.

Deputy Mary Lou McDonald: It is very distressing.

Deputy Jan O'Sullivan: It is appropriate that the Tánaiste is taking my question because she was instrumental in the holding of the children's rights referendum and ensuring the rights of children were inserted into the Constitution when she was Minister for Children and Youth Affairs. After 12 homeless families, including 30 children, had been sent to Garda stations last week in Dublin - there were reports that at least one of them may have slept in a park - Mr. Mike Allen of Focus Ireland pointed out on "Morning Ireland" that there was no legislative framework in place to look after the rights of children when their families were homeless. This morning, I published a Bill on behalf of the Labour Party to address that issue but I want to ask the Minister if the Government has plans to bring forward legislation to ensure that, when local authorities are presented with a homeless family, the children will not just be treated as dependants of somebody who is homeless, that their rights will be protected.

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): I will answer that question, if I can. What happened last week should not have happened and we have put measures in place to make sure it will not happen again. We do not need legislation to provide homes for people. There is very significant expenditure by the Government to provide appropriate levels of both temporary emergency accommodation for families and individuals and social housing to ultimately provide long-term solutions for the many families concerned. That cannot happen overnight, but there are construction teams on-site 24 hours a day, putting in place facilities to significantly improve the State's response to the problem of family homelessness. I have set very ambitious targets in the timelines needed and that is my focus.

Deputy Jan O'Sullivan: The onus should be on the local authority, not the family.

An Leas-Cheann Comhairle: I ask a representative of the Rural Independent Group to speak. Its members may sort it out themselves.

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Deputy Danny Healy-Rae: I will take it.

Deputy Michael Healy-Rae: No, I am taking this one.

(Interruptions).

Deputy Michael Healy-Rae: The programme for Government refers to driving down the cost of providing new treatments, drugs, etc. It asserts that the Government will examine opportunities to leverage purchasing power. The Tánaiste is aware that yesterday 21 patients from the Alpha-1 group who are receiving Respreeza on a compassionate basis came to voice their concerns. They are living on borrowed time because of the simple fact that they do not have a surety that this much-needed drug will be provided. Will the Tánaiste, in conjunction with the Minister for Health, please see after them? They have come here twice in the past few weeks.

The Tánaiste Frances Fitzgerald: The Deputy has seen the actions of the Minister for Health, Deputy Simon Harris, to provide the drug Orkambi, for example. He has taken a decision to make the drug available. The development of new drugs and the state's capacity to make them available are very big issue for governments, not just in Ireland but internationally. I will ask the Minister to liaise directly with the Deputy on the particular drug to which he has referred.

Deputy Richard Boyd Barrett: Taoisigh and Ministers continue to walk away from the Dáil with massive, gold-plated, guaranteed pensions - it has happened under this and previous Fianna Fáil-led Governments - yet the relentless attack on the pension entitlements of workers continues. The latest attack is in Irish Life, a company that the Government sold and that has remitted €370 million to the parent company in the past two years. As if that was not bad enough, it is now taking away the defined benefit pension scheme of 3,400 pensioners.

An Leas-Cheann Comhairle: Promised legislation?

Deputy Richard Boyd Barrett: Exactly. I want to ask when the social welfare and pensions Bill, the general scheme of which has been published, will come forward and will the Government deal with this assault on the pension entitlements of workers, such as the Irish Life workers, in defined benefit pension schemes who paid in good faith and expect a decent pension?

Deputy Joan Collins: It is at committee today.

The Tánaiste: There is pre-legislative scrutiny on the social welfare and pensions Bill today. We see the story this morning in regard to defined benefit pensions. There is increasing pressure on all of these funds. The Department of Social Protection and the Department of Finance are clearly concerned about this. No doubt it is an issue that will be discussed in the pre-legislative scrutiny on that proposed Bill.

An Leas-Cheann Comhairle: A Fine Gael representative. Decide for yourselves, Deputy McLoughlin or Deputy Durkan.

(Interruptions).

Deputy Bernard J. Durkan: You are always magnanimous, a Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: I cannot have it both ways. I am being fair and I am being

criticised.

Deputy Tony McLoughlin: I will be brief and I will allow half of my time to-----

(Interruptions).

An Leas-Cheann Comhairle: Promised legislation?

Deputy Tony McLoughlin: The programme for Government commits to doubling the number of apprenticeships nationwide by 2020. On that basis, given the importance of apprenticeships for creating and retaining jobs in the north-west region, can the Tánaiste advise the House as to the progress being made in this regard and what sectors in particular we will focus on?

Deputy Richard Bruton: I congratulate Sligo for winning the new insurance apprenticeship, which is a very successful programme delivered online by the Sligo Institute of Technology. We have approximately 20 apprenticeships in the pipeline in new areas. These includes modern manufacturing, insurance, financial services and the hospitality industry right across a broad segment of sectors. We have a fresh call-out for new employer groups to come forward with proposals for apprenticeships.

An Leas-Cheann Comhairle: That is all of the leaders. I have time for two questions. The two names that have come out here are Deputies Niamh Smyth and Joan Collins, and that is it.

Deputy Niamh Smyth: In the programme for Government, the Government has given a commitment with regard to ensuring a strong and visible police force in every community. Figures show that the lowest number of Garda recruits have been assigned to rural areas. In Cavan-Monaghan, we have a mere 21 new recruits. With such low numbers, how are the goals outlined in the programme for Government being met? A strong and visible force implies that there are a proportionate number of gardaí to civilians in the area.

An Leas-Cheann Comhairle: Promised legislation?

Deputy Niamh Smyth: It is part of the programme for Government. I am asking for the appropriate number of gardaí in regard to the size of the community in rural areas. We are as susceptible to crime as those in urban areas are. I would like the Tánaiste's views on that.

The Tánaiste: It was the Deputy's party that closed down Templemore.

Deputy Robert Troy: This Government kept it closed for three years.

The Tánaiste: I have reopened Templemore. We are having 900 young recruits coming out this year, as we have had for the past number of years. Clearly, capacity is being built up. New recruits are being assigned to different areas. No doubt Deputy Niamh Smyth's area will see the benefit of those new recruits.

An Leas-Cheann Comhairle: Finally, I call Deputy Collins.

Deputy Joan Collins: The copyright and related rights (amendment) (miscellaneous intellectual property) Bill is on the Government's proposed spring-summer legislative programme. Where does it stand? It is with the Department of Jobs, Enterprise and Innovation. Also, while the Minister for Jobs, Enterprise and Innovation is present, I met representatives from Trinity College Dublin who would like to meet the Minister on this Bill.

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The Tánaiste: The heads of the copyright Bill were dealt with last year and it continues to be worked on.

Deputy Joan Collins: Is it the copyright and related rights (amendment) (miscellaneous intellectual property) Bill?

The Tánaiste: Yes, that is it.

An Leas-Cheann Comhairle: I thank the Members for their forbearance and understanding.

(Interruptions).

An Leas-Cheann Comhairle: No, hold on. It is only 15 minutes.

Deputy Mattie McGrath: There are 25 seconds left.

Deputy John Brassil: Is there any time for debate?

An Leas-Cheann Comhairle: There are 25 seconds left. Let me say, if anyone has any difficulties-----

A Deputy: Extra time.

An Leas-Cheann Comhairle: -----there is an avenue which one can take but if there is anyone who suggests that I have been unfair to any party today, now is the time to say so.

Planning and Development (Amendment) Bill 2017: First Stage

Deputy Ruth Coppinger: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Planning and Development Acts 2000 to 2016 to ensure that development with the object or effect of deterring homeless persons from obtaining shelter from a structure, land or building is not exempted development, and to provide for related matters.

This purpose of this Bill is to introduce an amendment that would allow objections to be submitted to planning authorities when planning permission is sought for building modifications such as spikes, bars, sloped windowsills and sprinklers which are aimed at deterring rough sleepers from sleeping at those buildings. The Bill seeks to empower concerned citizens, individuals, activists and organisations around the issue of homelessness and to enable them to object to any building modifications that can reasonably be determined to be aimed at deterring rough sleepers from obtaining a modicum of shelter from the worst of the elements. I have already referred to spikes, sprinklers and so on.

People are dying on our streets. We have record levels of homelessness. People are not sleeping on the streets as a lifestyle choice. They are doing so because of the homelessness emergency that has been raging in this country, in particular in the last three years. The impetus for drafting this Bill was the fact that a tattoo parlour in Temple Bar installed sprinklers to stop people from bedding down on a low lying window sill. The effect of this was that people who had been sleeping there were left to the elements and put at risk of hypothermia. Last Janu-

ary there was a Facebook post by Ms Gráinne O’Sullivan, of which the Minister for Housing, Planning, Community and Local Government may be aware, who described the tragic situation of her brother Patrick who sleeps rough. He is not addicted to drugs or alcohol but has mental health issues. He was evicted by the HSE last year after 22 years as a long-stay patient with severe and enduring mental illness. His 22-year-long diagnosis of schizophrenia was suddenly changed to personality disorder. Patrick was evicted and given a piece of paper with contact details for emergency accommodation. However, because he was not registered as being homeless, he could not access a bed. His mental health issues meant that he was not suited to the type of accommodation that was available and he ended up sleeping rough. One day when he arrived at the place where he used to sleep he found so-called defensive architecture in place to prevent him from bedding down. This is someone who is extremely vulnerable. Last week, it was reported that 12 families were told to go to Garda stations because there was no emergency accommodation available. We should not allow the putting up of this type of architecture to deter people who are homeless when we have a housing emergency.

One of our councillors on Dublin City Council, Mr. Michael O’Brien, sought to bring this issue up in the housing strategic policy committee, SPC, of the council with a view to getting by-laws introduced. However, the council was informed that this would require a change to the Planning and Development Act. I note that the Minister is here and I ask him to facilitate this legislation. We do not need to humiliate people who are forced onto the streets or to expose them to potential hypothermia because they cannot lie in a sheltered place. Despite the efforts of this Government, there is not sufficient emergency accommodation and we know that for a fact, based on the events of last week.

How many others are in similar situations to Patrick? The genesis of the Bill was the story told by a sister about her brother. That led to councillors trying to prevent the modification of buildings but they were told that they are powerless to do anything unless there is a change in the law. This is a very simple Bill. We do not need to treat people like vermin. This type of defensive architecture should not be allowed because it sends a message to homeless people that they are not wanted. We do not need public opprobrium and inhumane measures against people who are sleeping rough.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): No.

Question put and agreed to.

An Leas-Cheann Comhairle: As this is a Private Members’ Bill, Second Stage must, under Standing Orders, be taken in Private Members’ time.

Deputy Ruth Coppinger: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

Road Traffic (Quads and Scramblers) Bill 2017: First Stage

Deputy Dessie Ellis: I move:

1 June 2017

That leave be granted to introduce a Bill entitled an Act to amend and extend the Road Traffic Acts 1961 to 2016 to give Gardaí the power to seize and detain quad bikes and scrambler motorcycles when being used unlawfully and to provide for related matters.

I will be sharing time with Deputy Munster, who is co-sponsoring this Bill. I have spoken about this important issue on many occasions in this Chamber. When I introduced the Misuse of Motor Vehicles (Public Spaces) Bill 2012, it was opposed by the Fine Gael Minister and his Labour Party colleagues who were in government at the time. This issue is constantly being raised by community groups, residents, councillors and local policing forums. I have been told by gardaí that they are struggling to deal with it because of a legislative anomaly. Vehicles like quad bikes, dirt bikes and scramblers are being used in many of our towns and estates by people as young as four or five years of age to threaten people and to cause many problems for the local community. Most people are responsible in their use of these vehicles but in some cases, they are used in an antisocial way to torment local communities and damage public property. The law as it stands prohibits the use of all-terrain vehicles on public roads unless they are fully insured and taxed. These vehicles have to meet other regulatory requirements. A hole in the existing legislation allows people who use these vehicles for antisocial behaviour to sidestep gardaí in public spaces and thereby avoid penalties. The issue is that gardaí have no power to confiscate or seize vehicles engaged in this behaviour on greens and parks, etc.

This Bill will deal with two issues that are not covered in the existing legislation. First, it will extend the powers of the gardaí by increasing the definition of “public space” in the Road Traffic Acts so that it covers parks and greens. Second, it will allow gardaí to deal with quad bikes that are used illegally in private properties such as parks and greens. It is not intended that this Bill will criminalise the users of these vehicles. It will allow gardaí to act when such vehicles are misused for illegal activity in public spaces, including terrain that is not designated for the use of motor vehicles. There is a clear need to address the problem of scrambler and quad use. A number of adults and children have lost their lives or have been seriously injured as a result of the misuse of these vehicles. This Bill could be introduced in conjunction with the roll-out of an information programme that would explain the rules and regulations associated with the use of these vehicles, provide safety tips and facilitate the registration that is needed. Motocross clubs should be funded and supported to promote the responsible use of quad bikes and scramblers in our cities.

Deputy Imelda Munster: The introduction of this Bill aims to fill a gap in the current legislation governing the use of scramblers, quad bikes and similar vehicles. We recognise that the vast majority of those who operate all-terrain vehicles do so safely and legally. This Bill will have no effect on those who operate their vehicles within the law. It has to be recognised that people in some urban areas are operating vehicles like quad bikes and scramblers without the correct licence, insurance or registration. Teenagers and children are known to be operating these vehicles. This poses a huge risk to their safety and the safety of others. We hope the legislation we are proposing will remedy this type of behaviour, which has led to many injuries and some deaths in recent years.

As my colleague, Deputy Ellis, has said, local communities have raised this issue on countless occasions. It is clear that legislation is required to fill the gap. This Bill will extend the definition of “public space” in the Road Traffic Acts to include parks and greens. This, in turn, will allow gardaí to sanction those who operate these vehicles illegally in such spaces. The Bill is based on public safety. We are trying to make public shared spaces in housing estates

and public parks safer. Those who drive these vehicles legally will not be affected by the Bill. People do not expect to be allowed drive on green areas in residential estates, and we are bringing other vehicles in line with this.

It is also important to note that we are not criminalising people in this Bill. It will merely give gardaí the power to seize and detain these vehicles when they have been used illegally. We do not intend to alienate anyone in these communities. We are in favour of using these vehicles in appropriate safe places such as motorcross clubs and Viking clubs. We need liaison with local councils to identify lands suitable for the establishment of more of these clubs. Therefore, this Bill will allow for people to operate these vehicles in a safe manner. Local authorities should consider seeking out suitable venues for these clubs to allow the safe use of scramblers and other such vehicles.

This Bill will correct an anomaly in the law. It is a public safety issue in many communities across the State and it needs to be rectified.

An Leas-Cheann Comhairle: Is the Bill opposed?

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Dessie Ellis: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

EU Regulations: Motion

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I move:

That Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to accept the following measure:

Regulation (EU) 2017/353 of the European Parliament and of the Council of 15 February 2017 replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings,

a copy of which was laid before Dáil Éireann on 13th April, 2017."

Question put and agreed to.

EU Regulations: Motion

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I move:

1 June 2017

That Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny to Article 290 of the Treaty on the Functioning of the European Union,

a copy of which was laid before Dáil Éireann on 12th January, 2017.”

Question put and agreed to.

Amendment of Terms of Reference of the Special Committee on the Eighth Amendment of the Constitution: Motion (Resumed)

The following motion was moved by the Minister of State at the Department of the Taoiseach, Deputy Regina Doherty, on 31 May 2017:

That the Order of the Dáil of 4th April, 2017, relating to the Special Joint Committee on the Eighth Amendment of the Constitution be amended as follows in paragraph (c):

(i) by the deletion of ‘16 members of Dáil Éireann’ and the substitution therefor of ‘15 members of Dáil Éireann’;

(ii) in sub-paragraph (i), by the deletion of ‘five members appointed by the Government’ and the substitution therefor of ‘four members appointed by the Government’; and

(iii) in sub-paragraph (iv), after the words ‘and the Social Democrats–Green Party Group’ by the insertion of the following:

‘and the provisions of Standing Order 95(2) shall not apply to the Committee’.”

Debate resumed on amendment No. 1:

To delete all words after “ ‘four members appointed by the Government’ “.

- (Deputy
Ruth Coppinger)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the motion re Amendment of Terms of Reference of the Special Committee on the Eighth Amendment of the Constitution, which took place on Wednesday, 31 May 2017. On the question, “That the amendment to the motion be made”, a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

An Leas-Cheann Comhairle: Amendment No. 1 is in the name of Deputy Ruth Coppinger. Will the Deputies claiming a division please rise?

Members rose.

An Leas-Cheann Comhairle: As more than ten Members have risen, the division shall proceed.

Amendment put:

<i>The Dáil divided: Tá, 9; Níl, 127; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Barry, Mick.</i>	<i>Adams, Gerry.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Aylward, Bobby.</i>	
<i>Broughan, Thomas P.</i>	<i>Bailey, Maria.</i>	
<i>Coppinger, Ruth.</i>	<i>Barrett, Seán.</i>	
<i>Healy, Seamus.</i>	<i>Brady, John.</i>	
<i>Kenny, Gino.</i>	<i>Brassil, John.</i>	
<i>Martin, Catherine.</i>	<i>Breathnach, Declan.</i>	
<i>Ryan, Eamon.</i>	<i>Brophy, Colm.</i>	
<i>Smith, Bríd.</i>	<i>Browne, James.</i>	
	<i>Bruton, Richard.</i>	
	<i>Buckley, Pat.</i>	
	<i>Burke, Peter.</i>	
	<i>Burton, Joan.</i>	
	<i>Byrne, Catherine.</i>	
	<i>Byrne, Thomas.</i>	
	<i>Cahill, Jackie.</i>	
	<i>Calleary, Dara.</i>	
	<i>Carey, Joe.</i>	
	<i>Casey, Pat.</i>	
	<i>Cassells, Shane.</i>	
	<i>Chambers, Jack.</i>	
	<i>Chambers, Lisa.</i>	
	<i>Collins, Joan.</i>	
	<i>Collins, Michael.</i>	
	<i>Collins, Niall.</i>	
	<i>Connolly, Catherine.</i>	
	<i>Corcoran Kennedy, Marcella.</i>	
	<i>Coveney, Simon.</i>	
	<i>Cowen, Barry.</i>	
	<i>Creed, Michael.</i>	
	<i>Crowe, Seán.</i>	
	<i>Cullinane, David.</i>	
	<i>Curran, John.</i>	
	<i>D'Arcy, Michael.</i>	
	<i>Daly, Clare.</i>	
	<i>Daly, Jim.</i>	

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	<i>Deasy, John.</i>	
	<i>Deering, Pat.</i>	
	<i>Doherty, Pearse.</i>	
	<i>Doherty, Regina.</i>	
	<i>Donnelly, Stephen S.</i>	
	<i>Donohoe, Paschal.</i>	
	<i>Dooley, Timmy.</i>	
	<i>Doyle, Andrew.</i>	
	<i>Durkan, Bernard J.</i>	
	<i>Ellis, Dessie.</i>	
	<i>English, Damien.</i>	
	<i>Farrell, Alan.</i>	
	<i>Fitzgerald, Frances.</i>	
	<i>Fitzmaurice, Michael.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Funchion, Kathleen.</i>	
	<i>Grealish, Noel.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Danny.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kelly, Alan.</i>	
	<i>Kenny, Martin.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>MacSharry, Marc.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McDonald, Mary Lou.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	

Dáil Éireann

	<i>Mitchell O'Connor, Mary.</i>	
	<i>Mitchell, Denise.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Dara.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>O'Sullivan, Maureen.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Penrose, Willie.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Ross, Shane.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	

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	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Wallace, Mick.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Ruth Coppinger and Eamon Ryan; Níl, Deputies Regina Doherty and Tony McLoughlin.

An Leas-Cheann Comhairle: I counted ten Members claiming a division. It is a stark reminder to all of us that everyone has a right to change one's vote.

Motion put and declared carried.

Nursing Homes Support Scheme: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Michael Harty on Wednesday, 31 May 2017:

That Dáil Éireann:

recognises:

— the importance of the Nursing Homes Support Scheme, which provides essential financial support for those in need of long-term nursing home care;

— that the participants of the Nursing Homes Support Scheme contribute to the cost of their care according to their income and assets, and that this contribution can be considerable where an individual contributes up to 80 per cent of their assessable income, and a maximum of 7.5 per cent of the value of any assets per year towards the cost of care;

— the uncertainty created for farm families and family businesses by the potentially uncapped liability in the financial assessment of farm and business assets, particularly, when the farm or business has not been transferred or when the asset has been transferred but for less than five years;

— that the 7.5 per cent per annum contribution applies for the duration of an individual's stay in the nursing home, save where a three year cap applies to the applicant's principal residence;

— that in certain circumstances a three year cap can be applied to the assessment of non-residential assets in the case of sudden illness or disability, but that there is considerable vagueness in the definition of 'sudden illness or disability', which provides for such a cap; and

— the difficulties and unfairness associated with assessing the notional income from a farm at a rate of 7.5 per cent of the current market value of that farm;

further recognises:

— that family farms make a vital contribution to growth and employment in rural areas, forming the backbone of our rural economy, where it is estimated that farm families spend €8 billion per year in the Irish economy, most of which is spent locally, supporting local jobs and enterprises;

— that family farms are passed down from generation to generation and that it is essential that Government policy support and encourage the lifetime transfer of the farm;

— the adverse impact of the financial assessment on the self-employed and farm families which is affecting the viability of the farm and business for the next generation;

— that there are approximately 140,000 family farms in Ireland with an average size of 32.7 hectares per holding;

— that the Teagasc National Farm Survey shows that the average family farm income was €26,300 in 2015 and that farm family income varies considerably, with 70 per cent of farms earning an income of less than €25,000;

— that the age of the average Irish farmer is 57 years with 25 per cent of Irish farmers aged older than 64 years;

— that the assets farmers and other self-employed family businesses have are productive assets, and are required to generate income and should not be considered as a measure of additional ability to pay;

— that the current financial assessment is not progressive, fundamentally unfair and has a disproportionate impact on low income farm families, where any further dilution of the farm assets could make the farm non-viable for future generations;

— that under the current system farm families fear the viability of their family farm will be undermined or lost in meeting the cost of long-term care; and

— the commitment given in the Programme for a Partnership Government to review the Nursing Homes Support Scheme to remove any discrimination against small businesses and family farms; and

calls on the Government to:

— immediately publish the recommendations of the Interdepartmental Working Group on the Fair Deal Scheme or in the event that this group have not finalised their work to ensure that their work is finalised within three months from this date;

— honour the commitment in the Programme for a Partnership Government to remove discrimination against small businesses and family farms;

— introduce a reduced charge on the farm/business assets that removes the uncertainty for farm families and the self-employed which protects the future viability of the farm/business asset for future generations;

— reduce the time an asset needs to be transferred prior to entering a nursing home from five to three years;

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— provide immediate clarification on the definition of ‘sudden illness or disability’, which provides for a three year cap to be applied to non-residential assets, and to provide a broadened interpretation of ‘sudden illness or disability’ to include those who have been cared for at home for a period of time prior to seeking nursing home care;

— publish and bring forward the necessary primary legislation required to bring effect to these proposed changes to the Nursing Homes Support Scheme without delay following the completion of the review of this issue; and

— ensure that sufficient funding is allocated in Budget 2018 to allow for these changes to become operational in 2018.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“recognises that:

— the Nursing Homes Support Scheme (NHSS) provides financial support towards the cost of long-term residential care services in nursing homes. It is an important scheme, ensuring that long-term nursing home care is accessible to everyone assessed as needing it, regardless of their age;

— with a budget of €940 million in 2017, the NHSS will support just over 23,600 people by the end of the year;

— the time applicants spend on the placement list for funding has not exceeded four weeks since early 2015 and we must ensure that any changes to the NHSS do not impact on this;

— under the NHSS, an applicant contributes up to 80 per cent of their assessable income and a maximum of 7.5 per cent of the value of any assets per annum. The State then pays the balance of the cost of care. Notably, the first €36,000 of an individual’s assets, or €72,000 in the case of a couple, is not counted at all in the financial assessment;

— the NHSS has a number of important safeguards built into it. Among these safeguards is the provision that nobody will pay more than the actual cost of care. Furthermore, where an applicant’s assets include land and property held in the State, the contribution based on such assets may be deferred and collected from their estate. This is the optional loan element of the NHSS, the purpose of which is to ensure that a person does not have to sell their home during their lifetime to pay for long-term nursing home care. A nursing home resident can apply for this deferral at any stage; and

— an applicant’s principal private residence will only be included in the financial assessment for the first three years of their time in care. This is known as the ‘three year cap’;

further recognises that:

— when the NHSS commenced in 2009, a commitment was made that the scheme

would be reviewed. The report of the review was published in July 2015. Arising out of that review, a number of recommendations called for more detailed consideration of key issues, including the treatment of business and farm assets for the purposes of the financial assessment element of the NHSS;

— the Programme for a Partnership Government has also committed to reviewing the NHSS to remove any discrimination against small businesses and family farms;

— an interdepartmental/agency working group has been established to oversee the implementation of many of the recommendations contained in the review of the NHSS;

— considerable policy work has been taking place in the Department of Health in relation to examining potential solutions to the issues raised. Proposals for changes to the NHSS are being developed, with the specific intention of addressing and alleviating the concerns of the farming community when it comes to the uncertainty that many farming and business families feel in relation to the annual contribution to the NHSS and the potential impact of this on the sustainability of the farm or business;

— the NHSS is underpinned by primary legislation, and as such any changes made to the scheme will require amendment to this legislation. The issues currently being examined are legally complex, and all aspects of the NHSS need to be taken into consideration. The equitable treatment of people under the NHSS must be borne in mind and we must be cognisant of the constitutionality of any proposed changes in terms of equality of treatment;

— it is essential that any amendments made to the NHSS do not in any way negatively impact on its future financial sustainability. The NHSS is a vital piece of the wider healthcare system, and we must be cognisant of the fact that any negative impact on the scheme would have wider detrimental implications for the health service;

— the important position and contribution of the farming community in Irish society is recognised and valued. The importance of maintaining the farm as a productive asset to be passed down within the family unit is acknowledged;

— the important position and contribution of the business community, particularly small family-run businesses, in Irish society is recognised and valued. The importance of maintaining a business as a productive asset to be passed down within the family unit is also acknowledged;

— the concerns that farming and business families have in relation to the NHSS, particularly regarding the uncertainty of future liabilities based on the farm or business value in cases of family members working the farm or business is acknowledged;

— the NHSS already contains provisions in relation to the treatment of income generating assets such as farms; and

— in particular, the three year cap applies to a person's farm or relevant business under certain circumstances as follows:

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— the person has suffered a sudden illness or disability which causes them to need long-term nursing home care;

— the person or their partner was actively engaged in the daily management of the farm up until the time of the sudden illness or disability; and

— a family successor certifies that he or she will continue the management of the farm; and

calls on the Government to:

— bring forward the proposed changes in relation to this issue in the context of Budget 2018;

— honour the commitment in the Programme for a Partnership Government to remove discrimination against small businesses and family farms; and

— publish the necessary primary legislation required to bring effect to these proposed changes to the NHSS without undue delay following the completion of the examination of this issue and decisions in the context of Budget 2018.”

- (Minister of State at the Department of Health, Deputy Marcella Corcoran Kennedy)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the motion regarding the nursing homes support scheme. On Wednesday, 31 May 2017, on the question that the amendment to the motion be agreed to, a division was claimed and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 48; Níl, 50; Staon, 38.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>	<i>Brassil, John.</i>
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	<i>Breathnach, Declan.</i>
<i>Bruton, Richard.</i>	<i>Brady, John.</i>	<i>Browne, James.</i>
<i>Burke, Peter.</i>	<i>Broughan, Thomas P.</i>	<i>Byrne, Thomas.</i>
<i>Byrne, Catherine.</i>	<i>Buckley, Pat.</i>	<i>Cahill, Jackie.</i>
<i>Carey, Joe.</i>	<i>Burton, Joan.</i>	<i>Calleary, Dara.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Collins, Joan.</i>	<i>Casey, Pat.</i>
<i>Coveney, Simon.</i>	<i>Collins, Michael.</i>	<i>Cassells, Shane.</i>
<i>Creed, Michael.</i>	<i>Connolly, Catherine.</i>	<i>Chambers, Jack.</i>
<i>D'Arcy, Michael.</i>	<i>Coppinger, Ruth.</i>	<i>Chambers, Lisa.</i>
<i>Daly, Jim.</i>	<i>Crowe, Seán.</i>	<i>Collins, Niall.</i>
<i>Deasy, John.</i>	<i>Cullinane, David.</i>	<i>Curran, John.</i>
<i>Deering, Pat.</i>	<i>Daly, Clare.</i>	<i>Donnelly, Stephen S.</i>
<i>Doherty, Regina.</i>	<i>Doherty, Pearse.</i>	<i>Dooley, Timmy.</i>
<i>Donohoe, Paschal.</i>	<i>Ellis, Dessie.</i>	<i>Fleming, Sean.</i>

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<i>Doyle, Andrew.</i>	<i>Fitzmaurice, Michael.</i>	<i>Haughey, Seán.</i>
<i>Durkan, Bernard J.</i>	<i>Funchion, Kathleen.</i>	<i>Kelleher, Billy.</i>
<i>English, Damien.</i>	<i>Grealish, Noel.</i>	<i>Lahart, John.</i>
<i>Farrell, Alan.</i>	<i>Harty, Michael.</i>	<i>Lawless, James.</i>
<i>Fitzgerald, Frances.</i>	<i>Healy-Rae, Danny.</i>	<i>MacSharry, Marc.</i>
<i>Fitzpatrick, Peter.</i>	<i>Healy-Rae, Michael.</i>	<i>McConalogue, Charlie.</i>
<i>Griffin, Brendan.</i>	<i>Healy, Seamus.</i>	<i>McGrath, Michael.</i>
<i>Harris, Simon.</i>	<i>Kelly, Alan.</i>	<i>McGuinness, John.</i>
<i>Heydon, Martin.</i>	<i>Kenny, Gino.</i>	<i>Moynihan, Aindrias.</i>
<i>Humphreys, Heather.</i>	<i>Kenny, Martin.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Kehoe, Paul.</i>	<i>Martin, Catherine.</i>	<i>Murphy, Eugene.</i>
<i>Kyne, Seán.</i>	<i>McDonald, Mary Lou.</i>	<i>Ó Cuív, Éamon.</i>
<i>McEntee, Helen.</i>	<i>McGrath, Mattie.</i>	<i>O'Brien, Darragh.</i>
<i>McGrath, Finian.</i>	<i>Mitchell, Denise.</i>	<i>O'Callaghan, Jim.</i>
<i>McHugh, Joe.</i>	<i>Munster, Imelda.</i>	<i>O'Dea, Willie.</i>
<i>McLoughlin, Tony.</i>	<i>Murphy, Catherine.</i>	<i>O'Loughlin, Fiona.</i>
<i>Madigan, Josepha.</i>	<i>Ó Broin, Eoin.</i>	<i>O'Rourke, Frank.</i>
<i>Mitchell O'Connor, Mary.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>Rabbitte, Anne.</i>
<i>Moran, Kevin Boxer.</i>	<i>Ó Laoghaire, Donnchadh.</i>	<i>Scanlon, Eamon.</i>
<i>Murphy, Dara.</i>	<i>Ó Snodaigh, Aengus.</i>	<i>Smith, Brendan.</i>
<i>Murphy, Eoghan.</i>	<i>O'Reilly, Louise.</i>	<i>Smyth, Niamh.</i>
<i>Naughten, Denis.</i>	<i>O'Sullivan, Jan.</i>	<i>Troy, Robert.</i>
<i>Naughton, Hildegarde.</i>	<i>O'Sullivan, Maureen.</i>	
<i>Neville, Tom.</i>	<i>Penrose, Willie.</i>	
<i>Noonan, Michael.</i>	<i>Pringle, Thomas.</i>	
<i>O'Connell, Kate.</i>	<i>Quinlivan, Maurice.</i>	
<i>O'Donovan, Patrick.</i>	<i>Ryan, Brendan.</i>	
<i>O'Dowd, Fergus.</i>	<i>Ryan, Eamon.</i>	
<i>Ring, Michael.</i>	<i>Sherlock, Sean.</i>	
<i>Ross, Shane.</i>	<i>Shortall, Róisín.</i>	
<i>Varadkar, Leo.</i>	<i>Smith, Bríd.</i>	
<i>Zappone, Katherine.</i>	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Wallace, Mick.</i>	

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Michael Harty and Mattie McGrath.

Amendment declared lost.

Motion agreed to.

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Asian Infrastructure Investment Bank Bill 2017: Second Stage (Resumed)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to Second Stage of the Asian Infrastructure Investment Bank Bill 2017, taken on Wednesday, 31 May 2017. On the question, “That the Bill be now read a Second Time”, a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

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

Question put:

<i>The Dáil divided: Tá, 119; Níl, 17; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Barry, Mick.</i>	
<i>Aylward, Bobby.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Bailey, Maria.</i>	<i>Collins, Joan.</i>	
<i>Barrett, Seán.</i>	<i>Collins, Michael.</i>	
<i>Brady, John.</i>	<i>Connolly, Catherine.</i>	
<i>Brassil, John.</i>	<i>Coppinger, Ruth.</i>	
<i>Breathnach, Declan.</i>	<i>Daly, Clare.</i>	
<i>Brophy, Colm.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Broughan, Thomas P.</i>	<i>Grealish, Noel.</i>	
<i>Browne, James.</i>	<i>Harty, Michael.</i>	
<i>Bruton, Richard.</i>	<i>Healy-Rae, Danny.</i>	
<i>Buckley, Pat.</i>	<i>Healy-Rae, Michael.</i>	
<i>Burke, Peter.</i>	<i>Healy, Seamus.</i>	
<i>Burton, Joan.</i>	<i>Kenny, Gino.</i>	
<i>Byrne, Catherine.</i>	<i>McGrath, Mattie.</i>	
<i>Byrne, Thomas.</i>	<i>Smith, Bríd.</i>	
<i>Cahill, Jackie.</i>	<i>Wallace, Mick.</i>	
<i>Calleary, Dara.</i>		
<i>Carey, Joe.</i>		
<i>Casey, Pat.</i>		
<i>Cassells, Shane.</i>		
<i>Chambers, Jack.</i>		
<i>Chambers, Lisa.</i>		
<i>Collins, Niall.</i>		
<i>Corcoran Kennedy, Marcella.</i>		
<i>Coveney, Simon.</i>		
<i>Creed, Michael.</i>		
<i>Crowe, Seán.</i>		
<i>Cullinane, David.</i>		
<i>Curran, John.</i>		
<i>D’Arcy, Michael.</i>		

<i>Daly, Jim.</i>		
<i>Deasy, John.</i>		
<i>Deering, Pat.</i>		
<i>Doherty, Pearse.</i>		
<i>Doherty, Regina.</i>		
<i>Donnelly, Stephen S.</i>		
<i>Donohoe, Paschal.</i>		
<i>Dooley, Timmy.</i>		
<i>Doyle, Andrew.</i>		
<i>Durkan, Bernard J.</i>		
<i>Ellis, Dessie.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Fleming, Sean.</i>		
<i>Funchion, Kathleen.</i>		
<i>Griffin, Brendan.</i>		
<i>Harris, Simon.</i>		
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kelly, Alan.</i>		
<i>Kenny, Martin.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Catherine.</i>		
<i>McConalogue, Charlie.</i>		
<i>McDonald, Mary Lou.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Mitchell, Denise.</i>		
<i>Moran, Kevin Boxer.</i>		

<i>Moynihan, Aindrias.</i>		
<i>Munster, Imelda.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Penrose, Willie.</i>		
<i>Pringle, Thomas.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanley, Brian.</i>		
<i>Tóibín, Peadar.</i>		

<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Richard Boyd Barrett and Mattie McGrath.

Question declared carried.

Asian Infrastructure Investment Bank Bill 2017: Referral to Select Committee

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I move:

That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Mother and Baby Homes: Statements

Minister for Children and Youth Affairs (Deputy Katherine Zappone): Three years ago this week, a brave local historian shared her research with a discerning and intuitive journalist. A brave survivor was also willing to tell her story. We all read, watched and listened as the shocking details unfolded of a mass grave in the grounds of the former mother and baby home in Tuam, County Galway. In the intervening three years, we have received confirmation that the remains in Tuam are human and that they date from the same time the mother and baby home was open. I warmly welcome to the debate those who are here and those watching from afar. There are people, including survivors, advocates, family and friends, who would like to be here but who cannot attend. I admire greatly the courage of those who have shared very personal and compelling accounts of their experiences. With former residents, their loved ones, supporters and campaigners, I add my voice to the collective determination to dispel the secrecy and shame so unjustly experienced by vulnerable mothers and their children. I offer a special welcome to Catherine Corless whose incredible research and persistence in seeking the truth for those with no voice has been rightly applauded. Many of those on the site in Tuam never got to speak during their short lives. Through Catherine, the survivors and their advocates, they have now been given a voice. On a personal level, I am grateful for her generosity to me and many others in giving of her time to explain, advise and guide.

As the tragic discovery of infant remains at the site of the former home in Tuam continues to be absorbed, I am mindful that there are many deeply personal issues which those directly affected rightly want the Government to address. The Commission of Investigation into Mother and Baby Homes was set up as a direct response to the Tuam research. I record my sincere thanks to Judge Yvonne Murphy, Dr. William Duncan and Professor Mary Daly for their valuable contribution and commitment to the public interest in this sensitive work. They have my full support and that of the Government. I have visited the site in Tuam on a number of occasions and I am acutely aware that many people are experiencing a great deal of anxiety and anticipation about what might happen next at the site. Many of those in the Visitors Gallery

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and watching at home are the people who will be most impacted on by the decision on what we do next. Most importantly, I am determined that any action taken must respect the memory and dignity of the deceased children who lived their short lives in the home. I recognise the diversity of views on and concerns about how this might best be achieved.

My preference which I know is shared by most people is to encourage and support efforts to build towards a consensus on the next steps to be taken. We can only do this with full knowledge, or at least as much knowledge and information as we can garner. As I have said previously, we need expert technical guidance on international best practice in this highly specialised area. We need to know what is possible. If there is consensus to return the site to how it was before the commission undertook its test excavation and to erect an appropriate memorial, we will not require technical advice. If we decide to go for a full excavation, we will need advice on how to do it. If there is consensus that we should recover the infant remains and try to identify them, we will need to know if that is possible. We have made too many decisions in the dark in this country, but we are not going to do it again in Tuam. We need the experts to tell us what is possible. We need people who have done this type of very specialised work before. Therefore, I am very pleased to be able to say I have appointed Niamh McCullagh, forensic archaeologist, to lead the work. She will bring together a team of international experts in juvenile osteoarchaeology, forensic anthropology, DNA analysis and archaeology to provide us with the necessary advice. I am publishing the team's terms of reference today. Ms McCullagh is an Irish based expert with extensive national and international experience, including work with the Independent Commission for the Location of Victims' Remains in Ireland. Significantly, she already has a detailed understanding of the site as she led the commission team which located, identified and conducted the preliminary excavations in Tuam. The knowledge she already has of the site means that her work and that of her team will proceed quickly. Further details of the membership of the team are provided in the written text I have circulated to Members.

The expert team will consult additional experts, as it considers appropriate. It will arrange further geophysical surveys to examine the extent of potential burials on the site. We need to know, once and for all, if there are remains in the area outside that confirmed by the commission. I will receive an initial technical report by the end of June and a more detailed report on options for the future will be submitted to me by the end of September. The team will provide its technical advice in layperson's language in order that we can all understand the options for the site and what each such option would entail. Information is power and the expert reports will be available to everyone. When we are all speaking the same language, there will be a much better chance of reaching a consensus. There will be consultation and this will be a transparent process.

Improved communication is an area in which we need to do better. Survivors and their families have rightly been critical of hearing information in the media in advance of being alerted personally. I understand this and have tried to find a solution. Our proposed solution is to provide regular updates on the programme of work relating to mother and baby homes. This work raises issues which necessarily involve multiple Departments and agencies and we have asked them to co-operate with us. Our plan is to co-ordinate and centralise a number of communications initiatives to allow developments to be publicised in a timely manner. Starting from July, I will publish a monthly update which will be available on my Department's website on the first Friday of every month.

Following the publication of the second interim report of the mother and baby homes commission, I said I would hold detailed consultations with those who were resident as children

without their mothers in mother and baby homes and county homes. I am pleased to announce that I have appointed an experienced qualified facilitator with an international reputation to help me with these consultations. He will help us to explore the nature of services and supports available in the area of health and well-being which may be of genuine and practical value. This series of consultations will provide a safe forum for former residents in which to raise their concerns directly with me and my officials. Starting from tomorrow, my Department will issue an open invitation to former residents and those with personal connections to these institutions, seeking expressions of interest to participate in this process. The facilitator will hold meetings in Dublin and other parts of the country, depending on the level of expressions of interest from those involved. I have heard directly and indirectly of some ideas that people have, but this will be the forum to air these views and suggestions. The outcome of these meetings will inform my proposals to Government in order that we can have appropriate supports in place as quickly as possible. I want to start this process quickly and look forward to meeting stakeholders on 30 June.

I know that some people are trying to find out when they were in particular mother and baby homes. I have asked Tusla, the Child and Family Agency, to increase its capacity for the provision of this information to help former residents get access to it. We have put in place the necessary funding for Tusla to undertake this work. This new arrangement is separate to the ongoing legislative reforms that are before the Oireachtas to facilitate wider access to adoption records under the Adoption (Information and Tracing) Bill 2016. I am working with colleagues on this Bill which will give people wider access to adoption records. I know that this is so important to so many people and hope my colleagues will support me in getting it through.

Recent months have taught me that we need to look beyond the legal questions surrounding mother and baby homes, important and all as they are. Finding the truth is crucial, but we need to deal with that truth when we find it. We need to process it and respond to it. I am very pleased that Dr. James Gallen of the school of law and government in Dublin City University is assisting me in this regard. We are working together on this and I will respond more comprehensively when we have Dr. Gallen's final report which I hope will help us to find a new path forward. In the meantime, I am moving forward with one of Dr. Gallen's excellent proposals. I am asking my Government colleagues to support me in inviting the United Nations Special Rapporteur on the promotion of truth, reparation and guarantee of non-recurrence, Pablo de Greiff, to visit Ireland. Dr. de Greiff has extensive experience and insights which I believe will help me as a Minister and us as a Government to promote truth, justice and reparation, as he has done with a wide range of other governments. He could help ensure we are taking the right approach in terms of our response into the future.

I have said I am open to considering whether broader terms of reference for the commission would help to answer some of the questions which have been raised again in public debate. Over the summer months, I will undertake a scoping review on the possible extension of the terms of reference.

How we respond to the past is about much more than the Tuam or other mother and baby homes. It is about all of us. It is about us as people and the choices we make. These are personal choices or they are choices we make through the people we have elected. It is about our humanity. It is about our empathy. I sometimes wonder, if I am around in 2027 or 2037, what will I see being said about 2017 on "Reeling in the Years". Will 2017 be the year that the international media descended on Tuam as we once again declared our outrage at past deeds? Will it be instead the year when we faced up, womaned up and manned up, and decided that we

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will do things better? This is a defining moment for us. As a member of the Government, and the only Independent woman Member in Government, I feel a huge sense of responsibility to begin to heal the fractured trust between citizens and the State. It is time that someone shouted “Stop”. It is time that we all shouted “Stop”. I believe a model of transitional justice will help us move forward.

Deputy Anne Rabbitte: I thank the Minister very much for her contribution and statement. From the opposite side of the House, all I can say is I welcome everything the Minister has given me and my colleagues. It is very welcome for those in the Visitors Gallery to hear the Minister speak with such passion and empathy. I hope that on “Reeling in the Years” the Minister’s speech will be seen as a defining moment.

I am from the constituency of East Galway and know Tuam very well. From listening to her speech, I believe the Minister has a very good understanding of what the people in Tuam feel. This is also the case with regard to other mother and baby homes, but today we are speaking specifically about Tuam. The Minister has visited on more than three occasions, if my memory is correct, and she has an understanding of what the people are looking for. She has acknowledged the hard work done by Catherine Corless for many years. In the Minister’s speech she recognised the various parties that need to come on board to help fill this out and see what is the right way forward. That is very welcome.

There is no one clear-cut answer to this or no one clear-cut direction that will give everyone the right answer, but if we can back it with the facts and give people the correct resources required to make the right decisions, that is more than welcome. We as a party at all times have supported the way the Minister has progressed the Commission of Investigation into Mother and Baby Homes. We will continue to support her work in this regard. As an Independent woman Member in government, the Minister has empathy and understanding, and this is very clear. As long as the Minister keeps there, we will continue to support this particular commission.

We believe the terms of reference need to be expanded and broadened. What the Minister has committed to doing is a first step in expanding it and having an understanding of it. I was heartened to hear that the Minister will bring in an international rapporteur to give best guidance. What happened is a blackness in Irish society, which is very regrettable, but we must see how we can work through this fractured part of society and history. Bringing in someone very independent and with such critical expertise is very welcome.

A key point is access to records of the former mother and baby homes. I am glad to hear the Minister has brought Tusla on board and she will expand its capacity to support residents who have come forward. Fianna Fáil will support the Adoption (Information and Tracing) Bill 2016 coming before the Dáil. I have met a number of former foster children who went through the mother and baby homes. Access to records is a requirement about which they keep speaking to me. It is very important and we will support the Minister in this regard. This is very positive and I welcome it. I appreciate the hard work the Minister and the Department have put into it. The people sitting in the Visitors Gallery will see a transcript of this afterwards and they have heard what the Minister has said. The Minister is right that communication is the key. The people who need to hear this first are the former residents of the mother and baby homes. They do not need to see it first on the front page of any of the newspapers. They need to be part of it. They know where they want to bring this, in co-operation with the Department, and we will be very supportive. I thank the Minister.

Deputy Fiona O'Loughlin: As a state, we must continue to hang our head in shame when we think about and contemplate the injustices faced by the many survivors of mother and baby homes, particularly as they reach their later years. It is imperative that justice and recognition be delivered to them as soon as possible. There must also be justice in how those who have left us are remembered and recognised in an appropriate way.

Our history shows us the State delegated many of its responsibilities to religious orders through the years. I am grateful to many in the religious orders who did so much for all of us. I certainly had great support and help from the Sisters of Mercy in Rathangan where I went to school. I have seen at first hand all the great help and support they have given the community. Many mistakes were made and we as a nation must learn from this failure to protect, monitor and supervise. It is a costly lesson and one that can never be measured in its entirety as it is the suffering and abuse of our most vulnerable citizens that quantifies it.

The State must now ensure any delegation to service providers is always of the highest standard and that those members of our society who are most vulnerable are not subject to abuse or mistreatment.

Fianna Fáil welcomes the publication of the report as an important step towards the final report and an important milestone for survivors. We have always supported the commission as a means to bring justice to the victims of the homes and remain supportive of the commission process.

I commend the Minister for the steps she has outlined. I have no doubt that she will work constructively and closely with the groups in the coming months to ensure the work of the commission is focused on the survivors. We agree that the current terms of reference are too narrow and support their expansion. As Deputy Anne Rabbitte said, our party will engage with survivors' groups to discuss the interim report and get their insights and feedback. That is vital. International best practice must dictate the way to find the best possible process for justice to be delivered to survivors. This process must always remain survivor focused and because of this, we welcome the Minister's decision to seek public consultation on further action and investigate the possibility of expanding the scope of the inquiry. This is a defining moment in our history and for our society. It is a defining moment in how we, as a country, respond. There is fractured trust between citizens and the State and, collectively, we must heal it. The Minister will not find Fianna Fáil wanting in that regard.

Deputy Donnchadh Ó Laoghaire: I am sharing time with Deputy Louise O'Reilly.

I thank the Minister for agreeing to hold this debate which certainly is timely. It is important to reflect on the content of the interim report and the Minister's contribution, in which there were a number of additional points for us to consider. I will return to it.

Some weeks before the report was issued, the House debated and voted on a Sinn Féin proposal to establish a truth commission which would have a much broader scope than the commission of investigation and examine the institutionalising of women and children in mother and baby homes and various related institutions. That proposal was defeated, although most Members supported the principles behind a truth commission. The proposal and the view that the scope and structure of the commission of investigation were inadequate have been vindicated by the outcome of this report. I will also return to this point.

This is International Day for the Protection of Children in many countries. Few will deny

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that Ireland failed dreadfully to protect its children under the awful regime that was in place and victimised single mothers who were failed dreadfully by both the State and society. It is important to emphasise that both were responsible. There are those who will attempt to ignore the role of the State and those who will blame the State only, but both carry a portion of the guilt. People were deprived of a childhood, a family life and, in many instances, their children, an awful fate. I acknowledge the presence of survivors in the Visitors Gallery, as well as Catherine Corless who did excellent work. I also acknowledge all those who might be listening to the debate who were affected directly or whose family, relatives or loved ones were affected.

With regard to what the second interim report stated and proposed, I stated at the time that there was no excuse for the delay between receipt of the report and its publication, which was excessive. Much of what was contained in the report, to which the Minister's contributions and its proposals are perhaps ancillary, was a great disappointment. Many survivors to whom I spoke said the commission had made no findings to date regarding abuse or neglect. That was a source of pain and hurt for them. It is extraordinary to arrive at that outcome in the context of all that we have heard and the basis for the establishment of the commission of investigation. During the last debate we had on this subject I gave an account of what had happened at Bessborough Mother and Baby Home. For a period during the 1940s the primary cause of death in 20% of cases was marasmus or severe malnutrition. What can that be other than neglect? It is extraordinary. We have all heard countless stories of abuse. Undoubtedly, the people in the Visitors Gallery would also be able to tell us stories. It is not my intention to seek to question Judge Murphy's bona fides, but it seems extraordinary to arrive at such a conclusion. It raises questions about the structure of the commission and how fit for purpose it is.

The report also saw no grounds to expand the terms of reference of the commission of investigation. That is also quite extraordinary. I have spoken about this issue for some time. I have said it, as have survivors. I can also add the United Nations. Kitty Holland, in a report in *The Irish Times*, wrote:

In its "concluding observations" report - following examination of Ireland last month - the UN Committee on the elimination of discrimination against women (CEDAW) says Ireland has, "failed to establish an independent, thorough and effective investigation, in line with international standards, into all allegations of abuse, ill-treatment or neglect of women and children in the Magdalene laundries in order to establish the role of the State and church in the perpetration of alleged violations".

The terms of reference for the commission of investigation into the homes, "is narrow such that it does not cover all homes and analogous institutions [and] therefore may not address the whole spectrum of abuses perpetrated against women and girls".

That is consistent with the point I made during that debate. I welcome the Minister's remarks about the scoping exercise. That is welcome and important and I look forward to engaging with her on it. Where we should be focusing with regard to the terms of reference is on engaging with people on the basis of their experiences, not on a list of institutions. As that approach has failed, we must engage with people on the basis of their experiences to ensure all survivors and all those who had abuses perpetrated against them in the institutions can be included. That is a welcome step and I am glad that the Minister has stepped beyond the restrictive position stated by the commission.

One of the recommendations made by the commission was related to redress. While redress

is far from the full picture, it is right and appropriate that it be considered. I was deeply disappointed when the Minister and the Government flatly rejected it. It was simply ruled out that the survivors could be included in the residential institutions redress scheme. That was wrong and it was a severe blow, particularly to the survivors who had been excluded from previous schemes such as those of Bethany Home, Westbank and various other institutions.

I note that the drawing of artificial distinctions between institutions is still being fought. This afternoon the High Court has ruled that the refusal of the Department of Justice and Equality to admit two residents from An Grianán to the Magdalen scheme was in breach of fair procedures. The Government is still fighting women on their right to redress because of artificial distinctions. The women in question were in the industrial school located on the grounds of a laundry. They had worked in the laundry but were denied access to the redress scheme. That is wrong and I congratulate the two courageous women who took the case and their legal team. It is a significant decision which will have ongoing implications for the administration of the scheme and, perhaps, future schemes. I hope it will inform the Government's policy and attitude.

I will comment briefly on the current position. There are a number of things which are welcome, for which I commend the Minister. They include the special rapporteur and the technical team under Dr. McCullagh. That is important, but there is no reference to the Garda which must be part of this process. It is a distinct possibility that the site in Tuam was the scene of a crime and that should not be discounted. The Garda should, therefore, be part of this process. In addition, the Minister has given a commitment to have a model of transitional justice. The European Union's policy framework for transitional justice, in a section entitled, Providing recognition and redress to victims, states:

Transitional justice includes an acknowledgment that victims have been harmed. To recognise the suffering alone is however not sufficient. Rather, it must be acknowledged that victims are holders of rights who are, inter alia, entitled to an effective remedy and adequate reparation. Post-conflict or post-transition processes need to ensure that victims are not re-victimised or re-traumatised.

Does the Minister believe the approach of the EU framework is correct and will she follow it? In that context, will she consider the question of redress?

There are a number of other points I would like to make, but I am running out of time. My last point, which was touched on in regard to the communications process, was that the Minister, at the time of publication, committed to meeting survivors and hearing their response, experience and views on how best to move this forward. In addition to engaging in this new process, she should meet a delegation. The next Taoiseach, whoever that may be, should also take the opportunity to meet survivors. That would be valuable and welcome.

I have outlined a number of criticisms I have regarding the report and some of the disappointments. There are aspects that are welcome but we have to go much further. Expanding the terms of reference should be the absolute minimum. We must do much more to satisfy the desire for truth and justice among the survivors.

Deputy Louise O'Reilly: I thank my colleague, Teachta Ó Laoghaire, for sharing his time.

I wish to ask the Minister about St. Clare's mother and baby home in Stamullen. It was excluded from the investigation. A man who came to my clinic in Balbriggan two or three weeks

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ago is still traumatised and has still not recovered. He was born in St. Clare's. It was the site of vaccine trials. There should be no hiding place. Every mother and baby home should be investigated. For far too long, we have hidden our dirty little secrets. We cannot continue to do that. The man was almost broken. The refusal by the State to acknowledge what happened to him and help him in any way is not acceptable. When the Minister meets the delegation, as she has indicated she will, I urge her to meet also people who have been excluded. She should try to bring them into the process. We have failed them to date. The Government has failed them to date, and the Department is failing them. We need to bring those people into the process. The children in St. Clare's in Stamullen were the subject of vaccination trials. That is not acceptable. That is awful. If it were any of our children, nieces or nephews, we would want some process to deal with it. I urge the Minister to meet the people and hear their story at first hand.

Deputy Jan O'Sullivan: This is the third time in fairly recent times that we have had an opportunity to debate this issue. It is welcome that we are moving forward and that progress is being made. I welcome the Minister's speech today and the number of measures she has told us she is taking.

I, too, pay tribute to Catherine Corless and others in the Visitors Gallery who have been directly involved. It is particularly welcome that the Minister has said she has been to Tuam on a number of occasions and has met many of those who were born there or were former residents. The last time I spoke on this, I felt there was a need for that direct discussion to take place. The Minister had referred to the expertise of historians, etc., but talking to the people most directly involved was the most important thing to do in determining what the next step should be. I welcome that.

It is also welcome that there is a forensic archaeologist - I believe her name is Ms McCullagh - working specifically on the site in Tuam. From the information we have, we know the commission found that human remains were visible in 17 of the 20 chambers and that they dated from a period that coincided with when the home was in operation, between 1925 and 1961. We know a certain amount of information but we obviously do not know all the details on what exactly happened in Tuam.

The Minister said the initial report, on the analysis of the site, would be issued at the end of June and that the full report would be available in the autumn. I certainly hope she will share with us the information when it becomes available.

The question of what should happen next has to be discussed with those who are directly affected. Obviously, it is a matter for historians, archivists, etc., but it must primarily be about the feelings of those whose lives were touched, or perhaps destroyed, as a result of what happened in Tuam and other places. I support what Deputy Louise O'Reilly just said about expanding the scope. I acknowledge that the Minister is going to carry out a scoping exercise on broadening the terms of reference but I understand that, when the interim report was published, the intention was not to broaden the scope to cover other institutions. We have all heard from people who were in institutions that are not on the particular lists. I hope the question of extending the scope to include other institutions will remain open. I acknowledge that, within the terms of reference, there is a possibility for follow-through where an individual was transferred to a mother and baby home or went somewhere else after coming out of a mother and baby home. I would prefer to see a more comprehensive investigation. As the Minister said very eloquently at the start, we want to ensure that what we do regarding the awful, shameful occurrences in the past will be a turning point. If we leave some matters out, there will have been an omission in

that regard. I ask that this be taken into account.

With regard to what happened to babies, vaccine trials, the sending of children to America and illegal adoptions, on which matters the Minister touched, all these areas need to be examined. On the last occasion, I talked about the grey walls that surrounded the institutions so people outside did not have to concern themselves with what was inside. Society washed its hands and put young mothers or young pregnant women into the hands of what were very harsh and destructive institutions. As Deputy Donnchadh Ó Laoghaire just said, children died of malnutrition. Children were clearly not treated properly in the way children outside the walls of the institutions were treated. We have to ensure that we examine everything and that all the details are in the public arena so we can deal with them and build for the future without having dark secrets that have not been revealed.

I recently read a report by somebody who was doing some excavation on sites in other parts of the country. They uncovered underground pathways with little air grills at the top. They were actually so the pregnant women could go from one part of the site to another without being seen by others. This is because they were considered to be lesser human beings and unclean in some way. We had the churcing of women until relatively recently. This was about making women pure again after having babies. This is the kind of historic background we are talking about. We are talking about an attitude and culture in which the women and their babies were treated as being beyond humanity. We do need to uncover everything that needs to be uncovered in this whole area. Only by doing so will we build a positive future.

Let me touch on a couple of other areas. With regard to access to information, the Minister said Tusla has been brought on board. Some of the women who are campaigning have sought the full disclosure of documents. There may well be criminal proceedings in court. Those concerned need access to all the data, including from the HSE and Tusla, and also the commission. There is a sense that full disclosure of all documents may be difficult. I ask that the Minister facilitate that in every way. It is quite possible that there will be criminal cases after this.

The Minister has said Dr. James Gallen from the school of law and government in Dublin City University is assisting her with regard to a possible model of transitional justice. I particularly welcome the fact that she is asking her Government colleagues to support her in inviting to Ireland the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Dr. Pablo de Greiff. The guarantee of non-recurrence is an important element in the gentleman's title. Apparently, he has a great deal of experience in other countries on these issues.

As the Minister said at the start, we need to get this right. That is one of the reasons we are having a third debate in this Chamber as representatives of the people. It is important that we are having this ongoing interaction, because clearly some of the points that were made by some of us in the Chamber have been taken on board by the Minister. The Minister has directly engaged with the people who are most important in all of this and has obviously been to Tuam. Again, there are other places besides Tuam that also need to be inclusively involved in all of this process. I believe we are all generally agreed on what we need to do. There will certainly be no division in terms of the approach to this issue. We have had debates before on the Commission to Inquire into Child Abuse and others such as on the Magdalen laundries. This is yet another chapter in our relatively recent past that is now being uncovered. We have to uncover it all in order that we can build firm foundations for the children of the future.

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Deputy Ruth Coppinger: I welcome to the Visitors Gallery people who are directly affected by this ongoing scandal of the so-called mother and baby homes. It is a term that we should start changing, because they were not homes and they were not centred around the mother and the baby. We really need to change the whole language around this issue. Everything about the way the State handles this issue is to avoid, suppress and cover up. It is not just in the past. We all know that for 90 years, the independent State outsourced to the Catholic Church massive power to control women, education and health. That was even the case in the recent past. The 2009 Ryan report, which led to the setting up of the Caranua scheme, set aside very little money and gave the church a massive out, as we know, much of which still has not been paid. That scheme is really like treating the victims as if they have been given a gift. They have to come with receipts and justify what they get. When I spoke during the last debate, I made the point that if somebody gets compensation for maltreatment or abuse, what the person does with it is completely up to him or her. If he or she wants to go to Las Vegas and spend it all on one night, that is entirely his or her business and nobody else's. Compare that to this idea of having to justify every couple of thousand euro that one gets.

I also want to deal with 2012, because that was only five years ago. It is a very recent period. It was when the McAleese inquiry into the Magdalen laundries was informed about disturbing death rates of more than 50% to 55%. We read in the *Irish Examiner* even in the last few days that Professor Jim Smith wrote to the chairman of that inquiry about these very allegations in Tuam before they had come to headline attention in the international media. He reported what he discovered relating to a 1948 Government survey that recorded the number of "illegitimate" children who were born and died in mother and baby homes and county homes in 1948. Basically, the number of deaths was more than half the number of births. That is an absolutely shocking statistic. That information never appeared in the final McAleese report. Questions need to be asked. The McAleese inquiry no longer exists, but the people who conducted it and Mr. McAleese should answer a few questions about it.

To bring us up to where we are today, the Minister has announced an expansion in the terms of reference, an appointment of an osteoarcheologist and a transitional justice scheme for the survivors. Those are all welcome, but we need a full truth commission, a full examination and a criminal investigation of this and other sites. These should be crime scenes at this stage with forensic investigation. Why is it just an international expert who visits? The documents should be seized in the interests of an investigation. Of course, we need full compensation and redress. The Minister apparently said recently that is not on the cards right now. There is a massive impact on people's lives because of what has been done to them and the nature of it is that survivors tend to come forward much later in life.

We also need a separation of church and State. This has marked a sea change in attitudes in this country. The State has been implicit in the entire regime with the church, yet still the politicians are beholden to the institutionalised Catholic Church and some of its orders, as we have seen with the national maternity hospital fiasco, which was backtracked due to a people-powered campaign.

I heard one of the previous Deputies thanking the nuns that she went to school with, which is fine. I just want to correct one myth. The Catholic Church did not step in to provide education and health because the State was not interested. It opposed at every hand's turn in the past 100 years the setting up of a national school system and State services. If Deputies want me to start documenting it, of course I do not have time, but the mother and baby scheme is a classic example. The church was never interested in that. It was interested in keeping denominational

and sectarian education. We can lay that myth to rest.

We need much more than what the Minister has announced today and hopefully we will hear much more very soon.

Deputy Bríd Smith: To back up what has been said already, I believe the investigation and the widening of the terms of reference have to take more of a turn of an investigation of criminal proportions. I previously read into the Dáil record and will read again what I believe illustrates in horrible terms the attitude of the church of the day to the mother and baby homes and to small children who were born out of wedlock and were considered, literally, bastards and illegitimate at the time. Thanks be to God, or not even to God but to the world around us, that we have moved on. I want to read this. It is from a journalist called Donal O’Keeffe. He wrote about John Desmond Dolan, born in 1946 and who died at the age of three months. His death cert read in the cruel language of the day that the child was “a congenital idiot”. He was described on his death cert as being “a miserable, emaciated child with voracious appetite and no control over bodily functions, probably mentally defective”. He was three months old.

The UN Commission on the Status of Women stated Ireland “has failed to establish an independent, thorough and effective investigation, in line with international standards, into all allegations of abuse, ill-treatment or neglect of women and children in the Magdalene Laundries”. The committee urged the State “to conduct prompt, independent and thorough investigations, in line with international human rights standards, into all allegations of abuse in Magdalene laundries, children’s institutions, Mother and Baby homes, and symphysiotomy in order to prosecute and punish the perpetrators of those involved in violations of women’s rights”. We may not find many people still alive to prosecute, but it is the case that this should be conducted as a criminal trial. The commission also stated “all victims/survivors of abuse should obtain an effective remedy including appropriate compensation, official apologies, restitution, satisfaction and rehabilitative services”.

I know some of the women in the Visitors Gallery and they are very welcome. I am delighted to see them here. One of them recently told me that she is thinking of issuing the Minister an invoice for what she is owed for what she has suffered and for the losses she has suffered during her life. That invoice should be handed directly to the Catholic Church, which is a very wealthy organisation and has failed to pay its share of retribution for all of its crimes inflicted on children, boys, women and babies in this country.

Some 35,000 women and girls went through the mother and baby homes between 1904 and 1996. At least 6,000 babies died. The infant mortality rate at Tuam was five times that among the rest of the population. The infant mortality rate in all of the mother and baby homes was higher in the 1920s, 1930s and 1940s than it was in the slums of our cities and towns. That says it all. It was best described by Fintan O’Toole when he called it the “the moral-industrial complex – the vast archipelago of industrial schools, Magdalene laundries, mother and baby homes and mental hospitals”. As the Minister is aware, the history of this is not just academic or historical because the church has fought tooth and nail and crozier to block any attempt by us to take control of the provision of health and education and continues to do so to this day. I caution this House that we probably need to set aside a discussion of the developments in St. Vincent’s University Hospital because I do not think all is as healthy and clean as it appears.

My main point is to emphasise that although things are changing for the better in this country, it is time we began in a serious way the process of the separation of church and State. If

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there is to be a memorial to the suffering of the thousands, at this stage probably hundreds of thousands, of survivors and victims of the legacy of the church and its role in this country, it should be the beginning of the separation of church and State and putting the church into the dustbin of history where it belongs but to do so by giving back dignity and financial and other supports, including rehabilitative and moral supports, to those people. I am delighted that the Minister will meet them and take their testimonies. This should happen in a timely fashion and should not be dragged out for many years because time moves on and people pass away. It is very important that all of them have their day and have some sense of justice in this country.

Deputy Catherine Connolly: The Minister will forgive me if I leave out praise as I have just three minutes and will use them appropriately. It is welcome that an expert team will be appointed, that a specific timeframe has been given and that terms of reference will be published today. I welcome the monthly reports and the scoping exercise but I am extremely disappointed that we still have no timeframe for it. The Minister received this report from the commission in September 2016. It is now May 2017. It is welcome that the Minister is dealing with the Tuam site.

I am very concerned about the distinction the Minister is drawing between children who were in the homes with their mothers and those who were in the homes without their mothers. I believe she is misinterpreting either deliberately or unintentionally the report that was produced by the commission. On page three of her speech today, the Minister said that she is going to set up consultations with those who were resident as children without their mothers. This is a shocking distinction. Perhaps I am misreading it and perhaps the Minister can explain it. I believe the Minister has taken this inappropriately from the mother and baby homes commission of investigation. I believe the motivation for the commission's interim report was to draw attention to the way this Government and previous Governments have dealt with the mother and baby homes and left them outside the redress scheme most unjustly. The commission made the point that children without mothers had a particular grievance. It did not state babies who were in the homes with their mothers should not be included. The Minister is drawing a false distinction and she should go back and read the commission's report.

The commission also stated the exclusion of the mother and baby homes from the redress board merited serious consideration by the Government. I believe the Government has simply dismissed that out of hand, which is appalling. In respect of the finding of no abuse, I do not believe that this interim report found that there was no abuse. The commission stated this was an interim report; therefore, reading the report in its generality, what the commission is stating is that it was carrying out an interim report to highlight the way the Government was treating the mother and baby homes unjustly.

In respect of the Minister's remark that too many decisions were taken in the dark, they were not actually taken in the dark. I speak as somebody with experience on both a personal level from an extended family and a professional level. None of these decisions was taken in the dark. They were taken in the open. That is the irony of this. They were taken openly not just by the nuns but also by the courts, solicitors, judges and gardaí. Many middle-class homes in Ireland benefitted from the mother and baby homes and the Magdalen laundries.

I welcome the Minister's speech today and the fact that she went to Tuam. However, it has come about not because of her initiative or that of the Government. I do not wish to personalise it. It has come about because of the sacrifice and effort made by the survivors and survivors' groups who are in the Visitors Gallery and who I welcome. They have forced this situation on

to the agenda and have forced us to use our voices in this Chamber to get the Government to respond and to hold it to account. That is why we are here discussing this matter.

Deputy Clare Daly: I agree that we have very limited time here and are, therefore, obligated to use it as best we can. It is a fact that the Minister has had the interim report for nine months and we are discussing again in some ways expressions of sympathy and disappointment. We are “ochoning” the things that happened in the past when we really should be focusing on what actions will be taken as a result of the content of the interim report and the needs that have been highlighted over the past period. While it is welcome that the Minister has said that tomorrow she will start seeking expressions of interest regarding the supports and consultation, I echo the points made by Deputy Catherine Connolly that it does seem to be in the context of what we are calling unaccompanied children rather than others and that this needs to be addressed. What is the timescale for that process? What access can people get in terms of support from dedicated staff? How long will that be? Do we know the level of detail or are we just seeking an opinion to see what we might do in terms of the supports because if we are, that is somewhat problematic in terms of the lack of detail?

The Minister suggested an amnesty in the Seanad in order to assist in the gathering of records. I agree that it is vital to get records. In fairness, it is an issue we have been raising for a very long time. However, an amnesty somehow gives an impression of a waiving of any criminal responsibility. There needs to be clarity around this. People do not need a history project or lesson. They need justice and the delivery of justice means that if we are getting access to files, the information from them can be used. When we talk about false birth certificates, forced and illegal adoptions and so on, it has been the norm to say that the Adoption Act 1952 dealt with those issues. That is not the case. We know that these criminal actions also took place after 1952 and we need to clarify that an amnesty does not exclude prosecution from the use of some of those materials, although the protection of records is vital.

The issue of redress is in many ways the critical one. We know the Minister has rejected the commission’s recommendations and decided not to act upon them until the final report. I think that is wrong and that Deputy Catherine Connolly is right. The commission is flagging it as a huge issue and burying our heads in respect of it now will not change the reality. We know that the commission has not made any findings to date regarding abuse or neglect but that does not mean that there was no abuse or neglect. In fact, we all know that there was abuse and neglect so burying our heads now will not change that. It will be part of the final report and we might as well tee it up now. We need action and concrete dates and timelines on when this is being delivered rather than nice words, which are important but not enough.

Deputy Maureen O’Sullivan: We have had so many inquiries, reports, debates, statements, investigations and commissions over a number of years and a number of Governments that one would think we would get it right at this stage when it comes to addressing the issues for those who had to reside in the institutions, regardless of whether they were laundries, industrial schools or mother and baby homes. When one listens to the men and women who had to live there, what is obvious is their pain and incomprehension that other human beings could do this to them and the way in which they could be treated leaving them without dignity and self-esteem and in the case of some of them, leaving them without their name and real identity. This was inflicted on very vulnerable people - children or mothers who had just given birth. I also refer to those of mixed race and the extra difficulties they had to face relating to racial abuse.

I do not know how so many survived, but I have met survivors. They have been so strong,

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resilient, articulate, feisty and determined to get justice. There are varying interpretations of justice for different groups and individuals. They can involve redress, voices being heard, public awareness, apology or punishment. Some have spoken about a national reconciliation process involving all parties. I acknowledge those I have met who just want to be left alone in their silence and pain. I will quote from one of my friends from the mixed race group who said, in an article he published recently, that “Presently, there seems to be a deep frustration with institutional Ireland who simply do not know how to deal with survivors and the trauma and legacy of institutional abuse and neglect”. He welcomes the transitional justice idea because he believes it means more than just giving victims a voice. It is not only about seeking truth and justice for the human rights abuses perpetrated but also about accountability, healing and reconciliation. I know that there are varying views and that there are objections to this, but he cites the Canadian commission and the recommendations it made regarding the aboriginal people in Canada whose identity was being erased. He makes other suggestions, including the establishment of an Irish museum of human rights that would reflect the stories of all those who lived in the institutions and also the work of the advocates and the campaigners, including Ms Catherine Corless and Justice for the Magdalenes. It would also tell the stories of other human rights struggles, perhaps for Travellers and LGBT people, as well as those with mental health issues and disabilities. It would also tell us about the role of those who ran the institutions and the State’s involvement. It could also be a research centre and a learning centre, but it would always be sensitive.

There are many positives in what the Minister has said today. She mentioned a team of experts that could do its work without interference, the provision of regular updates, facilitating consultation and the possibility of expanding its work. She made reference to services and supports that would be of practical value. They need special care. We know from some of the people using the Caranua system that they have experienced grave difficulties which we had an opportunity recently to outline. I did so for people living in England. However, at the end of the day, it is not my opinion or what we think about the report but what the survivors think that matters. We have been talking about institutional abuse in the past, but this week we heard stories of abuse in the present, of children being abused in their own homes, being let down by their parents, communities, the State and social services. This is happening in Ireland where there is much generosity and concern shown by individuals and communities. I am always struck by a line from Yeats’ poem. Maud Gonne told him a story. She said: “That changed some childish day to tragedy”. No child’s day should be changed to tragedy.

I also acknowledge the women in An Grianán who have fought to have their voice heard. That has happened today.

Deputy Mattie McGrath: I, too, am delighted to be able to speak about this issue on behalf of the Rural Independent Group.

I welcome many aspects of the Minister’s statement. I welcome her being new, impartial and independent. Somebody else referred to a member of the Cabinet. We have seen where the Minister has stood out and maintained her dignity and respect and decided to tell it as it is, as she sees it. She is a breath of fresh air. Her trademark is all over many aspects of this issue, which is welcome because we need proper justice and a recognition of what happened. I, too, welcome Ms Corless, the survivors and others who are present. We cannot imagine what it was like to live in their shoes. It is unbelievable. The Minister has been independent and followed through. That she visited Tuam is also welcome. I hope she will receive the resources that she needs from the Government and the Department of Finance. They have to be provided.

I am delighted to hear that the Minister is bringing in an international expert to head up the inquiry. That is vital because too many times in this country - even now - every time we have a problem or there is an issue, we opt for a retired judge or some such person. I have said several times that we will soon run out of retired judges and that we will have to include it on the CAO forms to enable students to become retired judges in order that all of the inquiries can be undertaken. It is farcical and I am not making light of it. We need someone who is qualified, has the required expertise and a track record and, above all, is truly and totally independent and cannot be got at by the system which is very good at covering up and ensuring limited information comes out. I welcome the aspects of the Minister's speech where she said full information must be given. That is very important. Everybody has to put the information together. That is vital, instead of there being leaks and a pre-release of information which is hurtful and damaging to the people about whom we are talking, the survivors and their families.

It is welcome that a Bill is to be brought forward to enable people to trace, find and mark graves and so on. That is very important and we look forward to debating the Bill.

The Minister has stated the initial report will be out by the end of June and the full report by the autumn. That is important because we need clarity, a conclusion and action. As I said, it is horrific to think body parts might have been used for medical research - what an unbelievable carry-on.

Somebody mentioned an amnesty for persons who provided information for the report. That would be good. I am not saying anyone should hold on to anything, but one never knows what inhibitions people might have. An amnesty would be good to encourage people to come forward with information, both those working in this area and others outside. If they did not believe they would be victimised, as has happened recently in the case of some whistleblowers, having an amnesty might be very good.

As I said in my remarks previously, our hearts have been touched by the thought that so many children ended their lives in an environment in which they may have been neglected or abandoned when they were most in need of help. There is no defending or excusing what is absolutely indefensible. It is a source of shame that so many of the nation's children died in this way and continue to die as a result of various forms of abuse. The State was complicit in the deaths and maltreatment of the children concerned and their families. It is not yesterday's problem either. It is not a problem we have left behind and it could not be more evident than in the damning report issued this week by Dr. Geoffrey Shannon on Tusla, an issue I had raised in the House. We continue to practise, with horrifying regularity, the betrayal of children and their families, in spite of holding the children's rights referendum and in spite of all of the information and knowledge we now possess. We are supposed to be outward-looking rather than inward-looking. It is only five years since a report reviewed the deaths of almost 200 children who had died either in the care of the State or who were known to have used the State's care services between 2002 and 2012. That is recent and it was a shocking indictment to receive the report from Dr. Geoffrey Shannon during the week. It is both mind-boggling and astonishing, to say the least. What happened in Tuam horrifies us and causes us dismay and bewilderment. How could there have been such practices? Where was the accountability? Where is it now, for that matter? Has anyone in the HSE or Tusla been held responsible for the neglect that led to 112 unnatural deaths of children between 2002 and 2012? How could that have happened? Has anybody been held accountable? The answer is no. That is only the most recent incident.

To fast forward, in parts of her speech the Minister asked what would be shown on "Reel-

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ing in the Years” in 2040. What will be thought of us because of what happened from 2002 to 2012? What will be thought of the report we received this week? It is shocking.

On the specific requests made for a truth commission, I can certainly see merit in establishing such a commission. I read about the experts the Minister has appointed. It is welcome that they have expertise abroad because this is too small a country. I have said in the case of the banks and many other areas that the country is just too small, that everybody knows or can get to everybody else. I do not know what makes us do this, but it is crass and seems to be endemic. We cover up. Institutions become defensive and protecting the institution becomes more important than protecting defenceless little children. Protection of the institutions might become more important rather than justice for the people who are in the Visitors Gallery. I passionately believe this as we have become good at it, with PR companies, consultants and everybody else making it a big, defended, untouchable and unbreakable chain that we cannot unwind. We cannot get down and dirty to get to the real truth which people want.

I tabled a parliamentary question to the Minister only two months ago and thank her for her answer. I was shocked to find that, according to information provided by the Department, in 2013, 2014 and 2015 almost 20,000 children each year - that is 60,000 - had suffered from three forms of abuse - sexual, physical or malnutrition. I do not have the figures for 2016, but I do not expect them to be much different. In that wonderful year we celebrated and commemorated the centenary of the 1916 Rising. What is going on, despite all of the agencies we have established and the legislation we have passed? We cannot blame the church. I am not defending its role in all of the horrific things that happened, but I want an answer to that question. It happened under our noses. Somebody else will be standing here in ten years' time looking for inquiries into 2013, 2014, 2015, 2016 or this year because there is too much going unnoticed and there are too many resources being pumped into organisations, such as Tusla, which are not fit for purpose. Such quangos set up headquarters, appoint CEOs and appoint a plethora of senior officials and they forget the responsibility of us all must be to protect the innocent child. They seem to lose their way. There are many good staff there too, do not get me wrong. However, there is an epidemic in this country of creating quango after quango. They lose sight of why they were set up and of what they are meant to do. They talk about things and have reports but where are they? We need to unmask and deal with this.

I could not let the opportunity go without challenging Deputies Ruth Coppinger and Brid Smith because they want to blame the Catholic Church every time. We all know of the wrongs in the Catholic Church but many of us would not have been educated without it. Deputy Brid Smith said she was educated by the nuns. Few of us would have been educated if it were not for the brothers and the nuns. I did not get that education, but many of my colleagues and peers did. Tremendous good work was done also. We cannot just throw the baby out with the bath water. I agree we must deal with the horrific past and those legacy issues. However, one of the organisations I worked with is the Aislinn Adolescent Addiction Treatment Centre, with a wonderful sister, Sr. Veronica Mangan. What a leader to set up that centre. At one time, it was for adolescents from 12 to 16 years who had drug and alcohol problems. Now it is down to those aged seven and eight years. I commend the visionary work it and so many others, including Sr. Stan, have done. One could name so many. One cannot just constantly bash, kick and blame them. The furore about the hospital was the same - just bash the nuns and the media love it. They deserve credit for what they did as well. Certainly, the bad ones deserve to be criticised but the good people should not be criticised because they have been champions in many areas and they did not do it just to protect the Catholic Church. They did it out of goodness and they

feed the hungry and clothed the poor. They still do it in this city on a daily basis and there is no talk of it. We must have balance.

I wish the Minister well in this and wish the panel she has appointed the very best. I hope we will get to the truth and get some solace for the people.

Deputy Catherine Murphy: On the previous occasion we debated this mother and baby home it was with a specific focus on what one can describe as nothing more than the atrocities that had occurred in Tuam. At the time, the Taoiseach spoke about the culpability of the State and society, but I reiterate what I said that day that the State is not some anonymous set of officials. The reality is that in those mother and baby homes the State permitted the outsourcing of its responsibility - a constant theme in the failings of the State. The prevailing attitude towards the women and children who were consigned to these institutions was perpetrated by every arm of the State - the Garda, the medical profession, the political system - thus allowing this particular religious order to impose a very cruel regime.

There has been some talk about abuse or neglect. I visited the site a month or six weeks ago and saw the list of those where there were death certificates. I looked at the very young ages of the children who had died. Given the sheer numbers of them, it is difficult to conclude that it was anything other than cruelty and neglect at work there.

The legacy of these acts are current for some generations and they are at best one generation removed. The relatives of these women and children are still alive. In 1995, as I stated on the previous occasion, children playing on the site discovered human remains but it was not the gardaí who were called; it was a priest. He was called to bless the site. It seemed that everybody went about their business afterwards. The State, at that point, turned a blind eye. I simply do not understand it.

When there were human remains unearthed in the context of road works in Celbridge in the vicinity of the Famine graveyard there, the gardaí were called. It was identified that they were historical remains. These were brought to Collins Barrack. A year later, a respectful interment took place on the same general site. We knew the age of the deceased and what they died from. Even for such historic remains, that information could be discovered. I cannot understand why similar forensic work has not been undertaken on the remains discovered on this site. In 2014, when Ms Catherine Corless's work disclosed the extent of the problem, international attention was paid to it, and not unremarkably so. I asked on that day - I suppose it was an instinctive emotional feeling - why was this not declared a crime scene. I just could not understand why it was not declared a crime scene and why there would not be a Garda involvement, even in what is being proposed. I would have thought it was self-evident that such would be required.

It strikes me that one legacy issue with which we are familiar in relation to Northern Ireland is the disappeared. We all feel a sense of relief when another set of remains are found. For many, the disappeared were in Tuam and we have to give it the same kind of attention. We have to consider it in the same terms because they, equally, require closure. I think of how Mr. Peter Mulryan has been trying to find out about his sister and he realises that for him there is a time limit on this. I am concerned that we will do something that will be very protracted. Where there is understandable anxiety for people at what will happen in the site, that anxiety is heightened for many by virtue of the fact that there is nothing happening on the site now.

I cannot understand why we would not invite people to say what they know at this stage

- it probably will happen in the context of this process - because in this country, whether one is religious or not, there is great respect for the ceremony when somebody dies. We see it as something that one must be respectful of. I am trying to figure out in my head what kind of ceremony or absence of a ceremony would have taken place for a three year old, a four year old or a six month old. What happened when they died? What happened immediately after that? How did they get to where they were found, I suppose, discarded more than buried? There were people who knew. They had to know. There is an obligation on people to come forward if they know anything.

The point that has been made on improved communication is critical. The people can be called a lot of things, for instance, stakeholders, but actually they are family. In the main, we need to call them family. We need to treat them as one would treat those who have a member of their family missing. I am pleased to see that communication piece in this. It is critically important that people are treated with that humanity and respect.

Speed is important. It needs to be done right, but something that is very lengthy will add to the stress. I accept there is probably a range of different views, but doing nothing or promising something will happen in the future will add to the torture that people are feeling.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank all of the Deputies for their comments, reflections and questions. As Deputy O'Sullivan and others indicated, we have discussed this issue many times in this Chamber. It is really important for me to listen to the issues that Deputies raise as we all try to identify the best way and what kinds of actions we need to do in order to move forward when we think about and try to uncover the meaning of the past. I am grateful for that. I will address some of the common themes that I have heard. If I do not answer all of the questions posed, I will be happy to do that in another forum.

One of the main themes coming through, on which we are all agreed, is that the people who have been most impacted by the issues that we are debating and discussing ought to be at the centre of everything that we do. That is why I am so grateful that so many of them have come to be with us today. I was struck by Deputy Catherine Murphy's comments about how we name the people who are at the centre. I know that lots of different language has been used, including victims, survivors, family, advocates of family and so forth. I hope that as we move forward - and that is what I have tried to indicate in terms of the actions that I have identified that we will be doing on the basis of a lot of work in the past few months to take these actions - that there will be more and more engagement with survivors and family in order that what it is that we decide to do as we move forward to the best of our ability will be as a result of bringing together as best we can a consensus in relation to whatever the issues are.

In terms of Tuam, the decision that we are taking as a Government to move forward, particularly in relation to the site, is a very big one. It is important to get technical advice on what it is that they are going to do. I met Ms McCullagh before coming into the Chamber. She explained that this type of technical work has not been done anywhere else in the world. She described to me a lot of the technical, scientific and engineering complexities that are going to be engaged in this regard. That is why it was important to pull together a number of international experts in order to try to get as much information as we can in order to offer the information that comes in the most understandable language for all of us, so that we know what it is that these scientists are suggesting to us in terms of what is possible. Ms McCullagh spoke about what is possible

from the least intrusive option, which is to do nothing and indeed there are some people who want that, to the most intrusive option, namely a fuller excavation and exhumation, with attempts to identify the remains. We need to know what is actually involved in that in order to understand what is possible. I asked for that initial report outlining some of the basics of those options by the end of June, which is pretty quick given the context, in order that we can have an outline of the options which can feed into the consultations that will go on in relation to the process in Tuam with the people and particularly the families and survivors, as well as the residents. Galway County Council will also be involved. That is relatively quick but it is important that the information is part of it as we move forward. I hope that even that kind of process is finally more respectful of dealing with the people who are at the centre of this.

Many Deputies spoke about the fact that I would like to invite the UN Special Rapporteur on transitional justice, reparation and truth to visit. I have indicated explicitly that I am going to ask my Cabinet colleagues to support that invitation. We have not yet issued the invitation but I am heartened to hear that Deputies agree that we should do so. I believe international expertise could be extremely helpful to us in terms of the wider responses to issues raised by the mother and baby homes and the commission of investigation itself. Dr. de Greiff, prior to becoming Special Rapporteur was director of research at the International Center for Transitional Justice. He has extensive experience on these issues in lots of countries. I believe such a visit would reflect the commitment of this Government to our people, both at home and abroad and will demonstrate that we are willing to work with the United Nations on our own territory in relation to issues of potential human rights abuses and also the ways in which we can respond to this. We do have some transitional justice measures already in place but more may be required in terms of moving forward, particularly in relation to a truth commission, which we debated in the context of a very helpful motion put forward by Deputy Donnchadh Ó Laoghaire previously. It is my personal wish that we could have something like that established. It would be very helpful for us to have some expertise to draw on in terms of the best possible way to do that, given the fact that we have a commission of investigation that is still ongoing. I hope that if we invite Dr. de Greiff he will help us to look at how we can move forward in relation to responding. While we are not exactly at the beginning, when the commission of investigation reports in February of 2018 that will be a big milestone. However, it is still perhaps an earlier period and there may be many more things that we need to do in order to truly respond to the issues that are being raised.

Many Deputies identified the issue of redress in the context of the second interim report. Let me be clear that what the commission was recommending was the opening up of the residential institutions redress scheme to children who were resident in the main mother and baby homes without their mothers, that is, to unaccompanied children. That is the language that was used. It was said that those children should have had access to the redress scheme, using the same logic as for other institutions that were included in that. As I have said before, I personally agreed with that analysis. However, I ultimately decided, with my Cabinet colleagues, that the redress scheme was not the best option for those unaccompanied children or children who were without their mothers in mother and baby homes and county homes. I outlined the reasons for that decision earlier. According to the residential institutions redress scheme, they would have to demonstrate a certain level of abuse and they would have to have been much younger - between the ages of zero and three years. Furthermore, there has not been any definite declaration by the commission of investigation of findings of abuse. That is not to say the commission will not do that. What I want to stress is that I was not at all ruling out redress. The commission of investigation will submit its report in February 2018. It may recommend redress in that report

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but equally, it may not. It is at that stage that we look at that issue more fully and learn from the ways in which the State has offered or attempted to offer redress in the past in various schemes. That is why, having said “No” for that particular group, we asked what we could do and whether there was a way to offer any other form of support, including health and well being support. We are beginning a consultation process with former residents to try to identify the most helpful forms of health and well-being supports. I heard also that it would be useful to open that to a wider group of people. We will be taking a look at that. Deputy Clare Daly asked about the timeframe in that regard. We are beginning on 30 June. I hope to bring proposals to the Cabinet in the fall. We have not set an exact timeframe yet because we are not certain how many people want to be consulted. Where that is the case, we want to be as inclusive as possible.

As I think I am out of time, I cannot address all the other issues that have been raised. I have tried to identify a number of actions to move forward with the Government’s ongoing response to the mother and baby homes issue. I will say in conclusion that I believe issues relating to the separation of church and State are critical. I acknowledge the great deal of work that has been done by Deputy Bríd Smith and her colleagues in that regard. We do not necessarily need to put down the church as we attempt to separate it from the State. However, this separation is necessary. I hope that will be part of this process as we move forward with it.

Acting Chairman (Deputy Eugene Murphy): I thank the Minister and her officials. Sin deireadh leis na ráitis maidir le hárais máithreacha agus naíonán. I thank everyone who participated in the debate. On behalf of all elected Members, I wish all of those present in the Visitors Gallery for this debate the very best for the future in their lives.

Heritage Bill 2016 [Seanad]: Second Stage (Resumed)

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

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): I will continue where I left off yesterday. Part 3 of the Bill makes amendments to the Wildlife Acts. I am keenly aware of the need to protect our flora and fauna. For that reason, any burning and cutting will be subject to strict conditions and restrictions which will be specified in statutory regulations. The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs will monitor activity under the pilot provisions. An assessment of the impact of those measures will be carried out before any decision is taken on continuing them beyond the pilot phase. I believe this Bill takes a pragmatic approach which will help to address some of the challenges faced by people living in rural areas.

Section 8 is designed to harmonise the provisions of the Roads Act 1993 with the Wildlife Acts. This will ensure works undertaken for safety purposes under section 70 of the 1993 Act are an exempted activity under section 40 of the Wildlife Act 1976. Essentially, this will mean a landowner who needs to trim back an overgrown hedge in the interests of road safety will not be in breach of the Wildlife Acts if he or she does so. At present, there is a conflict between the roads legislation and the wildlife legislation. This will eliminate that confusion. Following legal advice, I have taken the opportunity in this Bill to clarify the powers of authorised officers of my Department and An Garda Síochána under the Wildlife Acts by bringing them into line with the powers of authorised persons under the more modern European Communities (Birds and Natural Habitats) Regulations 2011. I have updated the penalties for offences under the Wildlife Acts, which were last changed in 2010, to make them more consistent with similar pen-

alties under the 2011 regulations. As Minister, I will also have new powers to make regulations declaring that certain offences under the Wildlife Acts may be subject to fixed payment notices.

Part 4 makes amendments to the Heritage Act 1995. These amendments are based on the recommendations in the report of the critical review of the Heritage Council, which was carried out in 2012 by my Department in the context of the public service reform plan. The changes refocus particular functions of the Heritage Council, deal with the non-remuneration of the board, the size and composition of the board and quorum requirements for board meetings and eliminate the requirement for the council to maintain statutory standing committees. Section 11 will amend the 1995 Act by refocusing the activities and functions of the Heritage Council with a particular emphasis on engagement with communities and local authorities and by introducing the non-remuneration of members of the board while continuing their entitlement to expenses incurred in the discharge of their duties as board members. Changes to the Schedule to the 1995 Act will reduce the size of the board of the Heritage Council to between eight and ten members, excluding the chairperson; continue the existing principle of gender balance on the board by having a minimum requirement for four female and four male members; reduce the quorum necessary to five members, including the chairperson, to reflect the smaller board size; and remove the requirement for the Heritage Council to maintain statutory standing committees on wildlife, archaeology, architectural heritage and inland waterways. However, the council will retain the right to set up committees as it sees fit.

As I have set out, the changes proposed in the Bill are mainly enabling provisions. I believe they represent the best way forward in terms of regulating the canals for the benefit of all users, managing the burning and cutting of vegetation and refining the role and governance of the Heritage Council. I look forward to hearing the contributions of Deputies. I recommend the Bill to the House.

Deputy Éamon Ó Cuív: Tá brón orm nach raibh mé anseo inné le héisteacht leis an gcéad chuid d'óráid an Aire. Mar a tharla, bhí mé as baile le cúpla lá agus ní raibh mé in ann bheith i láthair. I could not be present for the start of this debate yesterday, unfortunately, because I was out of the country for a few days on personal business. I am delighted to be here today to have an opportunity to say a few words on this Bill. As there is huge interest in the Bill, the process we will follow from here to the end of the legislative process will be very important. In my view, some of the many concerns that have been raised regarding this Bill do not stand up to scrutiny. I will mention one specifically.

I understand that in the Seanad the Minister agreed to an amendment clarifying that it would not be illegal for someone to cut a roadside hedge pursuant to the Roads Act between the months of March and August. The ban in the Bill on cutting during those months is not absolute, and would not be even if the Minister had not agreed to the Seanad amendment, because the Roads Act has always provided an out. The amendment agreed to by the Minister in the Seanad does no more and no less than clarify that nothing in this Bill makes what has always been allowed under the Roads Act illegal. In other words, it preserves the *status quo*. That is my reading of the use of the words “pursuant to”. Such issues need to be teased out on Committee Stage. We might table amendments to delete some of these words. We need to tease out this aspect of the Bill to reassure ourselves and those who are concerned about these issues about the legal interpretation of what the Minister is proposing. Deputies need to be assured that her proposal maintains the *status quo* with regard to cutting in the months of March, April, May, June and July.

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I would like to mention a second issue that arises in this context. As I understand it, the Bill now provides that one can cut at one's discretion in August, subject to an order to be made by the Minister which will limit it, without having to get an order from the county council. That will be the only difference, in effect. As the summer goes on and roadside growth continues, many people find that it can be quite difficult to go through the rather complex mechanisms with the local authorities. I am not convinced that a huge number of birds nest in that growth on the roadside. I think nature is a little smarter than that. We have often seen owls using barns and so on. Birds are quite good at adapting to man-made structures.

On the wildlife side, we must recognise that the issue of modern flails, cutting and so on has created a new circumstance for wildlife that did not exist in previous times. There is need, therefore, for a high protection level during nesting season. Nobody in the House, including the Minister, wants to damage that, but we need to tease it out and see if we have the right balance.

On the other hand, personal safety must be paramount. We have to ensure, in particular, the roadside safety of those who travel on our narrow boreens. Those of us who live on some of the more narrow boreens are familiar with the problem of roadside growth. People who visit rural Ireland often believe this is not a problem because they travel mainly on regional roads, but those who use the tertiary roads are aware that very small growth on the side of the road can totally obstruct one's view. It is especially dangerous if young people are walking along the side of the road. In Gaeltacht areas, where many students come to stay in the summer and tend to walk from the college to the houses, this issue has always been a major cause of concern.

We need to tease out the issue of burning but I have sympathy for what the Minister is trying to do. Some of the commentary on this is extreme and exaggerated but I am willing to listen when we come to deal with the Bill in committee and I will suggest that anybody who wants to make a case would be able to make a presentation to Teachtaí Dála because there was no pre-legislative scrutiny of the legislation in the Dáil. That could be done in a few days. I have always believed that legislation debated fully is much better than legislation rammed through where the fine print is not gone through and people do not have an opportunity to hear the debate and understand why we in this House make the decisions we make. I do not believe the Minister will have the regulations written this side of the summer. Therefore, there is no real time constraint on this now. We would be better doing the job correctly rather than doing it in a hurry.

The first issue we must note is that we have had a problem with wildfires. There are various reasons for their occurrence and some relate to issues I have fought about for a long time. I have argued that a significant degree of destocking of the hills and uplands has occurred and that it has led to very woody heather as well as gorse growing. As we saw this year, if we get a very dry spell, the heather and the gorse grow and eventually the ground goes up because the bog starts burning itself. That was one of the problems that arose in the Cloosh Valley. When the wind changes, the fire lights up all over again and were it not for the rain coming, it would have been very difficult to put out those fires fully.

It is not a question of there being no burning. Burning is happening. It is very unfair of people to blame farmers for this incident when we have no evidence as to who started it. Until there is evidence, we must keep an open mind as to how these fires started. There is no question but that they were illegal. The vast degree of burning that took place this year in March, April and May was illegal. It was 100% illegal, and nobody is arguing about that. The question is: are we more likely to have serious fires if somebody is irresponsible and lights a fire and if we have

overgrowth on the hills? My view is that we are. The higher the heather, the more woody it is in nature and, therefore, there is a lot of timber in it, so there is then a greater risk of a serious fire breaking out. That raises many issues about the policies that have been pursued. Environmentalists have sought very heavy destocking of the hills but I am not sure they realised fully that farmers, left to their own devices, have a very good idea of how to manage the uplands.

The second issue we must examine is how much controlled burning has taken, and is taking, place and how much, if any, of it got out of control. Is it very limited when we take the total land area of the uplands into account?

The third issue we must recognise is that the season happens later in the hills. The lambs arrive at the end of April. Lowland farmers think that is very strange but things tend to happen later in the hills. In many years, carrying out controlled burning during February is impossible because it is way too wet to do it. These are issues we need to tease out.

I refer to the loscadh sléibhe, the flail and the mechanical hedge cutting machines that did not exist 150 years ago. It is interesting that when Antone Ó Raifteiri wrote his famous poem, “Anach Cuan”, about the tragedy that befell the people of Annaghdown when they were going past Newcastle on their way into Galway and he was wishing every badness on the place that this tragedy happened. He talked about loscadh sléibhe, which is the Irish for saying may the hills go on fire in the place that this bad thing happened. He wrote “Loscadh sléibhe agus scaladh cléibhe” and he went on to write about the place this happened. Wildlife survived from the 19th century. People would say that 50 years to 100 years ago the wildlife was in pristine condition and that is why we have to preserve it. However, hills going on fire has been happening for as long as people have lived in any of these areas and the wildlife has survived. I find it hard to believe, although I am open to listening to groups, that controlled burning carried out in March, done under statutory instruments the Minister would introduce, are likely to have a detrimental effect. Once we get the statistics on controlled burning and compare them with the uncontrolled burning that is happening, because we are not controlling what is happening on the hills, there would be a considerable case to be made that we would end up with less rather than more burning on the hills.

I understand that in Wicklow, the Wicklow Uplands Council and all the parties involved, including those engaged in wildlife protection, are in favour of limited controlled burning. I want to be clear that I am talking about controlled burning. We have much to debate and we have to listen to everybody and the committee must inform itself. I am glad go bhfuil cathaoirleach an choiste anseo inniu. Tá mé tar éis scríobh cheana féin ag an gCathaoirleach ag moladh go mbeadh deis againn éisteacht leis na pointí ar fad. Níl mise mé féin an-tógtha le grúpaí ag teacht isteach ag iarraidh muid a fháil ar chuairt chucu. B’fhearr liom go dtiocfadh na daoine ar fad a bhfuil spéis acu sa mBille os ár gcomhair amach mar choiste agus go ndéarfadís amach ar an taifead an rud a chreideann siad.

Rather than various lobby groups trying to speak to the Minister in quiet corners, it would be much better for them to appear before the committee and make their presentations. That would be a little unusual but the way this Bill has come to us is unusual in that it has come through the Seanad and we did have pre-legislative scrutiny of the heads of it. Therefore, we need to hear from everybody concerned but I would much prefer to hear them speak in the open and that any relevant group could appear before the committee and make a presentation.

With respect to the canals, we need to have the ability to make rules to manage the water-

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ways and so on. We have an exciting and a fantastic resource in our waterways. We need to strike a balance. At times I wonder whether we are over-legislating. When legislation is introduced groups imagine Ministers will do things that no Minister in his or her right political mind would ever do, such as closing down canals or whatever. People sometimes misunderstand the position - for example, that canals have already been filled in-----

Acting Chairman (Deputy Eugene Murphy): I must ask the Deputy to conclude.

Deputy Éamon Ó Cuív: Nóiméad amháin.

Acting Chairman (Deputy Eugene Murphy): The Deputy has some time remaining.

Deputy Éamon Ó Cuív: I have a number of minutes remaining.

Debate adjourned.

Topical Issue Matters

Acting Chairman (Deputy Eugene Murphy): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Fergus O'Dowd - the cost of removing the M1 toll at Drogheda; (2) Deputy Thomas Byrne - upgrading of the N2 from Kilmoon to Ashbourne, County Meath; (3) Deputy Maureen O'Sullivan - EU funding to Libya to tackle the migration issue; (4) Deputy Eamon Scanlon - to support disabled person's parking cards for dementia and Alzheimer's sufferers; (5) Deputy Lisa Chambers - to address the staffing levels in the maternity unit at Mayo University Hospital; (6) Deputy Imelda Munster - to address the funding of housing adaptation grants for County Louth; (7) Deputy Peter Burke - the rebranding of a midlands tourism strategy; (8) Deputy Thomas Pringle - the status of Seaview respite home, Mountcharles, County Donegal; (9) Deputy John McGuinness - the status of the Camphill centre in Ballytobin, Callan, County Kilkenny; (10) Deputy Fiona O'Loughlin - second level school places for children with special needs in the Newbridge area; and (11) Deputies Clare Daly and Mick Wallace - the HSE's contracting of outside investigators for complaints with autism services.

The matters raised by Deputies Fergus O'Dowd, Thomas Pringle, Lisa Chambers and Maureen O'Sullivan have been selected for discussion.

Ceisteanna - Questions

Priority Questions

Public Sector Pensions Data

1. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform if his Department has compiled data from other European countries on the different ways public sec-

tor and civil servant pensions are administered, the amount they pay on average per employee and the rules they have for public pensions and in total; and if he will make a statement on the matter. [26201/17]

Deputy Dara Calleary: I seek some information from the Minister on the background to pensions and the data his Department is using. I tabled this question in anticipation that we might have some sort of resolution to the current pay talks, so I would appreciate it if the Minister could give the House an update on the status of the talks and when he envisages they will be completed. I understand they will not be completed before tomorrow. I would be more interested in finding out that information in the Minister's first response than the answer to the question.

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): I thank the Deputy. I will answer the tabled question first, and I will then give him the update he seeks.

My Department is responsible for Government policy on civil and public service pensions. In that context, the Department monitors relevant pension developments outside the Irish public service, including in the areas of private sector pensions, social insurance based pensions and international public sector pensions.

With regard to international public sector pensions, proactive data compilation as to the position in individual other European countries, including in respect of the scheme specifics referred to in the Deputy's question, is undertaken by my Department according as need dictates and within available resources.

We are a member of the Organisation for Economic Co-operation and Development, and my Department is affiliated to the European Association of Public Sector Pension Institutions. These and other similar links allow my Department to leverage extensive repositories of pension information and comparative international pension studies which are available.

In that context, there are two particular reports that have been of great help. The OECD Pensions Outlook 2016 included a chapter examining the pension system for civil servants in OECD countries, including Ireland. The 2014 published OECD report entitled Reviews of Pensions Systems: Ireland provided a detailed international perspective of retirement income provision.

Comparisons like these are helpful. However, they have to be approached with a degree of caution given the significant diversity often present from country to country in regard to key pension-related variables. They include contribution rates, benefit levels, pension qualifying ages, dependant benefits, tax treatment of pensions, scheme financing and other matters.

With regard to where we are in the current negotiations, I expected them to be difficult, and they are difficult. The Government has raised matters regarding productivity and pensions. I do not believe those negotiations will be complete this week.

Deputy Dara Calleary: On the pension issue, can the Minister clarify if any work was done specifically in advance of this round of talks? Has the Government made proposals in this round of talks around pensions and pension contributions? With regard to the talks, does the Minister have a new timescale in mind? Can he confirm the reports that even though we are ten days into the process, a pay offer has yet to be tabled by the Government?

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Deputy Paschal Donohoe: On the Deputy's first question as to whether this work was done in advance of the Public Service Pay Commission and this process beginning, it was done in advance of it, but it would be fair to say that it was not commissioned for it. This was work that we had under way and it has informed what we are doing.

Regarding the Deputy's second question about what we have tabled, we have discussed proposals on pensions. There has been some comment about that publicly and in the media. I have to respect the fact that these negotiations are happening inside the Workplace Relations Commission, WRC, and they form an integral part of people's compensation overall. We will table other proposals as the process moves forward.

In terms of when I believe the process will end, it is a difficult enough process without me setting deadlines to which the Deputy will then hold me accountable. I am more focused on seeing if we can get an outcome that I can recommend to Government and in the context of next year's budget rather than a particular deadline which I may or may not be able to hit.

Deputy Dara Calleary: With regard to pensions, changes were made to pensions and all the people involved suffered deductions as part of the financial emergency measures in the public interest legislation. I am aware the Minister has an ongoing engagement with the Alliance of Retired Public Servants, but what status will its members have in terms of the pay talks? This affects them. I know they have a relationship with ICTU's public services committee, but they believe that decisions are being taken affecting their income without their input.

Deputy Paschal Donohoe: In terms of how we will deal with that body and people who are already pensioners, which is what the Deputy is referring to, I have met that body and had a discussion with it regarding issues on behalf of its members. They will not be part of the process currently under way in the WRC because they do not have a representative status. They do not have the same parity as either a union or a representative body, but in the aftermath of an agreement - if we can reach one - I will meet them. My Department has already met them to engage with them on issues that are under way. The Deputy has written to me on this topic outlining his views on the status of the public service pension reduction, PSPR, and its viability in the future, and he has raised issues on behalf of those pensioners. I am well aware of them and in the aftermath of an agreement being reached - if one can be reached - I would then propose to engage with that sector.

Public Sector Pay

2. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform the progress his Department has made in costing a return to a single tier pay structure across the public sector; and if he will make a statement on the matter. [26405/17]

3. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform his plans to provide for equal pay for new entrants into the public service; the timeframe he expects this to become a reality; the cost of implementing same; and if he will make a statement on the matter. [26408/17]

Deputy David Cullinane: The Minister will know that on several occasions I have attempted to get a costing on returning the public service to a single tier pay structure. He will also know it is an issue I have raised with him several times. I wish all sides well in the current

pay talks, and it is one of the issues I would imagine has been raised, but has the Minister's Department made any progress on costing a return to a single tier pay structure?

Deputy Paschal Donohoe: I propose to take Questions Nos. 2 and 3 together.

The 10% reductions in starting pay for certain new entrants were introduced in January 2011 as part of the national recovery plan in order to reduce the public service pay bill by the then Government.

The issue of addressing the difference in incremental salary scales between those public servants who entered public service employment since 2011 and those who entered before that date was addressed with the relevant union interests under the provisions of the Haddington Road agreement. From 1 November 2013, pre- and post-2011 pay scales were merged into a single consolidated scale applicable to each grade. Generally, the third point of the 1 November 2013 payscale is equivalent to the first point of the pre-2011 scale. Guidelines on that are available on my Departments website.

Any further remuneration adjustment for any group of public servants, including new entrants, can be examined under the framework of the Lansdowne Road agreement but must also be considered in the context of the total cost of the agreement, which is €844 million, and the total cost of the outstanding financial emergency measures in the public interest, FEMPI, restoration post the Lansdowne Road agreement, which is €1.4 billion.

Acting within these constraints, the agreement has provided the flexibility to address particular sectoral issues such as the restoration of supervision and substitution payments, new entrant payments in the education sector and the restoration of rent allowances to new entrant firefighters.

Indicative estimates of the total cost of moving all staff hired on new entrant scales up two increment points would be over €209 million, excluding any cost in respect of a retrospective payment.

Deputy David Cullinane: I welcome the fact this is the first time we have got a figure on this from the Department. Obviously, much work has been done on this. We wanted this for last year's alternative budget process but, unfortunately, the information was not available. I understand there are many competing demands in the current pay talks and I genuinely wish all sides well. I want to see a fair pay deal and a collective agreement emerging from those talks and I have always said the agreement must be fair. It is not just a matter of the flexibilities the Minister might have or the flexibilities there might be within trade unions. It is a fact that the two-tier pay structure is still in place. I acknowledge some moves were made in 2013, but the Minister has stated even in the response he has given that there is still a two-tier pay structure. I believe it is reasonable and fair that this sore, which has been at the heart of many disputes in classrooms, hospitals and Garda stations, is dealt with once and for all. It is the fair thing for us to do and we have made this a red-line issue regarding what we want to see emerge from these talks.

Deputy Paschal Donohoe: This matter has been raised by the Deputy and a number of other Deputies for some time, and I and my officials instigated much work to clarify what that figure would be. We estimate, as I said, that it would be more than €209 million. We have come to this figure on the basis of a cost in education of €70 million, using that figure then to work out what the consequences would be in other Departments.

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Regarding the principles of what the Deputy has just said to me, I will make a broad, two-fold point to him. First, as the pay commission pointed out, at current levels of remuneration, we are successful in attracting very good graduates and new starters to nearly all aspects of our public service. The pay commission stated that: “Based on the numbers of applicants and the gradual increase in overall public service numbers, we found no evidence to support the view that reduced pay rates for new entrants represented a barrier to recruitment to the public service in general.” Second, in workplaces all over the country and all over the public sector, not to mention the private sector, it is the case that many employees joined based on the economic health of the employer at the point in time at which they joined that organisation. The same applies in the public services. There are many different circumstances available to different employees at the points they joined. That said, these are the figures. It is a huge amount of money from the point of view of pay, and we will do what we can to address many matters in the context of the negotiations now under way.

An Leas-Cheann Comhairle: I call Deputy Calleary.

Deputy David Cullinane: Pardon?

An Leas-Cheann Comhairle: Does Deputy Cullinane wish to follow through on the Minister’s response?

Deputy David Cullinane: Yes.

An Leas-Cheann Comhairle: I ask him to keep his contribution brief.

Deputy David Cullinane: I respectfully say to the Minister that, when examining this, the fact it is a barrier to recruitment should not be the principal issue he should consider. The point is that it is simply unfair. In some areas in the public services we are finding it difficult to recruit. We can all give examples of hospitals across the State where we simply cannot recruit nurses. The Minister will be aware, because I raised this with him previously, that a number of wards in hospitals in Waterford were closed recently, one in University Hospital Waterford and another in Dungarvan Community Hospital, which simply could not recruit nurses. They put out a call for retired nurses and for people working part-time to do more hours. They are crying out for nurses but cannot get them. Whatever about the reduced pay rates being a barrier, they have been a source of frustration, anger and hurt felt by many front-line workers and the source of many of the industrial disputes we have seen in recent years. From the point of view of fairness, the Minister should act on this.

Deputy Paschal Donohoe: If one were to accept - and I do not - that we have a generalised recruitment issue within our public services, and if one were then to go on to argue that its main cause is insufficient pay, the largest single contribution the State can make to higher levels of pay is the affordable unwinding of FEMPI legislation. If that is done in a way that is affordable to the State, it will result over time in affordable wage increases being made available to those who work in our public services and those who wish to join them. I go back to the figure to which I referred earlier, the scale of the figure and what it would mean for other needs we must meet. We are engaged in a process that is focused on whether the Government can reach an agreement on the affordable unwinding of FEMPI legislation, with all the very significant consequences and costs it will entail for the Exchequer.

Deputy Dara Calleary: I welcome the confirmation of the figure of €209 million. The Minister quoted from the Public Service Pay Commission report, but it also stated there may be

an issue of equality regarding the different pay scales. Our public service is different. When we send two gardaí out on the streets this evening, one of them will be on one pay rate, the other on another one. They are both putting their lives in danger for us. The Minister says we do not have a generalised recruitment issue. Can he then explain to us why we are haemorrhaging nursing graduates; why 25 graduates from the paediatric nursing course in UCC are leaving to go to a hospital in London; why the HSE regularly sends missions to India to recruit nurses to staff our hospitals; and why the emergency department in Limerick, which opened on Monday, is predominantly staffed by nurses from Croatia? We have a recruitment problem, and pay and pay equalisation are part of that problem. Unless a signal is sent or a pathway provided from these talks, if they are finalised, that the Minister understands this problem and understands that the public service must be an employer of equality, I am afraid he will have a very difficult job selling that agreement to those whom it is supposed to benefit.

Deputy Paschal Donohoe: I have always been very clear about recognising the huge contribution our public servants make to our State and our economy, and I am very happy to make that clear again. Deputy Calleary used the example of the gardaí and the huge contribution they make to keeping our streets and communities safe. I will develop his analysis further. The pay commission accepts that in certain specific areas there may be an issue, but that issue is likely to be generated by a variety of reasons. Pay could be one of them but there could be other matters such as career development, training, workplace morale and so on. If the Deputy is going to argue that pay is a cause of a recruitment or retention issue, the largest single contribution we can make to increasing pay is seeing if we can afford to unwind the FEMPI measures. They are measures that offer the potential to benefit people at all levels within the public service and Civil Service. However, as I have said on a number of occasions, this has to be in a way that recognises the many other priorities and pressures we face, such as improving services and investing in the many needs we have in our schools and hospitals.

Deputy Dara Calleary: I accept that pay is one issue and there are others, and that has been highlighted by the Public Service Pay Commission, but it is the Minister's Department that is effectively the human resources, HR, agent for Government. He and his Department need to take the lead in concentrating on these issues. He needs to pull the HSE in and ask why we are losing the best graduates we have to offer and why representatives of hospitals from all over the world are flying in to recruit them before they leave college. If there are other issues, it is the HSE's fault, but the Minister is the overall HR guardian of Government employment, and his Department needs to step up and start challenging other agencies in this regard. Again, I put it to him that the money being spent on travelling around the world to recruit people for public service jobs for which we have graduates here is surely money that could be better spent within our health system or within a system of keeping people working and keeping our best graduates, in whom we as a country have invested enormously, working for Irish services.

Deputy Paschal Donohoe: Then let us consider what is happening in the HSE at present. From November of last year to March of this year, the HSE recruited 500 persons per month to work in the different services the HSE provides. This is because of our commitment to treat people fairly but in a way that is affordable to the Exchequer and recognises all the other needs on which all the Deputies will question me in a moment. They will ask me why we are not spending more money on schools and hospitals. They will ask me what measures we are taking to improve services elsewhere.

If we are going to do all of that, this has to be an agreement that is affordable and recognises that meeting all of the competing demands also has a cost. It is because I want to address the

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need to recognise the contribution our public servants have made to our society and economy that we are involved in negotiations to determine whether we can secure an extension to the Lansdowne Road agreement.

Pension Provisions

4. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform his Department's objectives regarding public sector pensions in view of the current pay talks; and if he will make a statement on the matter. [26406/17]

Deputy David Cullinane: This question relates to the objectives of the Department and Minister in respect of public sector pensions, in view of the current pay talks. I note that the commission on public sector pay has raised the issue of pensions. It is a red herring that has been injected into pay talks and is potentially being used as leverage by the Government side in respect of issues relating to pay restoration and other issues. I am interested in hearing the Minister's objectives in respect of pensions and the current pay talks.

Deputy Paschal Donohoe: When inviting the public services committee of ICTU last month to the public service pay talks which are now in progress, I indicated a separate process of consultation would take place with an association representing public service pensioners. Most recently, my officials met representatives of the Alliance of Retired Public Servants who articulated the concerns and interests of public service pensioners in regard the impact of the financial emergency in the public interest legislation on pensions in payment through the operation of the public service pension reduction, PSPR, and related matters. A further meeting is planned.

I should point out that a very significant part-unwinding of PSPR in three stages is taking place under FEMPI 2015, with PSPR affected pensioners getting pension increases via substantial restoration of the PSPR cuts on 1 January 2016, 1 January 2017 and 1 January 2018. This three-stage part-unwinding of PSPR is delivering significant pensions increases to PSPR-affected pensioners.

On 1 January 2016, all pensions of up to at least €18,700 became exempt from PSPR. From 1 January 2017, all pensions of up to at least €26,000 are now exempt from PSPR, and from 1 January 2018 all pensions of up to at least €34,132 per year will be exempt from PSPR. Those pensioners not fully removed from the reach of PSPR by dint of these changes will, in the majority of cases, benefit by €1,680 per year from 2018. The cost of these changes is estimated at approximately €90 million on a full-year basis from 2018.

Deputy David Cullinane: The Alliance of Retired Public Servants recently posted a startling fact, namely, that around 4,000 retired public sector pensioners pass on every year. The cuts in pensions was one of the cruellest of many cruel cuts over the past number of years. The Minister said an effort was made to restore some of those cuts, and there has been, but it has been too slow for many retired public servant.

In our alternative budget last year, we advocated that for those in receipt of a gross pension income band of on or below €34,132 the restoration they would receive in 2017 and 2018 would be combined, alongside last year's budget change. That would have cost €6.8 million and accelerated the restoration for that cohort of pensioners. Of course, the Minister's party and

Government chose to cut taxes instead.

In respect of the PRD, the Minister has chosen to put that on the negotiating table in respect of the current pay talks as a bargaining chip. He has also put faster accrual pensions on the table. He failed to note that they are in place for a reason. They apply to public servants in uniform who are statutorily required to retire early.

I understand and accept that the issue of pensions is difficult. It has to be addressed, in terms of public and private sector pensions. Many issues need to be addressed, but they should not be a bargaining chip in terms of pay talks that should be dealing with pay restoration, which we all accept needs to happen over a reasonable time period, along with equal work for equal pay and all of the other issues such as retention in the public service and sectoral issues.

Deputy Paschal Donohoe: All the Deputy is offering is hollow rhetoric. He stands up on issue after issue, and in respect of groups that have been affected by the decisions that were made and the calamity of the crisis the country went through he brings them all in and promises them Sinn Féin will give them everything they want. It is hollow rhetoric at best.

Deputies stand in the House and say they want issues like pay restoration dealt with and that we should invest more in the here and now in our schools and hospitals. I agree there is a need to do that. They also stand up and say that pensioners need more and they need it now, and that Sinn Féin will give it to them. Sinn Féin promises anyone who comes into its representatives all they want.

That may work on the Opposition benches, but it is the route to going back to the kind of crisis our country is trying to put behind us. Why do Opposition Deputies not recognise that by 1 January 2018 anybody who is receiving a pension of €34,000 will see the PSPR eliminated? The kind of changes that the Government felt needed to be brought in to help our country get out of the crisis will be eliminated by that point.

As the Deputy knows, we need to bear in mind that the average level of pension payment for somebody in receipt of a pension is €23,000 for a former public service worker. The measures that we have in place up to next year look to deal, in so far as we can, with the kind of agenda and anxiety to which the Deputy referred.

An Leas-Cheann Comhairle: The Deputy can ask a brief supplementary question.

Deputy David Cullinane: It is not brief. We have a set time for questions. The Minister has given his response.

An Leas-Cheann Comhairle: Deputies always know when they are cut short, but never note when they are allowed over time.

Deputy David Cullinane: I thank the Leas-Cheann Comhairle. I will not take lectures from the Minister about hollow rhetoric, that is for sure. I do not promise people everything. If the Minister had bothered to read the submission document I sent to him in respect of our proposals on public sector pay, he would see that we said it was not possible to unwind all of the FEMPI cuts in one go or in one round of pay talks or one pay agreement. Instead, we had to prioritise. We set out our priorities. We did not promise people everything.

Fine Gael, of course, promised to abolish the universal social charge, a promise it dumped in recent times, if the Minister for Social Protection, Deputy Leo Varadkar, is anything to go by. It

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also promised universal health insurance, a promise it has dumped. Given all of the big promises made by the Government, perhaps it should examine them before it attacks any other party.

With respect, I do not promise people all that they want and tell them they can have whatever they want. I believe in fairness and equality. We should, of course, cut our cloth according to our measure. The Government gave significant pay restoration to those earning above €65,000 and gave €1,000 to those earning below €65,000. That was a political choice that the Minister and Government, and not my party, made.

Deputy Paschal Donohoe: The Deputy may declaim that he accepts the need to cut our choices according to the resources that are available, but I never see any evidence of this from Sinn Féin. I read the document to which the Deputy referred and I am aware of what he wants to do from a public pay policy point of view. My point is still very strong against all that the Deputy claims.

Every member of the Deputy's party promises that every problem would be immediately fixable if more money was spent. That is not the case. We have a certain amount of revenue that we take in every year in tax, we have expectations about how that will grow in the future and we know what we are able to do.

Deputy David Cullinane: I accept that.

Deputy Paschal Donohoe: We are able to borrow on top of that. We have to make choices available to us on the basis of the funding we have. If we do not do that-----

Deputy David Cullinane: The Minister is making things up.

Deputy Paschal Donohoe: I am very used to this. It does not make any difference. Again and again, I see that Sinn Féin is well able to dole it out but is not able to take it back. The only way it can respond to its arguments being challenged is in the same manner as Deputy Cullinane.

I make the point again that we have seen regarding pensions and pay their efforts to promise to people money and resources which are not available now while ignoring the fact that we need to invest those same resources to improve services for citizens.

European Investment Bank

5. **Deputy Sean Sherlock** asked the Minister for Public Expenditure and Reform the interactions he has had with the European Investment Bank on the issue of capital investment; the persons he met with; if he discussed the relaxation of Stability and Growth Pact measures; and the timeframes that were agreed for future discussions on European investment in capital infrastructure. [26404/17]

Deputy Joan Burton: The last few minutes have felt like a form of intellectual waterboarding. Some people know a lot more about that than the rest of us.

Deputy David Cullinane: Is that the best the Deputy can do?

Deputy Joan Burton: This question is on the situation regarding capital investment and the European Investment Bank's capacity to genuinely assist Ireland as opposed to just talk about

it.

Deputy Paschal Donohoe: Responsibility for policy on the Stability and Growth Pact rests with my colleague, the Minister for Finance. Both the Minister for Finance and I visited the European Investment Bank, EIB, in Luxembourg last week on 23 and 24 May 2017 and met with a large delegation of EIB officials led by President Werner Hoyer and Vice President Andrew McDowell. The purpose of our visit was to review progress in the ongoing discussions between the Irish authorities and the EIB taking place in sub-groups under the auspices of the Ireland-EIB financing group, which was established last year to explore possible ways for Ireland to access additional EIB funding for necessary projects. This was the second meeting of the financing group following its inaugural meeting in Dublin in December 2016. We had a wide-ranging discussion on the capital and infrastructural needs of the Irish economy and the key issues that arise in trying to address these needs. These include the limited fiscal space within which the Government must operate, the threats posed by Brexit and the assessment of priorities for additional funding that is currently under way as part of the mid-term review of the capital plan.

The EIB has now presented some suggestions on how the bank could provide new and innovative financing mechanisms for assisting small businesses and tackling infrastructure needs in ways that could prove useful to the Irish authorities in grappling with these issues. We have agreed a number of next steps. We will explore potential financing options for delivering metro north, drawing on the EIB's knowledge and experience of financing similar projects elsewhere. There is an agreement to engage in exploratory discussions on the EIB's knowledge and experience of different user-pay PPP or concession type models without prejudice to decisions we might make later in the year on particular projects. It was agreed, partly regarding mitigating the impacts of Brexit, to explore the potential for the EIB to become involved in funding a scheme to provide access to the enterprise and agriculture sectors. Follow-up meetings on all of those topics have now taken place.

Deputy Joan Burton: I thank the Minister for that reply. When senior European office holders speak, they often refer to the European project. If there is one thing which will kill Europe, it is the startling failure of almost all European countries, rich and poor, to invest in capital infrastructure and next-generation facilities. When one looks at people living more impoverished lives, part of the cause is that the infrastructure where they live, whether in inner cities, regions or very rural areas, has failed to keep up. That is the enormous difference between the Europe of the post-war era and the Europe of today. I am very pleased that the Minister met representatives of the European Investment Bank. While I am sure he and the Minister for Finance, Deputy Noonan, did their best, it is like wading through treacle to get these guys to talk in a way and within a timeframe that is meaningful. While I am grateful for the Minister's answer, all of the things he set out are on the very long finger whereas this country cannot afford to wait much longer on infrastructure.

Deputy Paschal Donohoe: I agree with some of the Deputy's analysis on the importance of infrastructure for Europe now. I contend that one of the great risks we face is that if we get the EU and the eurozone back on a trajectory of economic growth, it may not be inclusive, which it has to be. If one does not have infrastructure in place, whether it is housing or education, one will not be able to deliver inclusively. The EIB has already played a major role in Ireland over the last number of years in delivering projects like Luas cross-city, the Gort-Tuam road and the DIT project in Grangegorman. It has enabled a significant amount of infrastructural investment to take place. Building on that, the engagement we are having with the bank at the moment is

not at all like trying to wade through treacle. What did the Deputy say again?

Deputy Joan Burton: The Minister should not let Oliver Callan hear that.

Deputy Paschal Donohoe: Yes, indeed. We are having significant technical discussions with the bank at the moment to see if there are new ways to address the project needs we have. We have to decide what the project needs are first and then decide whether the EIB offers an attractive source of funding for them.

Deputy Joan Burton: Again, I thank the Minister for his response. We have urgent requirements. Everyone agrees about housing. The critical issue having regard to housing development in this country is that it lacks scale. The EIB has very significant resources. None of the local authorities nationally, including the large urban ones, is talking about anything like 1,000 social houses. Everything is well under that, sometimes in the low hundreds, or tens, 20s and 30s. We are not going to be able to address the housing situation unless both affordable and social housing are part of the mix on a scaled basis. We have seen the European Investment Bank have a positive involvement in projects like roads, the DIT and schools bundles, but its average capital spend over the last ten years in Ireland, which has a growing population and an enormous demand in terms of foreign direct investment for public transport and so on, is less than €700 million a year. Has the Minister targeted specific amounts for infrastructure or will it be a case of taking whatever is offered?

Deputy Paschal Donohoe: No. I have a clear figure in mind as to where I think infrastructure investment needs to get. I am now working with all of my Government colleagues to decide what projects will get us there because while a figure is important, it is even more important to have quality projects in which we want to invest. As regards the funding role of the EIB, we must bear in mind that there are other options available to the State to fund projects like this. The EIB is one of them but there are others we might choose to take. The Deputy made the point in her opening contribution that the scale of delivery in housing is not delivering the many hundreds of units she believes are needed, which I agree with her about, but in my experience the issue is not so much where we are on funding, but rather where we are from a planning, regulation and policy point of view. That guides issues like density of development. These are the guiding factors on the scale of development we get, not the role of the EIB.

Other Questions

Infrastructure and Capital Investment Programme

6. **Deputy Sean Sherlock** asked the Minister for Public Expenditure and Reform his plans to increase off-balance sheet capital investment. [26209/17]

An Leas-Cheann Comhairle: Permission has been given to Deputy Joan Burton to take this question.

Deputy Joan Burton: The Minister could just continue to tell us about how he plans to increase off-balance sheet capital investment. In particular, will he identify some of the mechanisms he proposes to use? Is it special purpose vehicles? He has spoken about other finance mechanisms and obviously this is one of them. I would be grateful for this information.

Deputy Paschal Donohoe: Over the coming years, the Government intends to increase capital expenditure, as clearly outlined in our capital plan. When account is taken of the additional €5.14 billion now committed to capital investment over the period of the plan, capital expenditure will reach 11% of gross voted expenditure in 2021, or almost 75% higher than we were in 2016. We do need to be careful to avoid stoking construction price inflation by increasing expenditure without paying attention to the capacity of the sector to undertake additional projects.

Public infrastructure is primarily funded by direct Exchequer financing, which is classified as on-balance sheet as the Deputy knows. Off-balance sheet funding of capital projects is also possible in certain circumstances, primarily through the use of public private partnerships, PPPs. They offer an alternative model for delivering infrastructure that can facilitate the delivery of additional capital projects and can be effective in some circumstances. However, the long-term nature of the financial commitments arising under PPPs requires that the use of such arrangements must be carefully planned to ensure they are used to address needs that are not likely to change over a 25-year period, and do so in a way that is sustainable. I have asked the Department, as part of the mid-term review of the capital plan, to review our experience of using them and to consider their scope for further use to complement the direct provision of infrastructure using Exchequer funding.

A senior group has been established, comprising officials from Departments with experience of procuring projects by PPP, together with the Department of Finance, the National Development Finance Agency and Transport Infrastructure Ireland.

Additional information not given on the floor of the House

This group is reviewing past experience with PPPs and its report, once complete, will provide an evidence-based analysis of the potential for further use of PPPs, and concessions, as a procurement option for the delivery of additional capital infrastructure. Assessing the affordability, sustainability and value for money of PPP procurement will be key elements of the group's work.

There is already a significant number of projects being delivered on an off-balance sheet basis under the Government's PPP programme. While such off-balance sheet structures have a role to play in enabling additional infrastructure to be delivered in parallel with direct Exchequer provision, they are not a panacea and involve significant financial commitments on the part of the State for many years to come. The scope to use such off-balance sheet structures to deliver capital infrastructure is also somewhat constrained under the latest EUROSTAT rules. However, the Government remains open to the possibility of using further off-balance sheet options to supplement direct Exchequer investment and assist with the delivery of critical national infrastructure on a timely basis, where this is considered suitable and provided that this can be done on a sustainable and affordable basis.

The report of the expert group will help inform a final decision on how to proceed with off-balance sheet PPPs in the context of the new long-term capital plan to be published later this year.

Deputy Joan Burton: To continue the point on housing and the infrastructure required for it, I could bring the Minister to an area he knows well in my constituency, Hansfield in Ongar. Over the past ten years, planning permission has been given for another 3,000 houses there, in

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a very desirable area, where most of them would be for purchase. Small-scale building is happening there at present but some investment in road infrastructure was required. These 3,000 houses on the west side of Dublin would make quite a difference to supply. There has been much school building in the area also, yet there is no funding for a small element of an access road and a bridge over the canal. This is very difficult to understand now that things have improved so much. I appreciate the volume of capital investment has increased, but it is nothing like what is actually required. I do not think anybody in government has really got a handle on how to ramp up the volume and the amount of infrastructure that is required.

Deputy Paschal Donohoe: I am very strongly aware of the need to increase capital investment. I know the Deputy understands these matters very well, and the choice we have is regarding how we do this in a way that does not cause the price of what we are looking to build to increase so we end up building projects at a higher cost than we should. We have been down that path before. To do this, it is important that we pace the increase of capital expenditure in a careful manner. With regard to what the Deputy said about Hansfield, at the end of last year we set up the local housing infrastructure activation fund there, and the main reason the fund was set up was to provide co-funding to local authorities to provide transport infrastructure and utilities to allow private development to occur. It would appear the fund should have been able to meet the need the Deputy has just spoken about. I will find out why it did not do so, because 3,000 homes is a huge number of homes in an area that would be well capable of sustaining them. I will respond to the Deputy on this matter after this step.

Deputy Joan Burton: I hear the voice of departmental officials stating what we got wrong the last time was excessive cost increases and prices that ran out of control. With the establishment of the Department of Public Expenditure and Reform specifically as a management oriented body alongside the Department of Finance, the Minister should have better ways of being able to control expenditure. Foreign direct investment is interested in investing in various parts of the country, but it is not possible at present to rent at any reasonable price. Rental prices all over the Dublin region are at Hollywood levels. We are talking about a two-bedroom apartment costing well over €2,000 month. Almost no other country in Europe has this type of price. What about a bit of price control or rent control so it is possible to control and influence prices? As I stated, I hear the voice of the Department officials stating this was our mistake the last time and we will avoid it this time.

Deputy Paschal Donohoe: It is not the voice of officialdom making these points, it is me. If we were in a situation where we ended up paying more for projects than we should, the Deputy would be in here immediately criticising me for doing it. I will not allow the taxpayer to be in that place. If we look at what we are planning to do, from a capital expenditure point of view, as it is this year we will invest €4.5 billion in capital investment. By 2018, with none of the changes to which I referred, that figure will increase to €5.3 billion and the year after it will increase to €6 billion. There is a steady pace of increase in capital expenditure to meet the needs to which the Deputy is referring, and a huge amount of work has got under way to make sure we provide the type of office space to allow companies and investors be present and create jobs in Ireland. I know what more we need to do on housing, but this is the reason we have a fund of €5 billion in place to try to at least deal with the public housing element of our challenge.

Information and Communications Technology

7. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the progress made under the public service information and communications technology strategy; the amount of money spent on the strategy; the Departments to which it has been rolled out; if he is satisfied that the investment to date in 2017 has represented value for money; and if he will make a statement on the matter. [26202/17]

Deputy Dara Calleary: The number of very serious IT outages, which affected people's information in recent weeks and months, has highlighted the importance of a proper public service technology strategy, particularly given the amount of data and information it controls. I want to discuss with the Minister the progress of the strategy, what the Government is prioritising in terms of investment in the strategy and how it will impact.

Minister of State at the Department of Public Expenditure and Reform (Deputy Eoghan Murphy): I thank the Deputy for the question. The public service ICT strategy was approved by Government and launched in January 2015, and is specifically aligned with the objectives of the public service reform plan and the goals of the Civil Service renewal plan. The strategy aims to provide a framework for the delivery of greater efficiencies in public service ICT delivery and administration, with better outcomes for citizens, businesses and public servants.

The strategy identified five key strategic objectives setting the future direction for innovation and excellence in ICT in the public service. These are build to share, digital first, data as an enabler, improve governance and increase capability.

The strategy encompasses all Departments, and the Department, through the Office of the Government Chief Information Officer, OGCI, is working with Departments to progress the 18 step action plan for the strategy, which the Government chief information officer agreed with the Civil Service management board in October last year.

The ICT advisory board meets quarterly to oversee the implementation of the strategy and action plan. The action plan is fully mobilised and working groups are making good progress in each of the areas identified.

The Department has spent €9.7 million on implementing the strategy to the end of the first quarter of 2017 and I am satisfied that the investment to date in 2017 represents value for money. This expenditure represents both current and capital investment in building and supporting infrastructures such as the Government networks service and the build to share common applications and Government cloud platforms.

We will soon launch a digital portal to make it easier for citizens to find Government services online.

The Deputy may wish to note that, through the OGCI, we are developing plans to rationalise the provision of infrastructure services across Government, thereby driving efficiency and strengthening newer areas of ICT provision, such as cyber security.

We also are planning for a highly energy efficient State data centre to host data and systems not suitable for hosting in the cloud.

In addition, we are examining options to professionalise the ICT resource across Government to ensure we maintain a sustainable and strong balance of internal and external input into the delivery of public services.

Deputy Dara Calleary: With regard to the security breaches that have occurred, what work is being done to ensure that citizens' information is protected to the highest degree possible? Is that a function of each Department or is it a function of the OGCIO? Second, the Minister of State referred to the cloud. How will he ensure, as we move towards cloud storage, that information contained in the cloud will be secure?

Deputy Eoghan Murphy: The OGCIO is based in the Department of Public Expenditure and Reform. It is implementing a multi-layered approach to cyber security and protecting ICT systems, infrastructure and services. The threat landscape is constantly evolving and significant effort is expended on continuing to enhance and strengthen ICT security to mitigate against emerging threats, risks, vulnerabilities and cyber security issues. In addition to deploying intrusion protection systems, software vulnerabilities are managed by maintaining up-to-date versions. The OGCIO also continues to work closely with the national cyber security centre, NCSC. The NCSC is a division of the Department of Communications, Climate Action and Environment and encompasses the State's national governmental computer security incident response team.

In addition, as part of the public service ICT strategy, consideration is being given to the formation of a highly skilled cyber security team as a shared services model for Departments. Such an approach will give greater assurance to the Government and citizens on the security of the State's systems and data. As regards cloud computing, a public cloud model is being used. We have a private cloud model as well and we are developing a business plan for a national data centre for sensitive government information.

Deputy Dara Calleary: With regard to those models, what importance is being attached to the security of the information? Have there been any major or significant cyber attacks on a Department or on Government information in the course of the last 12 months?

Deputy Eoghan Murphy: It is incredibly important that we can maintain the security of information and data that we host in government systems. That is the reason we are examining this proposed new model for a team to deal with specific cyber security threats and to resource that out across Departments.

As regards attacks made on the system over the last 12 months, there was a denial of service attack on a couple of Departments last summer. These are becoming more frequent. More recently, there was a problem with a malware virus system across some Departments but information is still being collated as to the source of that malware interruption. There is ongoing work taking place at present because of the increased threat of cyber security attacks not just in Ireland but across the world. This is a key part of the strategy or focus of the OGCIO as it seeks to implement the new strategy for public service reform using data and ICT strategies that are already located within existing Departments. We are making sure that a common standard is being driven from the centre by the OGCIO in the Department of Public Expenditure and Reform.

Public Private Partnerships

An Leas-Cheann Comhairle: Question No. 8 is in the name of Deputy Michael McGrath. Permission has been given to Deputy Dara Calleary to take this question.

8. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform his plans to review the current 10% limit on public private partnerships; his views on whether the 10% rule and the controls and systems in place are sufficient to ensure that public private partnerships are used for the appropriate projects; his further views on expanding the PPP programme for appropriate projects; and if he will make a statement on the matter. [23532/17]

Deputy Dara Calleary: This is probably a continuation of the discussion the Minister had with Deputy Burton. More importantly, it focuses on the 10% rule in public private partnerships. The Minister's colleagues, the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, and the Minister for Social Protection, Deputy Leo Varadkar, have been promising infrastructure projects like snuff at a wake around the country in the last two weeks. Have they spoken to the Minister about how they will be paid for?

Deputy Paschal Donohoe: As I said earlier, PPPs offer an alternative way for delivering infrastructure. The question refers to the 10% rule and whether we are seeking to review that. The current requirement is that, taken together, future costs in respect of PPPs should not pre-commit more than 10% of the overall aggregate capital funding projected to be made available to future Governments in an individual year. Against this background, we must formulate a clear view on the role PPPs can play to ensure they are useful in delivering additional infrastructure, but doing so in a way that is affordable.

One of the challenges we must deal with when we debate the merits of PPPs is that because the funding is not located on a country's balance sheet a misconception begins to form that the money does not have to be repaid. However, it does. I can give the Deputy some of the figures relating to this so the House will be aware of the scale of repayments for PPP projects. The latest projections available to the Department indicate that the cost of unitary payments in 2017 will be €240 million. It will increase year on year to €340 million by 2021 and the average cost for the 14 years after that will be €300 million per annum. The other side of that coin is that those bullet payments pay for the maintenance of the asset. They do not pay just for its construction but also for its maintenance. This is particularly relevant with regard to a road or a school building.

We are reviewing their use with the process I outlined to Deputy Burton. I am aware of the costs that exist. Just because they might not reside on the sovereign balance sheet in a given year does not mean they do not have consequences for the Exchequer in the future.

Deputy Dara Calleary: Yes, there is a cost and these moneys must be repaid. We all accept that. However, consider the opportunity costs of not having proceeded with some of the projects that PPPs are currently funding. The costs we repay include maintenance of roads and so forth, so we must do something. I share Deputy Burton's concerns about the Minister's remark on whether we have capacity to deliver and whether there will be construction cost overruns. That is what the Department of Public Expenditure and Reform should be about. Again, I point to the need for a centralised infrastructure planning unit that should be able to negotiate all of that. However, we must have some indication of the Minister's views on PPPs ahead of the capital plan review and the Minister announcing that. In that context and in terms of proposals

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for PPPs, representatives of Transport Infrastructure Ireland, TII, appeared before the Committee on Budgetary Oversight some weeks ago and said their hands are tied in respect of developing new road projects because of the limitations on PPPs. We must have a signal one way or the other so that if the Minister intends to relieve this limit people can start planning and infrastructure can be put into the pipeline. If not, we will have to pursue other avenues for funding.

Deputy Paschal Donohoe: I will provide guidance on the role of PPPs as part of the capital plan review that is under way to allow agencies, if I believe it is appropriate, to deliver projects via the PPP model. The Deputy said he was concerned about my view on prices going up and cost overruns. One of the roles of my Department is to ensure that taxpayers' money is being used in the right way and that we are avoiding over-paying for the delivery of either services or capital projects. I make no apologies for saying that I wish to ensure that if we increase capital expenditure we will not end up paying a higher cost for the same number of projects we are currently planning to carry out. That outcome would not be acceptable to me or the taxpayer.

Deputy Dara Calleary: I do not want that outcome either, but I am anxious to see a pathway to deal with the serious infrastructure bottleneck facing our country in so many areas such as housing, roads, ports and airports, which is being discussed at every hearing of the Committee on Budgetary Oversight. We all want the country to develop economically, but our current infrastructure is pulling down our chances of economic progress. In particular, it is pulling down the chances of regional economic progress. We must start thinking outside the box. I welcome the steps that have been taken with the European Investment Bank, EIB, in recent weeks. They must be given more urgency. However, we must provide some type of signal. The Minister must provide a signal that the Department and the Government understand the infrastructure cliff we are facing in this country and that they will stop us from driving over it.

Deputy Paschal Donohoe: On understanding the cliff, before the summer I will publish an analysis of where we are with the stock of capital investment in the country and our view on changes that need to be made in the future. On the quality of existing infrastructure, of course, I understand our needs pertaining to housing and higher education. The Deputy gave some examples of what he believed to be infrastructural opportunities. I point to the example of the progress made in Dublin Port with the development of the Alexandra Basin project, a project that is, incidentally, co-funded by the European Investment Bank. I point to the work that has been under way at Shannon Foynes Port to improve its capacity to handle a larger amount of stock and vessels than it was capable of handling up to this point. I also point to our airports and the success Dublin, Cork and Shannon airports have had in financing upgrades they needed to their own infrastructure and the fact that the Exchequer has been able to contribute to the upgrading of infrastructure there and at many other airports all over the country. There are needs, of which I am aware and which I will recognise, in particular, later in the year. In many cases, however, we have infrastructure that is meeting the economic needs of the country.

State Bodies Expenditure

9. **Deputy Catherine Connolly** asked the Minister for Public Expenditure and Reform the nature, details and value of all accommodation contracts entered into between the OPW and Caranua; and if he will make a statement on the matter. [26099/17]

24. **Deputy Thomas Pringle** asked the Minister for Public Expenditure and Reform the agreement between the OPW and Caranua on the renting of office space; and if he will make a

statement on the matter. [26101/17]

41. **Deputy Clare Daly** asked the Minister for Public Expenditure and Reform the agreement between the OPW and Caranua on the charging of rent for the use of office space; the details of same; and if he will make a statement on the matter. [26231/17]

Deputy Catherine Connolly: Will the Minister clarify the arrangement between the Office of Public Works and Caranua? What contract, if any, has been entered into? What are its details and value? The Minister is fully aware of the controversy about Caranua taking on a rent obligation that it did not have before. It was set up in January 2013 and did not pay rent until recently. Will the Minister clarify the position?

Deputy Paschal Donohoe: I propose to take Questions Nos. 9, 24 and 41 together.

The Commissioners of Public Works advise that the agreement in place with Caranua for its current accommodation in Frederick Court, Dublin 1, is an administrative arrangement by way of a simple exchange of letters between them and Caranua. It details a rent contribution of €106,000 per annum, with a commencement date of 1 June 2016.

As the lease on the Frederick Court building expired in 2016, the Commissioners of Public Works is disposing of the property and in discussions with Caranua on its future accommodation needs. It has offered it space in newly leased premises off Talbot Street, Dublin 1. This was another option for Caranua, given that it had carried out its own research to find alternative accommodation. It confirmed its acceptance of this space to the commissioners and the arrangement is, again, by way of an exchange of letters. The due proportion of rent to be paid by Caranua amounts to €188,589.55, plus VAT, per annum. The increased rent arises from the provision of a larger area of accommodation for Caranua.

Deputy Catherine Connolly: Will the Minister clarify why Caranua will have to pay rent on moving into the leased premises associated with the Office of Public Works, OPW? Will he clarify that the OPW is leasing the existing building? What was it paying for it? Caranua was in it for three years and one month without ever paying rent. What has changed that now obliges it to pay rent? Furthermore, is the Talbot Street premises the one identified a number of years ago that had been refurbished in part with funds from the Caranua funds and into which Caranua did not move at the time?

Deputy Paschal Donohoe: The one question I cannot answer for the Deputy concerns the arrangement involving the OPW for the current building. I do not have the information required but will find it for her.

On the other question the Deputy asked me, the Department of Education and Skills replied to a parliamentary question on 9 May 2017 addressing the responsibilities of Caranua as an independent statutory body and, in particular, the procurement of its accommodation and the meeting of related expenses. The reply made it clear that Caranua was an independent statutory body and, therefore, would be expected to procure its own accommodation and meet related expenses. Section 30 of the Residential Institutions Statutory Fund Act 2012 provides that all expenses incurred by Caranua under the Act shall, subject to the approval of the board, be charged to an investment account to the benefit of Caranua. That is why it is expected to meet its own accommodation needs and pay the rent therefor.

On the Deputy's question on the role of the OPW, its remit is to provide accommodation

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for central government bodies. There are several agencies outside that remit that recoup rent to the OPW for space provided for them. In many cases, this relates back to the legislation under which an agency was established in that there was provision made for the agency to fund its own property requirements.

On the question the Deputy asked me about the accommodation on Talbot Street, I will find the information make it available to her.

Deputy Catherine Connolly: I appreciate that the Minister is going to clarify that aspect. The question I am asking which he is ignoring, although perhaps not deliberately, concerns the fact that we really have gone around in circles. Other Members have tabled questions similar to mine such is the concern about Caranua moving into rented premises. The figure we were given was €272,000, to include VAT, year after year. Why is the legislation and the specific section the Minister mentioned now being cited when it was not used since establishment in March 2013? The organisation was never charged rent. What has changed such that it is now being charged rent, particularly when the fund is dwindling? Second, no business case has ever been made, even though the Department of Education and Skills asked for one. Third, the number of applicants dwindled to a couple of hundred in 2016. Why, therefore, does Caranua need bigger accommodation?

Deputy Paschal Donohoe: I am not ignoring the Deputy's question, nor am I attempting to do so. She asked me about the rental agreement between Caranua and the Commissioners of Public Works. I have provided for her all of the information available. On why Caranua is being asked to pay rent, this is a matter between the board of Caranua and the OPW. If the latter is providing accommodation for agencies that are not central government Departments, there is an expectation that rent will be paid. I will determine whether I can, through the OPW, find the answers to the other questions the Deputy put to me. I am sure I will and I will make the information available to her. I have, however, answered the question she put to me.

Flood Relief Schemes

10. **Deputy Aindrias Moynihan** asked the Minister for Public Expenditure and Reform when flood defence construction works will advance in Baile Mhúirne and Ballymakeera. [26237/17]

Deputy Aindrias Moynihan: I have repeatedly raised the concerns of residents in Baile Mhúirne and Baile Mhic Íre about the risk of flooding from the River Sullane. I have raised the matter a number of times in the Dáil Chamber. The residents need to see progress on the scheme. There was an exhibition in 2011 and designs were to be advanced during 2014. The questions about freshwater pearl mussels were addressed last year, yet there does not seem to be a plan in place. What is the up-to-date position? How soon will the much needed scheme advance towards construction and when will residents in Baile Mhúirne and Baile Mhic Íre have peace of mind regarding the risk of flooding?

Deputy Paschal Donohoe: I am advised by the Commissioners of Public Works that the Baile Mhúirne and Ballymakeera scheme is at outline design stage, on which the preferred options for the scheme are being finalised. The River Sullane has a history of containing freshwater pearl mussels which have protected status as an Annex II listed species under the EU habitats directive. An environmental survey was carried out to establish the status of the popu-

lation and the likely impact of works. Given the impact the proposed works could have on the freshwater pearl mussel population, a solution to avoid damage was illustrated and submitted to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. The submission was approved, allowing the scheme preparations to progress to site investigations where the results will inform the preferred options for the scheme.

To respond to the Deputy's specific question, tenders have been received for a site investigation contractor, with the contract expected to be placed in June 2017, or this month. It is proposed to hold a second public information day, followed by a public exhibition of the preferred scheme this year. When these stages are successfully completed, provided the proposals are broadly accepted by the public and the stakeholders and the scheme is technically, environmentally and economically viable, the scheme will proceed to detailed design stage and formal confirmation by the Minister for Public Expenditure and Reform under the Arterial Drainage Acts 1945 and 1995 following which construction can commence.

My office continues to liaise with Cork County Council and local representatives on this scheme. As I said, I expect the site investigation contractor to be in place this month.

Deputy Aindrias Moynihan: It is positive news that the site investigations will happen later this summer. However, when I raised the question late last year, the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs had agreed a solution on the way forward for the freshwater pearl mussel. It was proposed that there would be a second public information day and exhibition this year as well as detailed design. Is the detailed design slipping at this stage? Is it envisaged that the detailed design will commence this year and that we will be in a position to move towards tendering and construction for the overall scheme later this year or early next year? Can the Minister clarify that? Is it the case that there is still a cost benefit analysis to be conducted on this scheme, and is the risk still there that it could delay the scheme further?

Deputy Paschal Donohoe: With regard to the different questions the Deputy has put to me, due to the presence of the pearl mussel in some stretches of the river and its protected status, the scheme could not progress, which was the Deputy's point, until a proposal was submitted to the National Parks and Wildlife Service, NPWS. This was submitted in June of last year. The NPWS responded by stating that it had no comment or objection to the proposal. Following this, a desktop survey has been undertaken on the relocation of the mussels to inform the next steps. In terms of the timing of what will happen, as I have said to the Deputy and as he has acknowledged, the contract is expected to be in place this month. The site investigation will provide information on the channel to decide on the preferred options to progress the scheme. It is expected that this will take three months. I assume the second public information day will then take place after that.

Deputy Aindrias Moynihan: Arís is arís eile, táim tar éis an cheist mar gheall ar na tuilte i mBaile Bhuirne agus i mBaile Mhic Íre a tharraingt os comhair na Dála. Tá géarghá leis an obair seo a bhrú chun cinn agus faoiseamh a thabhairt do mhuintir na háite. I dtreo deireadh 2011, chonaiceamar na tuairiscí faoi agus bhí dearadh le bheith déanta in 2014. An féidir an rud seo a bhrú ar aghaidh agus faoiseamh a thabhairt do mhuintir Bhaile Bhuirne ó na tuilte sa Sulán? The Lee CFRAM was a pilot for the whole country. Baile Bhuirne was the most advanced in that scheme at the time. Right around the country, we have seen so many other schemes advancing so far ahead of the people who are in the pilot. If we can quickly advance through the final design, can the Minister give a commitment that he will prioritise funding and

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have construction of this overall scheme advance as quickly as possible?

Deputy Dara Calleary: In the context of flooding, can the Minister confirm if the transfer of the Ministry responsible for flooding from the Minister of State, Deputy Canney, to Deputy Moran will happen?

Deputy Paschal Donohoe: There are two questions there. From a funding point of view, €74,000 has been expended on this project to date. The project budget will be finalised before exhibition, but we expect that the approximate cost of this will be around €3 million. I can confirm to Deputy Moynihan that this is included in the financial profile of the OPW up to 2020. Assuming that the cost is in line with that, the OPW will be in a position to go ahead with that work. I understand the need for this work in the community and I know of the damage that has been caused by flooding in the past.

With regard to Deputy Calleary's question, the changeover in officeholder will take place at midnight tomorrow night.

Capital Expenditure Programme

11. **Deputy Thomas Pringle** asked the Minister for Public Expenditure and Reform the reason local authorities were not consulted or asked to submit their views regarding his Department's review of the capital programme 2016-2021; and if he will make a statement on the matter. [26102/17]

Deputy Thomas Pringle: This question relates to the review of the capital plan due to be published in September. Why were local authorities not consulted when the review was initiated and why was it left to them to make submissions as part of the public consultation?

Deputy Paschal Donohoe: Submissions in relation to the mid-term review and the additional funding available were sought by my Department in January and have now been received.

Submissions were not sought at that time by my Department directly from local authorities as we do not allocate funding directly to local authorities nor was it envisaged that the review would seek to determine the allocation of Exchequer resources to individual local authorities.

The allocation from central government to local authorities is determined by the relevant Government Department with responsibility for particular aspects of infrastructural spending, for example, housing and urban regeneration and transport investment. The assessment of the requirement for increased capital expenditure by local authorities is, therefore, first and foremost a matter for the relevant Government Department.

The short answer to this is that many of the infrastructural needs that local authorities will be raising are raised, I expect, by the Government Department that has responsibility for that area. All that being said, across the process, 12 different local authorities did make submissions. The Deputy will be pleased to note that one of them was Donegal County Council.

Deputy Thomas Pringle: I know Donegal County Council made a submission because the CEO told us. However, that was as part of the public consultation rather than as a consultee on the actual review itself. It is remiss of the Department not to ask local authorities to formally make submissions. Much is made by Government about the fact that local authorities are not

spending money and are not delivering on infrastructure projects, in particular on housing. The way this review is handled makes a lie of that fact, as local authorities do not have responsibility because they do not get the money. The money goes through the parent Department. That is part of the problem. As the Minister for Public Expenditure and Reform, perhaps the Minister should look at that to see how local authorities can be accommodated in that way and then try to make them more responsible for the money. The fact is they do not get the money and so are not asked to consult, as things stands.

Deputy Paschal Donohoe: I do not think the process we have put in place makes a lie of us. The way in which we handle expenditure is by making the funding available to Government Departments, as the Deputy has just said. Government Departments either allocate that funding to local authorities or instigate work on their behalf. The process we put in place was publicly advertised. If a local authority wanted to make a submission to us, it was entitled to, and 12 of them did. The needs that all local authorities will have is articulated to my Department by the Departments that have responsibility for the particular policy areas. It has to be done like that because otherwise we will end up in a situation where we will not be able to achieve co-ordination. In particular, we will not be able to put in place infrastructure projects that stretch across local authorities as opposed to being confined within them. All that being said, 12 different local authorities made submissions.

Deputy Thomas Pringle: As 12 local authorities made submissions, what will be the status of the consideration given to those submissions? Will they be treated the same as the submission made by “Joe Public”? Obviously, the Department of Housing, Planning, Community and Local Government will decide on how money is allocated. What will be the consideration and status given to the submissions made?

Deputy Paschal Donohoe: The Department of Housing, Planning, Community and Local Government will be the deciding body on how it handles funding between the local authorities for which it is responsible for. That being said, I always find it helpful to see submissions like this, and I will read them. It allows me to understand whether there are any particular projects out there or any particular needs that could make a difference to a particular county or region that I should be aware of. I will look at these submissions, including the one from the Deputy’s county. As I said on a number of occasions, I am well aware of the need for us to respond across the north west by increasing investment in infrastructure in the context of Brexit and the economic challenges it will pose to all the communities the Deputy represents.

Public Sector Pay

12. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform his plans for ending pay inequality across the public sector in the context of the public sector pay talks; and if he will make a statement on the matter. [26271/17]

13. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform his plans to address the issue of equal pay for equal work within the public sector and if he will make a statement on the matter. [26058/17]

Deputy Richard Boyd Barrett: This week, I went out and joined lesser-paid rank and file teachers from the INTO, the ASTI and the TUI who were protesting against the fact that there is a categorically of lesser-paid teachers - people who are employed as teachers post-2011 or

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2012. They want to know whether as part of these pay talks, the Minister will commit to the principle of equality. By equality, they mean there is one single pay scale for all teachers.

Deputy Paschal Donohoe: I propose to take Questions Nos. 12 and 13 together.

The 10% reductions in starting pay for certain new entrants were introduced in January 2011 as part of the national recovery plan in order to reduce the public service pay bill by the then Government. The issue of addressing the difference in incremental salary scales between those public servants who entered public service employment since 2011 and those who entered before that date was addressed with the relevant union interests under the provisions of the Haddington Road agreement. From 1 November 2013, pre- and post-2011 pay scales were merged into a single consolidated scale applicable to each grade. Generally, the third point of the 1 November 2013 pay scale is equivalent to the first point of the pre-2011 scale. Guidelines relating to the merging of the scales are available on my Department's website.

Any further adjustment must also be considered under the framework of the Lansdowne Road agreement but must also be considered in the context of the total cost of the agreement, which is €844 million, and the total cost of the outstanding FEMPI restoration post-Lansdowne Road, which is €1.4 billion.

Under this agreement, we have made progress in addressing particular issues, such as the restoration of supervision and substitution payments and new entrant payments in the education sector and the restoration of rent allowances to new entrant fire-fighters and members of An Garda Síochána.

Additional information not given on the floor of the House

The matters raised by the Deputy are appropriate for deliberation by the management and staff representatives in the context of public service pay talks which are currently under way. It would accordingly be inappropriate to comment further on these matters at this time.

Deputy Richard Boyd Barrett: The protest the other day was organised by the rank and file. They are ordinary teachers, mostly young, who are in this lesser-paid category. The reduction in the level of inequality the Minister referred to in rather technical language still leaves a situation whereby under the Minister's proposals, teachers, ushers or other public sector workers who came in after 2011 will over the course of their lifetime earn €100,000 less compared to those who happened to come in before 2011 and were on the old scale. That is totally unacceptable for people doing the same job. In fact, they will be working harder with all the productivity proposals such as Croke Park hours but they are on this lesser scale and will earn that much less over their lifetimes. Just as we are now discovering with nurses, who are leaving the country and will not work in our public health service when we desperately need them, there is now a substitution crisis in education for the same reason. The teachers are starting to walk because they are not accepting this pay apartheid. Will the Minister commit to getting rid of it?

Deputy Paschal Donohoe: Let us talk about some figures amidst the Deputy's comments. From 1 January 2017, under the measures I agreed alongside the Minister for Education and Skills for INTO and TUI members, a new entrant will be paid a salary of €35,837. By 1 January 2018, when the second half of new entrant restoration has occurred, it will be considerably ahead of that. Amidst all the claims the Deputy is making regarding pay, and I see it every morning when I go into classrooms, let us bear in mind two things. The amount of funding I have to use to address the claims those teachers are making is the same pot of funding we have

to use to pay for service improvements and investment in our schools and hospitals. Let us also acknowledge that with the plan we have in place, we are looking at a starting salary when all the different allowances and payments to teachers are included of €35,837, which I would contend is a salary that reflects the great value we as a country place on those who teach in our classrooms.

Deputy Richard Boyd Barrett: We hear all the usual chestnuts but the Minister does not answer the question, which is whether we are going to have equality. Are we going to have equality for people with the same professional training who will work the same number of years? In fact, they will work more years because of other attacks. Are we going to have a single pay scale for all of them or will we continue with the pay apartheid where over the course of somebody's lifetime, they earn €100,000 less? The Minister considers the starting pay good. He should try getting some accommodation on that starting pay and he will soon find out how good it is. We know there is a problem with nurses in terms of pay and conditions and now it is becoming evident in the teaching profession. Schools cannot get substitutes. Classes are going without teachers if somebody is ill because teachers do not want to work in this situation where they are treated as lesser paid - a sub-class of teacher - because of this pay apartheid and the Minister will not commit to the principle of equality no matter how many times he is asked.

Deputy Paschal Donohoe: It is because the principle of fairness I must respond to is different from the one the Deputy is concerned with. I must be able to make sure I am fair to people who need services and to people who need housing and make sure we have the money available to build housing. The Deputy comes in here and deals with each issue in isolation. I must be able to deal with each matter collectively because the resolution and progress of all these different issues comes out of the same amount of funding, which is the money the taxpayers contribute through their taxes and what we are able to borrow. I cannot commit to any further change in our pay policy because that is being negotiated at the moment between my Department and representatives of those who work in our public services in the Workplace Relations Commission. What we are engaged in there involves trying to find a way to see if we can, in an affordable way, unwind the FEMPI legislation - something the Deputy also called for. In fact, I am sure he would look for it to happen at a quicker pace than is possible at the moment. He would probably look for it to happen immediately, which goes back to the very point-----

Deputy Richard Boyd Barrett: I would.

Deputy Paschal Donohoe: I am glad the Deputy acknowledged it there. If he can come up with a recipe for me as to how we can find €1.4 billion immediately while meeting all the other needs he raises with me on a regular basis, I look forward to hearing what that formula is. If he could also assure me it would not destroy the economy that produces all the tax to deliver the services we are talking about, I would be interested in that as well.

Capital Expenditure Programme

14. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which he expects to be in a position to make adequate provision for vital infra-structural projects over the next four years with particular reference to housing, road and rail networks, communications, educational and health services and if he will make a statement on the matter. [26239/17]

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Deputy Bernard J. Durkan: This is the reverse side of the argument. Could the Minister tell us the degree to which he hopes to be in a position to provide the necessary funding for vital infrastructural projects listed in the question.

Deputy Paschal Donohoe: There is a plan in place to respond to many of the different needs referred to by Deputy Durkan. As set out in the Estimates 2017, it is projected that capital expenditure will increase by almost 75% between 2016 and 2021 but as I have acknowledged in responses to earlier questions, we know there is a need to find new ways to invest in capital infrastructure in our schools, hospitals and roads. The Government is currently engaged in a number of different options to see how we could achieve that.

Additional information not given on the floor of the House

The six-year capital plan published in 2015 set out Exchequer capital spend of €27 billion and, including the wider semi-State sector and PPPs, total State-backed capital investment of €42 billion. It is estimated that the plan will support more than 45,000 construction-related jobs. As the Deputy may be aware, there are a number of major projects included in the plan, such as, for example, the Luas cross city project, metro north, the Dunkettle interchange, the new children's hospital and schools building. This Government is strongly committed to increasing public funding for capital investment in Ireland over the next four years and beyond in order to meet key infrastructural requirements to sustain economic growth and social progress.

Alongside this increase in capital spending, it will also be important for the construction sector to build its capacity to undertake additional projects. For example, even at current levels of increased spending, the Society of Chartered Surveyors Ireland reports construction inflation of the order of 30% between 2011 and 2017.

The programme for a partnership Government committed to additional capital investment over the period of the capital plan to 2021 to be allocated in such areas as housing, road and rail networks, communications, educational and health services on the basis of the outcome of the ongoing review of the capital plan.

In this context, in the summer economic statement 2016, the Government committed to an additional €5.14 billion Exchequer capital investment over the period from 2017 to 2021. Following the decision to commit €2.2 billion of this amount in support of the Government's action plan on housing and homelessness and other public capital commitments made in Estimates 2017, there is approximately €2.6 billion in uncommitted additional capital funding over the period 2018 to 2021 which will be allocated following the completion of the review of the capital plan.

The analysis being carried out as part of the review include an infrastructure capacity and demand analysis which will help inform decisions by Government in due course on the required levels of investment for the provision of critical infrastructure across the different sectors of the economy. I expect that the approach I have set out to the review of the capital plan will help ensure that our national public infrastructure is maintained and enhanced over the remaining period of the capital plan to 2021 and beyond.

As set out in the Estimates 2017, it is projected that Exchequer capital expenditure will increase by almost 75% between 2016 and 2021. The Government is, therefore, ensuring that our continued strong economic performance is reflected in increased capital expenditure over the coming period.

Deputy Bernard J. Durkan: What is the extent to which the Minister has been able to study the urgency of the requirements in some cases as opposed to others? For example, the housing situation is extremely urgent. In two or three years' time, it will not be as urgent because the market will have caught up and supply will have improved but the current situation is urgent. A similar situation pertains to road transport, hospitals and schools.

There is an urgency now which is due to the situation whereby it was not possible to arrange for expenditure of the necessary nature in the past six, seven or eight years, simply because there was no money. To what extent does the Minister see himself in a position to address those issues as they arise?

Deputy Paschal Donohoe: It is going to be challenging, because we have many different competing demands. We are working hard to see how we can identify new funding. We have already made progress on this by the identification of a further €2 billion between now and 2021 and 2022 and we are engaged in other pieces of work, for example, with the European Investment Bank, to see if there are additional ways of funding the infrastructure to which the Deputy refers.

Written Answers are published on the Oireachtas website.

Business of Dáil

An Ceann Comhairle: I have an announcement for the information of the House. The following Members have been appointed to serve on the Special Committee on the Eighth Amendment of the Constitution. Representing the Government party and groups are Deputies Bernard J. Durkan, Peter Fitzpatrick, Hildegard Naughton and Kate O'Connell. Representing the Fianna Fáil party are Deputies James Browne, Lisa Chambers, Billy Kelleher and Anne Rabbitte. Representing the Sinn Féin party are Deputies Jonathan O'Brien and Louise O'Reilly. The Labour Party is represented by Deputy Jan O'Sullivan. Solidarity-People Before Profit is represented by Deputy Ruth Coppinger. Independents 4 Change is represented by Deputy Clare Daly. The Rural Independent Group is represented by Deputy Mattie McGrath. The Social Democrats-Green Party group is represented by Deputy Catherine Murphy.

5 o'clock

Topical Issue Debate

Road Tolls

Deputy Fergus O'Dowd: I welcome the Minister, Deputy Shane Ross. The question of tolls and their impact on the local environment, businesses and for local people on social visits crossing north-south from my town and into east Meath, and the opposite way as well, is a hugely important issue for people in my constituency. The real issue here is that nobody objects, in my view, to the main toll booth at Gormanston. Everybody accepts that that is a national primary route and that one should pay the toll there. There are significant charges on the slip roads into Drogheda, for example for somebody who wants to travel from Tullyallen north of the town to the railway station or to cross down to Laytown or Bettystown. It is €19 a week,

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which is basically €1,000 a year. That is a huge penalty for a local, short journey.

Congestion is an issue. I have a letter here from Transport Infrastructure Ireland and it says that when it was initially put in, it was to protect the residents of Drogheda from rat-running that would occur due to traffic wishing to avoid the main toll plaza at Balgeen. The opposite has happened. I hope the Minister, Deputy Ross, visits us shortly and I would be delighted to host him and show him. As one comes through the village of Julianstown, there is significant traffic there for 20 of the 24 hours in the day. For all of the business working day, from 6 a.m. to maybe 8 p.m., there is a constant, unending stream of traffic. They are people who are avoiding the toll and coming to live in east Meath in many cases. The other issue is at the north side of Drogheda, at Mell, there are the same huge traffic volumes and congestion. I think the impact of the local tolls is unnecessary and is unacceptable to the people. I ask the Minister to address that issue in his reply.

The other facts that arise include the income for local rates. In other words, the tolls pay a rate to Meath County Council and Louth County Council. Meath County Council gets a sum of €484,000 per year from the rateable valuation of the tolls, whereas Louth County Council gets a value of €218,000 per annum. That money goes to the county councils and none of it is spent on the town most directly affected - the town of Drogheda - by this imposition on citizens wishing to travel north to south in their town. The Minister needs to come to Drogheda to meet the councils and to encourage a significant investment in the local road infrastructure, which has never been upgraded since the very significant volume of traffic increased as a result of the imposition of the tolls.

In particular, Julianstown is in a very difficult and serious situation. It needs a proper and effective bypass. I believe that this money should be spent proportionately over a number of years on improving all of the road infrastructure in east Meath, particularly around the Platin factory, which is very dangerous. It is a speed trap and there have been a number of deaths on the main road itself. The R152, where it comes from the intersection south of Drogheda going in through the Platin Road, is fine until it comes to the Meath boundary and then one is back to the road network as it was 40 years ago. That is a significant issue that must be addressed and I will talk about it in my second period of time.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy O'Dowd for raising this issue, which I know from experience is greatly important in the area, and has caused a great deal of dissatisfaction for many of his colleagues and himself.

This is a matter for Transport Infrastructure Ireland, TII. I am happy to reiterate the current position and to be as helpful as I possibly can regarding the M1 slip toll at Drogheda. As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding for the national roads programme. Within its annual budget, the planning, design and implementation of individual road projects, such as the N4, is a matter for TII under the Roads Acts 1993 to 2015 in conjunction with the local authorities concerned. Furthermore, the statutory power to levy tolls on national roads, to make toll by-laws and to enter into agreements relating to tolls on national roads is vested in TII under Part V of the Roads Act 1993 as amended. The contractual arrangements relating to M1 tolls are therefore matters for TII. There is no provision under the legislation under which I, as Minister, could review the toll charges on the M1. As the Deputy may be aware, the issue of M1 slip road tolls has been brought to my attention on a number of occasions by various stakeholders, including Drogheda & District Chamber of Commerce and local Deputies, including some of Deputy O'Dowd's colleagues.

Arising from a parliamentary question from Deputy Munster last year, I undertook to raise the issue of the tolls on the Drogheda slip roads at a meeting with TII that took place in early August 2016. Following this meeting, TII briefed my Department on the 2002 toll scheme and the findings of a 2012 study of the implications of the removal of the tolls at the north-facing slip roads at M1 junction 9. In the 2012 study, two scenarios were considered. The first involved removing ramp tolls only and the second involved removing ramp tolls and increasing the mainline toll. The study concluded that significant levels of additional traffic would divert to local routes such as the R152 through Duleek and the R132 through Julianstown, with thousands more vehicles per day affecting the safety, quality of life and commercial viability of these communities.

In addition, both scenarios would have substantial financial implications because TII would be contractually required to compensate the public private partnership, PPP, company for losses arising out of any change. Under the first scenario, it was estimated that between €6 million and €7 million would have to be paid to the PPP company in the first year, increasing each year to 2034. Under the second scenario, given the higher rates of diversion off the M1, it was estimated that mainline tolls would have to be increased by between 40% and 60%. It is important to point out that the aim of the Donore ramp toll plazas was to mitigate possible rat-running with adverse impacts on local communities. In response to concerns expressed about the possible impact on business in Drogheda, the approved toll scheme allows vehicles to exit the motorway, having paid a toll, and re-enter within three hours, with no further charge. I hope this clarifies the position for the Deputy and I am happy to forward a copy of the briefing that TII provided on the matter.

The Deputy is not alone, but I understand that what I have outlined is the current situation. It certainly leaves causes for discontent, to which the Deputy referred. It is a little difficult for me, not having been there, to be fully cognisant of the difficulties which are caused in certain areas which Deputy O'Dowd pointed out. I have said to the Deputy here that, provided other local representations of the areas are notified as well, and I can notify them, I would be happy to come and see it for myself because I have addressed this on several occasions previously. It appears, from what Deputy O'Dowd and others say, that this solution is not satisfactory. I would be happy to visit and see it again.

Deputy Fergus O'Dowd: I welcome the commitment of the Minister to visit and view it. It is important that he does. That is hands on, and I welcome that.

The Minister will see the significant need for what we are talking about, particularly on the east side of Drogheda, to allow port-bound traffic avoid in total the town of Drogheda. We need a new bridge to carry traffic, north and south, and a proper road network - the northern cross route - to link up with the motorway.

The problem is that all of this was built by the then Fianna Fáil Government, which cared nothing for local democracy and which stuck it in Drogheda because that is where it thought it would get away with it. That is a charge which, in my view, is true and accurate.

However, I accept it is there. We need a plan, with the Minister's presence and with the local authorities. We should invite the local authorities, that is, Meath and Louth county councils, to that meeting to talk about the improvements that are needed in the road network locally to make up for the significant deficit there in proper transport infrastructure.

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The Department of Transport, Tourism and Sport is the key Department for increased funding for roads in Drogheda because if it is not a national primary route, it is the responsibility of the Department. I would like to put a shopping list on the Minister's desk in this regard but I welcome and respect the Minister's commitment.

At the end of the day, it is to let a town breathe, live and grow. The town is growing significantly. Drogheda is the largest town in Ireland. It has no council, has no proper administrative infrastructure and has poor local road structure. I welcome the Minister's intention to visit and I look forward to that shortly.

Deputy Shane Ross: I will conclude by thanking the Deputy. I should mention that provided he would have local councillors at the meeting-----

Deputy Fergus O'Dowd: Of course, and Members of the Oireachtas-----

Deputy Shane Ross: -----including Councillor Kevin Callan-----

Deputy Fergus O'Dowd: -----and all the Independent councillors.

Deputy Shane Ross: -----who has also made representations, I would be happy to do so. When we have issues such as this which arise and which have been addressed, and which have not been sorted, it is certainly worth looking at them again.

Deputy Fergus O'Dowd: Good stuff.

Respite Care Services Provision

Deputy Thomas Pringle: I am glad to see the Minister of State, Deputy Corcoran Kennedy, is back dealing with this issue on Seaview respite home. Unfortunately, the situation has deteriorated since 18 January when I last was lucky enough to raise a Topical Issue on the staffing situation at the Seaview respite home and we last discussed it.

I am disappointed to have to put this Topical Issue forward. The reason I am disappointed is because, despite my best efforts, I have been unable to get a response from the HSE locally on the situation regarding the Seaview respite home. On 24 April, I emailed the manager of social care in the area and I followed up with a phone call to him on 15 May but still received no response. I spoke to him on 15 May and he said he would get a response for me. Four times in the past ten days, I rang the service manager for intellectual disabilities without any response either. That is why I have put forward this Topical Issue in the House this week.

It is a disgraceful waste of Dáil time that I have to submit this as a Topical Issue to get some sort of response from the HSE locally. It is ridiculous for this to happen in this situation. It shows a lack of management and a lack of compassion on the part of the HSE in Donegal on this matter.

There are 100 families who depend on this respite care home and it has now been closed for almost two months. In January, the Minister of State responded stating the HSE were recruiting staff and when they would be placed, the respite home would be back up to full capacity. It is closed at present, however, and we cannot get an answer. The families cannot get an answer. As an Oireachtas Member, I cannot get an answer from the HSE locally. That is a disgrace. I

hope the Minister of State's office will intervene and get a response from the HSE as to what is the situation and as to whether and, more importantly, when this home will reopen. Initially, families were told that it would possibly close for a month and it has been a lot longer than that. It is just not acceptable.

Other Deputies sought to raise Topical Issues and while I was lucky enough to have this one chosen today, it is disgraceful to have to go to such lengths to get a response from the HSE. I look forward to hearing what the Minister of State has to say.

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy): I thank Deputy Pringle for raising this important issue again today. I will outline the position on the availability of respite in Seaview respite home, Mountcharles, County Donegal.

The Government is committed to providing services and supports for people with disabilities that will empower them to live independent lives, provide them with greater independence in accessing the services they choose and enhance their ability to tailor the supports required to meet their needs and plan their lives.

The provision of respite services has come under increased pressure in the past couple of years. There is an increase in the number of children and adults seeking access to respite and there are increasing levels of changing needs due to the increase in the age of people with a disability. The way in which residential-respite services are provided has also changed as agencies comply with HIQA standards and the national policy on congregated settings. In some situations, this means that beds are no longer available, for example, vacated beds for residents who go home at weekends or for holidays can no longer be used for respite.

Seaview respite house is located in Mountcharles, Donegal town and was established in 2002. It provides respite for children from the age of six years and adults with an intellectual disability or autism or both on a rotational basis for 100 families the south-west Donegal catchment area. The maximum occupancy provides for five children or five adults. The service operates a person-centred model of care and is delivered by a combination of nursing and support staff.

Respite services at Seaview House, as Deputy Pringle has outlined, have been curtailed over the last few months as a result of staff shortages due to illness leave and retirement. The HSE has been trying to recruit and replace staff in as timely a manner as possible and it acknowledges the upset and distress this situation has caused to clients and families and apologises for any upset caused. In its efforts to restore a full respite service at Seaview, the Health Service Executive has been actively trying to fill three vacant nursing posts. One nurse was appointed on 15 May and a second was appointed on 29 May. The third vacancy was filled but the successful candidate withdrew from the appointment at the late stages of recruitment which will, unfortunately, delay the finalisation of this third post by at least two months. A care assistant has also recently retired and a replacement is now being recruited. Following the induction of these new staff, I can confirm that respite services have recommenced in Seaview House on a phased basis with effect from Monday last, 29 May. The HSE remains committed to ensuring that the respite service resumes on a full-time basis as soon as possible pending the recruitment of outstanding staff.

Deputy Thomas Pringle: It is a sad indictment of the HSE locally that I had to raise it here to find out that respite services have supposedly recommenced from 29 May.

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As for the posts being filled, obviously, if this is correct, one can see there will not be full-time restoration of respite care. How can we have any faith in the HSE providing a truthful answer as to what is happening here?

I do not know how retirements can cause problems within the HSE. The HSE knows the ages of its staff. It knows the retiring age of its staff. It knows they are going to retire. Indeed, I am aware that the care assistant who recently retired actually wanted to stay on for another year or more, and the HSE refused the request and closed down this service. This is the type of treatment that families with loved ones with disabilities who are in need of respite are getting from the HSE in Donegal. It is totally unacceptable. This service must return to its previous 24-7 basis for families. These families are saving the State a fortune by keeping their loved ones at home and doing their best to look after them but they are getting very little support or response. That is the critical issue here and that is what the HSE has lost sight of because it does not have a person-centred approach. It is not actually thinking about the families in this case.

I hope the facts just relayed are correct. When I get back to Donegal, I will check that the services have been reinstated and I hope I will not be back in here again in a few months raising this issue because that would be completely unacceptable. I also ask the Minister of State to ask the HSE why it does not respond to basic queries.

Deputy Marcella Corcoran Kennedy: I can hear the frustration in Deputy Pringle's voice. I will follow up on that matter and will try to determine why the Deputy had such difficulties in getting a response from the HSE, such that he was forced to raise this matter as a Topical Issue to get an answer. I reiterate that the intention is to have full services restored at Seaview House as soon as the full complement of staff is available. As I already outlined, there were three vacant nursing posts, two of which have now been filled. I am sure the Deputy welcomes that. The HSE is also recruiting to fill a care assistant position. The HSE has advised that it is committed to restoring the respite service on a full-time basis as soon as possible.

Maternity Services Provision

Deputy Lisa Chambers: The issues at the maternity unit in Mayo University Hospital have been ongoing for a number of years. Continued underfunding and understaffing at the hospital have created considerable risks for patients and their babies. That is what staff told me today. This came to a head last November when midwives at the maternity unit took part in a lunch-time protest outside the hospital. Some of those who protested are long-serving midwives with extensive experience in their field. It was not an easy decision for them to take but they felt so strongly about the situation and the risks being posed to mothers and babies in their care that they felt they had no choice but to take strike action. One can only imagine how difficult things must be in the maternity unit to prompt such action by experienced midwives and nurses. The Minister of State can be guaranteed that they had exhausted all avenues open to them to have their concerns heard by hospital management and the HSE. Their voices fell on deaf ears and it was not until they publicly took to the streets that hospital management and the HSE sat up and took notice, as did the wider public who are now very much aware of the issues at their maternity unit.

At the time of the aforementioned protest, I raised this issue in this Chamber with the Government but to date, the Minister for Health has done absolutely nothing to address it. Has the Minister even met hospital management at Mayo University Hospital to discuss the staffing

crisis at the maternity unit? If not, why not? Following on from the strike, unions and hospital management engaged with the Workplace Relations Commission, WRC, in an effort to resolve matters. They met in February this year and again approximately one month ago. It is my understanding, having spoken to staff, that at the last meeting both unions and hospital management agreed there was an issue with staffing in the maternity unit. Due to nurse shortages in theatre at the hospital, midwives are regularly being called away from the maternity unit, where they are needed, to do jobs in theatre. This is coupled with the fact that there is not enough staff in the maternity unit in any event to cover maternity leave and sick leave. Moreover, the hospital's inability to attract nursing staff to take up posts has meant that the maternity unit is operating below safe staffing levels. I am relying on the expertise of staff members, who are adamant that they need more midwives and nurses at the maternity unit. Unions and hospital management are due to meet again at the WRC on 8 June in the hope of finding a solution. I am told that hospital management would hire temporary staff but it cannot get anyone to take up those posts. Mayo University Hospital is competing with other hospitals for staff and it appears that the types of contract being offered are not enough to entice staff to take up positions at the hospital. It is clear that the HSE needs to offer better contracts to midwives and nurses and to improve working conditions.

The Minister for Health must engage personally on this matter. It is not okay for him to abdicate responsibility. It does not matter that the WRC, the HSE and management are engaged because the Minister is ultimately responsible for this issue. It is imperative that he engages on this matter. We saw strike action seven or eight months ago but to date the Minister has not engaged. The fact that he has done nothing to address the staffing shortages is totally unacceptable. What steps will the Government and the Minister for Health take to address this issue? What steps will be taken to engage with hospital management and staff to ensure that the WRC process results in additional staff and resources for the maternity unit? At the end of the day it is mothers and their babies who are suffering. The fact that this has been widely publicised is creating massive concern among those women who will be going into the maternity unit in the coming weeks and months to deliver their babies. It is essential that we, as public representatives, ensure that the service they get at Mayo University Hospital meets their needs.

Deputy Marcella Corcoran Kennedy: I thank Deputy Lisa Chambers for raising this important matter, which gives me the opportunity to update the House on the position regarding staffing levels at the maternity unit at Mayo University Hospital. I have been informed by the HSE that the staff allocation levels at Mayo University Hospital have not been reduced. However, a number of posts are vacant through unexpected sick leave, maternity leave and retirements. As I understand it, some of these vacancies have already been filled and work to fill the remaining vacancies, both on a permanent and temporary basis, continues. I have been assured that all shifts are reviewed on a daily and weekly basis and set staffing levels are in place to ensure safety.

I should also mention that proposals agreed at the WRC between the Departments of Health and Public Expenditure and Reform, the HSE, the INMO and SIPTU have committed to increases in the HSE's national workforce plan for nurses and midwives in 2017. Management will increase the nursing and midwifery workforce in 2017 through a broad range of initiatives that will result in the delivery of 1,208 additional permanent posts, including the conversion of agency staff to HSE direct employees and offering all graduating nurses and midwives full-time contracts. This is in addition to the many other initiatives currently under way to improve nursing and midwifery staffing levels throughout the country. The number of nursing and mid-

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wifery staff increased by 113 whole-time equivalents from the end of March to the end of April. Numbers increased by 625 whole-time equivalents between the end of April 2016 and April 2017. I am delighted to confirm that the overall number of nursing whole-time equivalents is at the highest level since 2011, with numbers increasing since 2015 notwithstanding intense global competition for our nurses and midwives. The HSE's national recruitment service is actively operating rolling nursing recruitment campaigns. Recruitment open days were run over Christmas and more recently in March. In addition, a HSE delegation attended health sector jobs fairs in London and Cardiff, with further recruitment events scheduled in early June.

The Deputy can be assured that this Government is fully committed to the progressive development of our maternity services. Last year saw the publication of Ireland's first ever national maternity strategy, as well as the HSE's national standards for bereavement care following pregnancy loss and perinatal death and HIQA's national standards for safer, better maternity services. In addition, each of our 19 maternity units is now publishing a maternity patient safety statement on a monthly basis. I am sure Members will agree that these developments represent key building blocks to enable us to provide a consistently safe and high-quality maternity service. The HSE's national women and infants health programme is currently developing a plan for the implementation of the maternity strategy. In that context, the programme is engaging with the Saolta University Health Care Group to scope out its requirements. I look forward to receiving this plan at the end of June.

Deputy Lisa Chambers: With respect, the Minister of State did not answer my question as to whether the Minister for Health has directly engaged with hospital management at Mayo University Hospital about the staffing crisis at the maternity unit. I would appreciate an answer to that specific question.

The Minister of State said that staffing levels have not reduced but that there were vacancies due to unexpected sick leave, maternity leave and retirements but such things are not unexpected. There will always be sick leave, maternity leave and retirements in the workplace. These are natural rather than unexpected events and we should be dealing with them and planning for them. The Minister of State has given a broad overview of the national picture but has not really addressed the issues specifically relating to the maternity unit at Mayo University Hospital. Midwives working at that unit have told me that they are nervous going into work in case something goes wrong and they do not have the staff to deal with it. All they want is proper resourcing for the maternity unit so they can do the jobs the mums and babies need them to do. They want Mayo University Hospital to have parity with other hospitals, but it currently does not have that status. They have said to me that if something goes wrong and a baby dies - nobody wants to see this happen - the midwife, rather than the head of nursing or the general manager, is scrutinised. No one asks how many patients were on the ward at the time, how many staff were in operation or whether midwives were being asked to do the impossible. Midwives deserve far better than this.

I have been contacted by women who have given birth at the hospital in recent times. One lady recounted to me that just two months ago, the midwife who delivered her baby had to run off to the next room to deliver another baby because not enough staff were present. Another lady told me that a midwife was not able to be present when she was giving birth because she was next door delivering twins. She admitted that when the nursing staff told her to hold on because the midwife needed to be present, she used quite colourful language to say that holding on was not an option. I am not making a comedy out of this. I am setting out the reality of what is happening. It was not the midwife's fault that she could not be present because she was next

door dealing with another delivery. Additional staff should have been on site. There were no complications in this woman's case, thankfully, but what would have happened if - God forbid - there had been complications? The negativity surrounding our maternity services nationally leaves a lot to be desired. The Minister of State did not address the specific difficulties at Mayo University Hospital. She did not answer my questions. I would like to know whether the Minister for Health has engaged personally with this matter.

Deputy Marcella Corcoran Kennedy: If Deputy Chambers wants a specific question to be answered, she should ask it specifically.

Deputy Lisa Chambers: I have asked this specific question yesterday and again today.

Deputy Marcella Corcoran Kennedy: Excuse me. The Deputy did not ask it in her Topical Issue. I have the text of the Deputy's Topical Issue right here. The question she says was not answered was not asked in that text. If she wants a specific answer, she should include it in the text of her Topical Issue so that a specific answer can be obtained. In the meantime-----

Deputy Lisa Chambers: That is quite pedantic.

Deputy Marcella Corcoran Kennedy: I did not interrupt the Deputy, so I would really appreciate an opportunity to answer without interruption. I am hearing quite a lot of negativity from the Deputy about her local hospital. I think it is very irresponsible to create an impression that it is an unsafe place for people to attend to have their babies delivered. I have no doubt that the people who are working there are extremely competent and well capable of delivering babies when required. It is absolute nonsense to suggest we are abdicating our responsibility. The recruitment that the HSE is telling me it is doing is happening across the country. We are facing a national recruitment challenge that is not specific to a particular hospital. Having said all of that, I do not need to tell Deputy Chambers that the HSE delivers services on behalf of the Government. It is responsible for this. It gives us answers to explain what it is doing, or attempting to do, in areas like recruitment. The Deputy might not like what I am saying, but all I am doing is setting out what the HSE is telling me it is doing. The HSE has advised me that it is determined to fill these positions so that it can continue to help the women of the area in question to deliver their children in a safe manner, as they are used to doing.

Deputy Lisa Chambers: On a point of order, to suggest that I am "irresponsible" for raising a genuine concern that has been brought to my attention by midwives working at Mayo University Hospital smacks of the arrogance of the Government.

An Ceann Comhairle: No, please Deputy.

Deputy Lisa Chambers: It is really unacceptable. I ask the Minister of State to withdraw that remark.

An Ceann Comhairle: Let us not get into that sort of thing.

Deputy Marcella Corcoran Kennedy: You said it. I did not say it.

Deputy Lisa Chambers: You called me "irresponsible". You said it.

Deputy Marcella Corcoran Kennedy: I just said it is "irresponsible" for Deputies-----

Deputy Lisa Chambers: Check the record.

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Deputy Marcella Corcoran Kennedy: -----to create the impression that people are-----

Deputy Lisa Chambers: Check the record.

Deputy Marcella Corcoran Kennedy: Check it yourself.

An Ceann Comhairle: Deputies, can we restore a little order please?

Human Rights

Deputy Maureen O’Sullivan: I thank the Ceann Comhairle for the opportunity to raise awareness of the circumstances of the Libyan people. Libya is in turmoil and chaos. It has three ostensible Governments, none of which could be considered a functioning Government. The economy is sliding towards bankruptcy as the Central Bank of Libya eats into its reserves. Citizens are finding it difficult to make ends meet. There are shortages of electricity, fuel and medical care. Armed groups are roaming about. Many Libyan people are waiting to get to Europe. The EU is providing funding to Libya to deal with migrants in line with the Malta declaration policies. This ludicrous hypocrisy is harming the migrants involved.

I have seen reports and pictures depicting the so-called migrant centres. I have heard testimonies from some of those who have survived the search and rescue operations in the Mediterranean. As a result of the political situation in Libya and the lack of rule of law, people are being held arbitrarily. No one knows how the detention system is working. The inhumane conditions do not meet any national, regional or international standards. They are dangerously overcrowded. There is no light and no ventilation. The sanitation areas are unsuitable. There are health hazards. There is no running water in many of them. Where the availability of running water has been improved, unhindered 24-hour access to toilets is not widespread. There are cases of extreme violence and abuse from people in authority in these centres, as well as from smugglers and criminal gangs. Injuries like fractured bones, open wounds, cigarette burns and lash marks have been documented.

There have been many instances of malnutrition in the migrant centres. The global acute malnutrition rate was 5% in some of these centres. The rate of acute malnutrition was 10% in one particular centre. Non-governmental organisations would not see that extent of adult malnutrition in emergency nutritional crises in Africa. There are concerns about the calorie content of the food being given to people in these centres. People in some centres are being fed from communal bowls. One can imagine the scramble for food that results. This has a particular effect on the young, the disabled and the sick. People who have been rescued in the Mediterranean have spoken openly about the abuse and sexual violence that is occurring at these centres. Many of the illnesses that are appearing are preventable under normal circumstances. There have been instances of torture, forced labour and financial exploitation. I am setting out the facts of the situation.

Many of these people in the centres were “rescued” in the Mediterranean and brought to Sicily before being returned to Libya. I acknowledge the courage of our Navy personnel who are involved in search and rescue operations. However, we must note that many of those who are rescued from drowning are left in appalling and inhumane conditions. During a rescue operation in the Mediterranean in May 2017, members of the Libyan coastguard approached a boat loaded with distressed migrants and intimidated the passengers by firing gunshots into the

air. They came onto their boat to relieve them of phones, money and other belongings. We are told that members of the Libyan coastguard have received training and support from the EU. Evidence of that is not to be seen. I have read the testimony of a survivor who jumped into the water because he preferred to die at sea than to be repressed and to die in Libya.

During this year's election campaigns in Europe, we are being reminded of the importance of core European values in the context of the political situation in Europe. Ireland was instrumental in developing the sustainable development goals as a member of the UN Human Rights Council. We are respected for our untied aid. We are trusted. I am proposing that the concerns I have expressed about the facts that are emerging from the migrant centres should be raised at this month's meeting of the Foreign Affairs Council. Ireland, through the Minister of State with responsibility for EU matters, should speak up for the people who are being treated appallingly in these detention centres. If we do not do so, there is something seriously wrong with our moral and ethical values here and in Europe.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Dara Murphy): I am glad to have an opportunity to address the House on this important matter. I thank Deputy Maureen O'Sullivan for raising it. I agree with her that everyone has been moved by the terrible images and distressing reports of men, women and children drowning in the Mediterranean. We all agree that such terrible and appalling incidents should not be happening on the doorstep of the EU in the 21st century. The migration crisis is one of the greatest challenges ever to face the EU. It has been discussed at almost every European Council meeting in recent months. It will be on the agenda for the next Council meeting later this month. It has been addressed by foreign affairs and justice Ministers on many occasions. The EU has responded to the migration crisis by adopting a range of measures to deal with this global mass movement of people. As Deputy O'Sullivan has said, it has engaged with countries of origin and transit to address the root causes of migration, for example through tailor-made migration compacts. This has involved the agreement of a plan to relocate migrants from Italy and Greece across the EU. Operation Sophia has been launched with the intention of disrupting people-smuggling in the Mediterranean. Substantial financial assistance has been provided to Libya and other countries that are hosting large numbers of migrants.

The past year has seen the main focus shifting from Turkey and Greece to the so-called south Mediterranean route which, as the Deputy mentioned, is the route from Libya to Italy. So far this year, approximately 59,000 people have made the journey. Tragically, the International Organisation for Migration estimates that 1,480 people have drowned.

In March, European Union Heads of State and Government set out the European Union's commitment to assist Libya in the Malta Declaration. That commitment has quite a broad range of measures, including capacity building, training and the provision of equipment and support for the Libyan national coastguard and other agencies. It also seeks to ensure that there is adequate reception capacity in Libya for migrants, including by working with the UN High Commissioner for Refugees.

In April, a €90 million programme was approved to step up the protection of migrants, as the Deputy has described, and to reinforce better migration management in Libya. Some €4.8 million of that is aimed at protection activities and €42 million is aimed at socio-economic development at municipal level and local governance. This programme will be implemented through a number of international agencies, including the UN High Commissioner for Refugees and UNICEF. This is in addition to the €120 million already announced by the European Union

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for migration-related support for Libya to assist authorities and the population. The European Union will continue to closely monitor the migration situation in Libya to see what additional support is required. The reason for such targeted funding is an acceptance of the facts, as highlighted by the Deputy, that there was significant work and difficulty on the ground in Libya that needs to be addressed.

Deputy Maureen O’Sullivan: I thank the Minister of State. The facts I presented have come from reports and I have pictures, which I can show to the Minister. When he looks at them I believe he would say that drowning would be preferable to ending up in one of those detention centres. We agree these incidents should not be happening, but they are, so there is a need to rethink in this regard. There was horror in 2008 when a deal emerged between the former Prime Minister, Silvio Berlusconi, and Colonel Gaddafi involving a huge amount of money being paid so that Colonel Gaddafi would keep migrants in Libya so that they would not get to Italy, but the same thing is happening today. Some of the migrants have been in Libya for more than 20 years because they were oil workers. They are now in these detention centres.

How much Irish aid - which we are very good at - is going into these detention centres? The Minister of State mentioned vast sums of money, but where exactly is it going? Obviously, it is into the pockets of these criminal gangs who are abusing the situation. One of the replies we got to a parliamentary question stated that the policies are bespoke solutions to the migration problem. That is not good enough because we are fuelling so much pain, horror and, I believe, dissent, and we wonder why people are rebelling against these sorts of conditions.

With regard to the Libyan coastguard, it appears that nobody is in control so each individual coastguard has *carte blanche* to do what it wants. It is very important that international organisations get into these centres. That is one thing that Ireland could be very strong on at the next Foreign Affairs Council meeting. We have to speak out about these human rights abuses because that is what they are.

With respect to the Libyan situation in general, a suggestion was mooted that there could be a role for the Department’s conflict resolution unit and perhaps that could be examined, but we cannot stand by and allow the conditions in those centres to continue as there are, being funded by the EU and by Ireland.

Deputy Dara Murphy: The evidence the Deputy presented is not disputed. There is an acceptance there is very significant difficulty and abuse of civil and human rights of the people in Libya. Certainly it is going too far to say that any circumstance is better than drowning. We have seen the great work our navy has done.

On the Deputy’s specific point about how the aid and the programmes will be distributed, it will be through UNICEF and the UN High Commissioner for Human Rights. It is through their presence on the ground that the moneys are to be dispersed. As the Deputy said, there is not a government in Libya. Therefore, we must work to ensure that pressure can be brought to bear from the African Union, United Nations, the League of Arab States and the European Union, which are all working together, to encourage a process that has seen some limited progress to date but without an effective government in the country to guarantee and secure the human rights of people, it is extremely difficult.

This is not an excuse but it is a fact that it is only since April that this €90 million of funding has been approved to address the situation on the ground and to continue to work on the

principle of working with countries of origin and countries of transit to ensure that people do not take, and are protected from being forced to take, these terrible perilous journeys that we see being taken. I accept that is a very late timeline given what we know to have been the case in Libya for a long number of months.

Report on Recognition of Traveller Ethnicity: Motion

Deputy Caoimhghín Ó Caoláin: I move:

That Dáil Éireann shall consider the Report of the Joint Committee on Justice and Equality entitled ‘Report on the Recognition of Traveller Ethnicity’, copies of which were laid before Dáil Éireann on 26th January, 2017.” I wish to thank all Deputies who have attended and participated in this special debate on the Report of the Joint Oireachtas Committee on Justice and Equality entitled ‘Report on the Recognition of Traveller Ethnicity’ and published in January 2017.

Wednesday, 1 March 2017 was an historic day when a momentous step forward for equality in this country was taken by An Taoiseach when he formally recognised, on behalf of the State and the Irish people, the reality that the Irish Traveller community constitutes a distinct ethnic group. That declaration was the culmination of many years of tireless campaigning by the various Traveller organisations and others of goodwill. I commend all who worked so tirelessly and passionately on this most important issue for all of those years. Molaim sibh uilig.

Back in 2014, our predecessor, the Joint Committee on Justice and Equality of the Thirty-first Dáil published a report entitled Report on the Recognition of Traveller Ethnicity. Its key recommendation was that this State recognise the ethnicity of the Traveller community, and that steps be taken to implement any necessary legislative change to reflect this. The current joint committee was very keen that this issue would remain firmly on the political agenda.

We undertook to supplement and reinforce the valuable work and recommendations put forward by the previous committee by conducting our own hearings and adding a fresh report to the body of work already in place on the recognition of Traveller ethnicity. While two of our three recommendations have been implemented it is the third that is now critically important. It states, on the formal recognition of Traveller ethnicity that: “The Government should then conduct a review, in consultation with Traveller representative groups, of any legislative or policy changes required on foot of the recognition of Traveller ethnicity.” This recommendation is crucial.

From the outset it is important to note, and I place strong emphasis on this, that formal recognition of Traveller ethnicity brings no new rights and likely needs no new legislation. Traveller people have always had rights. They are full and equal citizens in all circumstances. Their rights and entitlements, like the Minister’s and mine, have been there over all time, but the crux of the issue is that they have not been properly respected. Legislation has failed them. This State has failed them. From here on out, we must ensure that legislation on the rights of citizens is robust and strictly adhered to by all in both public service and private business in order that all citizens are treated equally. We must ensure that Travellers are treated as full and equal citizens in all circumstances with access to the same services and opportunities in place for all who call Ireland home.

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The Irish Traveller people have been treated abominably by this State. The Commission on Itinerary report of 1963 was probably one of the most shocking and disgraceful reports ever written in Ireland. We need only look at its terms of reference to see the level of racism and total ignorance that existed towards the Traveller community. To give an example, I quote from the terms of reference that governed that report. It states:

- (1) to enquire into the problem arising from the presence in the country of itinerants in considerable numbers;
- (2) to examine the economic, educational, health and social problems inherent in their way of life;
- (3) ... to promote their absorption into the general community.

It is difficult to believe that such a report was ever written. Unfortunately, the ingrained racism toward the Traveller community has permeated through a significant section of the so-called settled community over many years and, sadly, I have to say, continues to this day. A case of the dislike of unlike has trundled on and on. Let us not be fooled. Despite having the Traveller community recognised as a distinct ethnic group and acknowledging how far we have come, Travellers are still not treated as equals or with the respect they deserve. They remain grossly disadvantaged. We need only look at the statistics to see the ripple effect of the deplorable policies of this State in days gone past.

Traveller-specific accommodation is a massive issue. For clarity's sake, when we talk about Traveller-specific accommodation we are talking about, as the Irish Travellers Movement has described it, "Culturally appropriate accommodation provided, with families living in resourced accommodation of their choice, including nomadic provision." We do not need to cast our minds too far back to remember the Carrickmines tragedy of 2015 that resulted in the deaths of ten members of the Traveller community. At the time, Traveller organisations raised their concerns at overcrowding on Traveller halting sites around the country due to the lack of provision of Traveller-specific accommodation. It became clear from photographs of the site that portakabins were situated close together due to lack of space. We also remember how, in 2016, we witnessed the disgraceful eviction of Travellers from a halting site in Dundalk in the centenary year of the declaration of the Irish Republic. I, for one, felt ashamed.

It is both worrying and an utter disgrace that many local authorities are not spending allocated funds for Traveller accommodation. Figures obtained in October 2016 showed that only €1,607,946 of €5,500,000 in allocated Government funding for Traveller accommodation had been drawn down by that date. That is very concerning given the pressing need to ensure that safe Traveller accommodation is made available across the country. Indeed, some local authorities had not even drawn down any of their allocated funding. Clearly, there are serious issues in that regard and a change of approach is urgently needed. The funding available needs to be utilised and we must do more to ensure that adequate Traveller accommodation is provided. Central government must do more to encourage councils to draw down the maximum Traveller accommodation allocation available and to spend it appropriately.

Another aspect that needs to be urgently addressed is the health inequalities experienced by Travellers. The All Ireland Traveller Health Study in 2010 found that there were substantially higher levels of mortality and morbidity among Travellers. Life expectancy for male Travellers was found to be 15 years lower than for the general population and 11 years lower for females.

In addition, infant mortality rates were calculated at more than three times the national average. Suicide accounts for 11% of all deaths within the Traveller community. It is clear and perhaps unsurprising that Traveller mental health has been hugely affected by racism, discrimination, poverty and social exclusion. All of what I have outlined makes for grim reading. Health inequalities among disadvantaged and marginalised groups must be addressed.

In terms of education, a recent ESRI report found that “Travellers are more likely to have left school at an early age, with 28 per cent ... having left before the age of 13, compared to only 1 per cent of non-Travellers”. Just 1% of Travellers have a college degree, compared with 30% of non-Travellers. It also found that the unemployment rate for Travellers was 82% in 2011, compared with 17% for non-Travellers. In that informative report it states that given the “sheer magnitude of the gap between Travellers and non-Travellers in terms of education, employment, housing and health,” the community needs both mainstream services and highly targeted policies.

Fundamentally, recognition of Traveller ethnicity is about respect and inclusion. We had hoped that our report would add impetus to the issue and we have not been disappointed. However, we know that this recognition is not a magic wand for addressing the issues experienced by the Traveller community.

Pavee Point holds to the principle that to achieve equality for Travellers and Roma, attention must be paid to the structural determinants and issues that impact on them, including education, employment, poverty, health, discrimination and racism. This means that policy and practice must be underpinned by an intercultural approach and by principles of equality, diversity and anti-racism. I could not agree more.

The number of usual residents present in the State and enumerated as Irish Travellers in Census 2016 increased by 5.1% from 29,495 to 30,987. As legislators, we have a duty to ensure that all those 30,987 Traveller people have the very same access to services, have a chance to lead a full and healthy life, to live in appropriate and safe settings and to be treated as equals, exactly as they should be. The recognition of Traveller ethnicity, finally, gives us a real opportunity to do just that.

This brings me back to the main point of my contribution, namely, the implementation of the third recommendation of our report. The Government has, I understand, been engaged with Traveller organisation representatives in its preparation for the publication of the national Traveller and Roma inclusion strategy. I acknowledge the work of the Minister
6 o'clock of State, Deputy David Stanton, the former Chairman of the justice and equality committee, who is steering this important strategy. I know that Deputy Stanton recognises the need to work in partnership with Travellers to address the serious issues that face the Traveller community in areas such as health, employment, education and accommodation. I look forward to the publication of this new strategy and, most importantly of all, its implementation.

The announcement on 1 March put us as a nation on a new pathway. It opened the door to a new relationship with our fellow Irish nationals and co-equal citizens of the newly ethnically recognised Irish Traveller community based on mutual respect, requiring an awareness by those who administer our State services and all of us from what is oftentimes referred to as the “settled community” of the needs and rights of our fellow Irish citizens, our Traveller people.

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Ar aghaidh linn le chéile. Go raibh maith agaibh.

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

I acknowledge the Chairman of the justice committee and Members present and I am delighted to be here to speak to the committee's report on Traveller ethnicity which was published on 26 January 2017. I note that the report contained three recommendations, which I will address with Deputies today.

As all Deputies will be aware, there was a long-standing campaign by Travellers to have their identity, culture and unique position in Irish society recognised and valued by formal recognition of them by the State as a distinct ethnic group. Such recognition would be without prejudice to their also being part of - and self-identifying as part of - the Irish nation. Deputies may recall that in 2014, the then Deputy Pádraig Mac Lochlainn brought a proposal to the joint Oireachtas justice committee to recognise Traveller ethnicity. In my then role as Chairman of the committee, I invited Deputy Mac Lochlainn, as he was then, to act as rapporteur and to prepare a report for the committee on the issue. We sought submissions and held hearings, which led to an all-party report. This report on the recognition of Traveller ethnicity was presented in April 2014. Emphasis was placed by the committee on the fact that recognition of Traveller ethnicity would reflect an acknowledgement of the distinct place of Travellers in Irish society. The report that we, the then joint Oireachtas committee, issued recommended that either the Taoiseach or the Minister for Justice and Equality make a statement to Dáil Eireann confirming that this State recognises the ethnicity of the Traveller community. The report indicated cross-party support for taking this step.

In taking up my role a year ago as Minister of State at the Department of Justice with special responsibility for equality, immigration and integration, I stressed to my officials my interest in pursuing this issue. The Attorney General advised my Department some time ago that it would be possible to make a political statement acknowledging the distinct ethnic identity of members of the Traveller community without any requirement for legislative change. Subsequent discussions with all relevant Departments also confirmed that there were no anticipated expenditure implications or implications for how public services are delivered involved.

In May 2015, following discussions with my Department, the four national Traveller NGOs agreed the text of a statement setting out what they were seeking in terms of ethnic recognition and what they considered the benefits of such recognition would be for them. This statement by the four Traveller national NGOs confirmed that it is also their view that there are no legal, legislative or expenditure implications arising from the ethnic recognition of Travellers - in other words, it is a stand-alone statement and issue.

As Deputies will be aware, the then Government indicated in its response to a Sinn Féin Dáil motion in November 2015, and in its amendment to that motion, that the question of formal recognition of Travellers as a group in Irish society with a unique culture, heritage and ethnic identity was being considered in the context of the development of the new national Traveller and Roma inclusion strategy. My Department co-ordinated a comprehensive public consultation on the drafting of the forthcoming national Traveller and Roma inclusion strategy. This consultation involved the relevant Departments, Traveller and Roma representative groups and advocates as well as interested members of the public.

The consultation process for the inclusion strategy comprised three distinct stages. Phase 1 helped to identify the priority themes to be addressed in the inclusion strategy. These themes

include education, health, accommodation, anti-discrimination and employment, as Deputy Caoimhghín Ó Caoláin has just outlined. There were ten themes in all. In phase 2, we identified and agreed specific objectives under each of the themes set out in phase 1. During phase 3, we have been working on the development of precise and measurable actions and timescales for achievement of each of the objectives that emerged from phase 2. During phase 3, I decided to hold back on the finalisation of the inclusion strategy pending the Government decision regarding recognition of Traveller ethnicity. I continued to work with my Oireachtas colleagues to discuss the question of State recognition of Traveller ethnicity and to engage with them on the potential value of such State recognition in terms of a gesture of good faith to the Traveller community.

At this point, I wish to point out that much work on this issue had been carried out by my predecessor, the then Minister of State, now Senator Aodhán Ó Riordáin. Senators Pádraig Mac Lochlainn and Colette Kelleher have also done continued excellent work on this issue, for which I am grateful to them. I met the three Senators on a number of occasions to try to identify a way to drive this issue forward at an all-party level, and this approach was very successful. In this regard, I also commend the current joint Oireachtas committee for showing such interest in, and commitment to, Traveller ethnicity by listing the issue high on its agenda for 2016 and issuing the report we are discussing today. It helped to maintain a focus on the issue and build momentum towards the decision by Government. Most particularly, it helped to ensure there was cross-party support in the Houses regarding this issue.

I brought a paper to the Cabinet committee in December 2016 seeking agreement that a formal statement be made to announce that the State recognises Travellers as an ethnic group having a distinct heritage and identity. In what was, I think, an unprecedented step, it was decided at that Cabinet committee meeting that the Traveller NGOs would be invited to present to the Cabinet committee at its next meeting. The four national Traveller NGOs and other Traveller representatives on the national Traveller and Roma inclusion strategy steering group selected a delegation of four persons, with two alternates, for this purpose. The four Traveller representatives met the Cabinet committee on 6 February 2017, and feedback received from Cabinet committee members following the presentation was very positive. Clear reference was made during that meeting to the then recent recommendations by the joint Oireachtas committee. The Traveller groups concurred that the proposal to conduct a review of any legislative or policy changes required on foot of the recognition by Government of Traveller ethnicity was not required. The decision to announce State recognition of Traveller ethnicity, announced by the Taoiseach on 1 March 2017, has brought great joy to Travellers. As I am sure Deputies will agree, it was a memorable and remarkable evening in the Dáil Chamber. I have been here as long as Deputy Ó Caoláin. We have both been here 20 years, I think, at this stage.

Deputy Caoimhghín Ó Caoláin: Congratulations or commiserations.

Deputy David Stanton: In all my years here, I have rarely seen such a happy and emotionally charged occasion-----

Deputy Caoimhghín Ó Caoláin: I concur.

Deputy David Stanton: -----on which all sides of the Dáil came together to mark and celebrate this issue. I was delighted to note that an all-party consensus was reached on the issue. It was particularly special that the Visitors Gallery was filled with Travellers and advocates who had campaigned so hard for State recognition of Traveller ethnicity. I deeply appreciate the

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speeches made on that occasion, including that made by Deputy Ó Caoláin, as Chairman of the committee, supporting the Government decision. I truly hope that State recognition of Traveller ethnicity will act as the platform for transformative change for the Traveller community.

Today, I attended the Traveller Pride Awards 2017. I attended last year's awards in one of my first engagements in this position. I was hugely impressed by what I saw today. Seven young people received awards. Thomas Maughan works with Men's Sheds and does amazing work looking after men's health and Traveller men's health. Michael Power is the editor of Travellers' Voice magazine. He is a very impressive young man and spoke extraordinarily well. Johnny McDonagh and Niamh Black work with youth groups in their area, such as Lucht Siúil Óga. Again, they are highly impressive speakers and the work they are doing developing leadership among young Travellers is amazing. Hughie Maughan, whom we all know from the television programme, also spoke extremely well. Lizzy Connors is a poet and a fantastic singer. Patrick Mangan never gives up and will represent Ireland in the European Amateur Boxing Championships in Ukraine. Ian McDonagh is 15 and has met Prince Charles and the President. He won an award at the BT Young Scientist & Technology Exhibition this year - amazing work and very impressive. It was great to see the positives and the potential. I would like to speak to the positives and show what the future can be for Travellers, especially with regard to the inclusion strategy which we will publish shortly. We must all work together to make that happen. Deputy Ó Caoláin is correct about that.

I wish to refer to the recommendations contained in the committee's report of January 2017. Based upon the hearings and broader consideration of the issues, the committee made recommendations to the Minister for Justice and Equality. The committee stated it was of the view that Travellers are, *de facto*, a separate ethnic group. Furthermore, the committee stated that this was not a gift to be bestowed upon Travellers, but a fact the State ought to formally acknowledge, preferably by way of a statement by the Taoiseach to Dáil Éireann. The committee strongly encouraged that this step be taken and at the earliest date possible in 2017.

We can safely say that the Government has taken heed of the first two recommendations and has achieved what it set out to do in terms of the Taoiseach's statement to the Dáil announcing State recognition of Traveller ethnicity on 1 March 2017. While not a legal or legislative issue, such a symbolically important gesture of respect by the State will, I hope, empower Traveller leaders to call on their community to rise to the challenge of transformative action on this and other issues, in partnership with the State and on the basis of an honest dialogue and a focus on solving real problems for the benefit of their community.

I have come across some Travellers who denied their ethnicity, history and the fact they were Travellers because they felt it was not prudent to admit to being Travellers. As I said today at the awards ceremony, it is to be hoped that from now on Travellers will no longer be ashamed of being Travellers. Deputy Ó Caoláin is correct - there is a lot of work to be done. This is a major start. He referenced the 1963 report, and I agree with everything he said. However, that chapter has now closed and we have opened a new one. We have to move forward and see what we can do to address all of the challenges the Deputy mentioned.

The key argument for ethnic recognition is that recognition of the distinct heritage, culture and identity of Travellers and their special place in Irish society is very symbolically important to Traveller pride and self-esteem and to overcoming the legacy of economic marginalisation, discrimination and low self-esteem with which that community struggles. This is not to ignore the real problems that the community faces, but such a symbolic gesture would create a new

platform for positive engagement by the Traveller community and Government together in seeking sustainable solutions which are based on respect and on an honest dialogue to those problems, including anti-social behaviour and feuding by a minority within the Traveller community.

Clearly, a renewed law enforcement focus, as well as sustained resourcing for work with Traveller families, will be required for a serious impact on these issues, but strong Traveller participation and leadership is also an essential element for an intervention that will be successful over time. Ethnic recognition has the potential to create the circumstances whereby my Department and other Departments and agencies, including An Garda Síochána, can engage with Travellers on, and Traveller leaders can credibly call on their community to participate in, the development of an action plan to tackle and seek to solve key problems facing the Traveller community.

In preliminary discussions with Traveller leaders, my Department has identified feuding as a pivotal issue that could be put centre stage in such an approach, in that its negative ramifications impact directly on mental and physical health, the position of women and children, employment and accommodation issues. Following the announcement by the Taoiseach on 1 March 2017 of the State's recognition of Traveller ethnicity, I directed my officials to recommence the process of development of the new national Traveller and Roma inclusion strategy. In implementing such an inclusion strategy, it will be important to build on the wave of positivity arising for Travellers from the Taoiseach's statement.

All of the issues and themes I have mentioned, including health, accommodation, education, employment, Traveller culture, anti-discrimination, gender equality, public services, feuding and anti-social behaviour, will be addressed in the national Traveller and Roma Inclusion Strategy 2017-2021. I am happy to advise the House I presented the draft inclusion strategy to Cabinet on 30 May 2017 and the strategy was approved for publication. I will launch the inclusion strategy on 13 June 2017. I have stressed that it must be regarded as a living document, with monitoring of its implementation and reporting of same a key and integral part of its potential success.

I would like to turn to the committee's third recommendation, namely, that the Government should conduct a review, in consultation with Traveller representative groups, of any legislative or policy changes required on foot of the recognition of Traveller ethnicity. I have to admit this recommendation came as a surprise to my Department and Traveller organisations, as our agreed understanding is that recognition has no implications for public expenditure or legislation and does not require any legislative amendments.

As I stated, my Department does not believe any legislative amendments or policy review is needed arising from the State recognition of Traveller ethnicity. As set out by the four national Traveller NGOs, they do not feel that it is necessary. It was also stated by the Taoiseach on 1 March 2017 that:

Together, we agreed that recognition of Travellers could have a transformative effect on relations between Travellers and wider society, and will create no new individual, constitutional or financial rights. Because, of course, Travellers already enjoy all the human rights and responsibilities that are afforded all people under the Constitution and laws.

As I said during that debate: "To reiterate the point the Taoiseach made, this is a hugely im-

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portant and symbolic gesture that is very important to Travellers, but it has no legislative implications, creates no new rights and has no implications for public expenditure.” Traveller NGOs will, of course, continue to lobby for improved service provision and I, as Minister of State, will equally pursue improvements in critical areas such as health, accommodation, education and employment in the context of implementation and review of the new national Traveller and Roma inclusion strategy but - I must stress this - ethnic recognition is an entirely separate matter. It has to stand on its own for what it is. It is very important and symbolic.

Of course, that is not to say that all of the other issues that we mentioned are also not important and do not need to be dealt with. That is why the strategy has been worked on in consultation and partnership with Traveller organisations, who had a major input into the strategy. It will be very challenging, but if and when it works, it will be transformative. We have done a significant piece of work which I contend stands alone.

The second piece of work is the inclusion strategy. It is not an integration strategy; it is an inclusion strategy, which is very important to point out. The strategy will be published on 13 July and I welcome the views of the committee on it. As I said, it is a living, rather than a static, document. I do not want it to be on a shelf; I want people to work on it. I want the steering group to come together every quarter and report on the challenges, obstacles and progress that have been made in the implementation of the inclusion strategy.

I again thank the committee for its work and support. Let us move forward together to see what other improvements we can make and how we can make the lives of the community better.

Deputy Jim O’Callaghan: Unlike the Minister of State, Deputy Stanton, and Deputy Ó Caoláin, I have not been a Member of the House for 20 years; I have only been a Member for 15 months. I agree with them when they said the events of 1 March last were memorable and historic. In my 15 months here, which is a small amount of time, it was the most memorable event I have experienced as a Member of the House. It was memorable because of the sense of excitement and expectation in the House on that evening. That may also be a reflection of how new politics does not provide much excitement, but it is the case that there was a genuine feeling of appreciation and power in this House on that evening.

It was an historic occasion. It is difficult for people involved in events to assess whether those events have been historic, but in years to come it will be recognised that the recognition by the State of the ethnicity of the Traveller community was, in fact, an historic step. On that evening, my party leader, Deputy Micheál Martin, spoke, and I also had the privilege to speak to a very full House and Gallery, which was one of the most memorable occasions of that night.

On that occasion, I commended and acknowledged the role of the Taoiseach in taking the step of acknowledging and recognising Traveller ethnicity. I want to do the same again now. He will presently be passing on to pastures new, but it should be recognised that when his legacy comes to be written by historians, very much on the credit side will be the fact that he was the Taoiseach who recognised the ethnicity of Travellers on behalf of the State. He could have fudged the issue and let it drift on to the next leader, but he made a conscious decision and for that he deserves to be commended.

Other groups need to be recognised for bringing forward that historic evening. In fairness to the Minister of State, Deputy Stanton, when he was the Chair of the previous Joint Committee on Justice and Equality he produced a report in, I understand, April 2014 which called on

the Government to recognise the ethnicity of Irish Travellers. I had not realised former Deputy Pádraig Mac Lochlainn was instrumental in that. That committee, as chaired by the Minister of State, Deputy Stanton, deserves recognition for doing that.

I do not know whether the Minister of State will remain involved in the justice portfolio after the events of this week or next. That is a matter for people beyond my and, indeed, his pay grade. If he is not, I hope that whoever takes his place will continue to emphasise the important role he has played in seeking to advance the rights and entitlements of members of the Irish Traveller community. Hopefully, he will be kept on there.

I acknowledge also the role played by our own justice and equality committee, chaired by Deputy Caoimhghín Ó Caoláin. People might have thought there was no point having another hearing on Traveller ethnicity since a report had been produced in 2014. Deputy Ó Caoláin and the rest of the committee recognised that there was a benefit in having a further report and seeking to put further pressure on the Government to carry through on what we were led to believe was a commitment. It was important that the report was produced. The pressure it put on the Government was important. I commend and thank the members of the committee on being instrumental in that.

Of course, the people who deserve most credit for the recognition of Irish Travellers are not the Taoiseach, Ministers, Deputies or committee members, they are the members of the Traveller community who have put this item on the agenda for many years. Many people in Ireland were unaware of the significance or meaning of Traveller ethnicity. Sometimes, people confuse it with nationality. People asked why they needed to have their ethnicity recognised when they were Irish. That failed to recognise, however, the meaning of what ethnicity is. It also failed to recognise the rich tradition that lies at the heart of the Irish Traveller community. Like many other Members, I would not have been aware of that had it not been for the important statements and campaigning of members of Pavee Point and the Irish Traveller community who informed and educated us about it. We had the benefit and privilege in the Oireachtas Committee on Justice and Equality to hear further evidence from members of Pavee Point and members of the Traveller community which was instrumental in educating us as to the importance of it. As such, the greatest recognition and thanks must go to those members of the Traveller community who continued to put this on the agenda and to canvass, harass and encourage politicians as to its importance. They succeeded, for which they deserve recognition.

When I saw that the report was being debated this evening, I wondered if there was any point to it. I was concerned that it might become a back-slapping exercise where politicians would assemble to say “Aren’t we great and didn’t we do a great job in producing the report and getting the Government to recognise Traveller ethnicity?”. Fortunately, it is not a back-slapping exercise, nor should it be. As Deputy Ó Caoláin mentioned, there is another very important job of work that needs to be done in respect of recognition of Irish Traveller ethnicity and that is contained in the third recommendation of our report. It states that the Government should conduct a review in consultation with Traveller representative groups of any legislative or policy changes required on foot of the recognition of Traveller ethnicity. It is important that we do not put ourselves in a comfortable position where we think that having recognised Traveller ethnicity we can sit back and do nothing about it into the future. One of the benefits of and reasons for recognising the Irish Traveller community is that it imposes on us an extra obligation to take legislative and administrative steps to ensure they can be recognised as equal citizens. They should be recognised as equal citizens while at the same time having their unique heritage respected and protected.

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We cannot get away from the fact that Irish Travellers experience a disparity of treatment when it comes to such fundamental issues as health, education and accommodation. Deputy Ó Caoláin referred to the disparity between the morbidity and mortality rates on the part of Irish Travellers and those of other Irish people. It is a statistic of which we should be ashamed. It is not acceptable that a group in our society should have such a markedly different health outlook from the majority of the population. He also referred to the infant mortality rates which are also embarrassing, which is a polite way to put it, from the point of view of this country. We must ensure, having recognised Traveller ethnicity, that we take further steps to ensure that the disparities in the health of Irish Travellers no longer continue throughout the 21st century. There was no reason for those disparities to develop and it is essential that there is collaboration between the Government and members of the Irish Traveller community, along with experts, to ensure they cease.

We must also recognise that there are unique challenges presented to us as a result of the requirement for Traveller accommodation, taking into account Travellers' status and unique ethnicity. We must ensure that every local authority takes seriously the requirement to put in place a Traveller housing programme. We must also look at the whole area of education and the Traveller community. While that has improved in recent years, there is still a long way to go. We must get to a stage where it is not unique for a member of the Irish Traveller community to go to third level. Any member of the Irish Traveller community who wants to proceed and pursue a career which requires advanced education should be able to have it. It requires us to work in liaison with the Traveller community to ensure that is available. These are the three main and fundamental requirements not just of Travellers but of every citizen, namely health, education and accommodation, and we need to work on them.

Mention was made of issues regarding legislation and the need to update it. One of the things my party can be proud of was the introduction of the Equal Status Act 2000, which set out nine grounds upon which one is not allowed to discriminate against individuals. One of those grounds is the Traveller ground. People are not allowed to be discriminated against on the basis that they are members of the Traveller community. We also have the Employment Equality Act which sets out the same nine grounds and prohibits discrimination by employers against individuals on the basis that they are members of the Irish Traveller community. I conclude by recognising once again the important role played by the Taoiseach. Deputy Ó Caoláin mentioned the history of this country in its treatment of Irish Travellers. While he makes a valid point, we need to look to the future. There were many failings on the part of the State in the past and those failings exist not just in this State but in other countries as well. We are not an exception. People in different countries were treated shamefully by states and governments. We must now look into the future and see how best we can adapt our laws for the benefit of the Irish Traveller community.

Deputy Mick Wallace: As the Minister of State has just said, to define Travellers as an ethnic group does not entitle them to any additional rights and protections. While the recent decision to recognise Traveller ethnicity is a symbolic step and a well-deserved victory for the Traveller community who have fought so long and hard for it, it will be meaningless if the Government fails to follow through with targeted policy improvements. The fact remains that Travellers experience structural inequality and discrimination in all aspects and stages of life.

After visiting Ireland in November 2016, the Council of Europe's Commissioner for Human Rights, Nils Muižnieks, stated that he was deeply concerned at the persisting social exclusion and discrimination Travellers were confronted with in Ireland. Successive Governments have

pursued policies of assimilation, often indirectly through, for example, disproportionate cuts to Traveller-related expenditure. From 2011, Traveller-specific education supports were slashed by 86%, which is a frightening statistic. The €36 million which was taken away from Travellers in 2011 through the termination of visiting teacher services and the specialised resource teachers for Travellers will cost young Travellers dearly in the long term. While the Minister's consultation document on the draft national Traveller and Roma inclusion strategy contains several actions on education, including measures to enforce attendance, there is no commitment to bring back these vital educational supports which would help to keep many kids in school and provide them an improved equality of opportunity.

Deputy Ó Caoláin has gone through a lot of the statistics. Only 1% of Travellers aged 25 to 64 have a college degree. Only 8% have completed the leaving certificate compared with 73% of non-Travellers. According to the Economic and Social Research Institute's recent report, "A Social Portrait of Travellers in Ireland", Travellers have not benefited nearly as much as non-Travellers from improvements in levels of education since the 1960s. There are many barriers to education for Travellers. The 2016 census found that 73% of Travellers are aged 34 and under and they marry young. Some 22% of Travellers marry between the ages of 15 and 24 compared with 1.2% of the settled population. Another obstacle to education is the fact that 70% of Traveller children come from families in which the mother has no formal education. Education is the key to improving the lives of Travellers in Ireland. Poor education attainment is a crucial factor in the disproportionately high unemployment rate among Travellers. Census 2011 found an unemployment rate of 82% among Travellers, compared with 17% in the settled population. Although the national unemployment rate has decreased since then, the rate among Travellers is not expected to have changed significantly.

With regard to Traveller accommodation supports, the situation is similarly grim. Between 2008 and 2013 the Traveller accommodation budget was cut by 90%. On 1 January this year, 91 Traveller families were on the social housing waiting list in Wexford. There was a recent issue whereby eight local authorities did not invest any money in housing for the Traveller community, despite being allocated hundreds of thousands of euro in funding to do so. Wexford County Council has a decent record in this area. What is plain is the allocated funding is simply not sufficient, in certain areas anyway, such as in Wexford. Then we have the situation in Cork, where the city council left more than €470,000 unspent over the past two years. One of the largest halting sites in the country, Spring Lane in Cork, was originally built for ten families and now has 34 families and more than 150 people. Cork City Council has no existing plans to address overcrowding.

Census 2011 shows that 12% of Travellers live in a caravan or mobile home, and 84% of this accommodation is overcrowded. It is more common than standard accommodation to lack central heating, piped water and sewerage facilities. According to the ESRI, 56% of Travellers in Ireland live in overcrowded accommodation. Travellers, as a recognised ethnic minority, should now have their right to culturally appropriate housing honoured. Emily Logan, chief commissioner of the Irish Human Rights and Equality Commission, IHREC, has argued that local authorities should be penalised if they do not spend the total money allocated for Traveller housing in a given year. Failing to do so will lead to very little change.

The consultation paper on the national Traveller and Roma inclusion strategy does not seem to have any measures to address this problem. Perhaps I am wrong.

Deputy David Stanton: We have not seen it yet.

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Deputy Mick Wallace: Right.

Deputy David Stanton: It is not published yet.

Deputy Mick Wallace: The strategy states the Department of Housing, Planning, Community and Local Government will ring-fence the budget for Traveller accommodation and put in place robust mechanisms to monitor expenditure and delivery, including periodic reviews to assess progress in meeting needs, and that the Department will assess whether there are any barriers to Travellers accessing social housing. There is no mention of sanctions on local authorities that fail to provide accommodation or refuse to use the allocated funding.

As was reported in the media, Waterford City Council was given €676,000 to develop Traveller housing over the past two years but spent just €13,500. Carlow County council spent none of the €130,000 it was granted to fund Traveller housing. The council had estimated 109 new Traveller families would need accommodation in Carlow between 2014 and 2018, but it has spent no money since 2013 and does not plan to invest in additional Traveller housing in 2017. There does not seem to be any measure or concrete plan in place to address what appears to be a point-blank refusal by some local authorities to make use of the funding. The Minister, Deputy Coveney, has promised an extra €3.5 million will be allocated for Traveller accommodation this year, but what is the point if local authorities will not even engage with programme?

Poor education and inadequate living conditions have a huge impact on health outcomes for Travellers. The ESRI report found the health gap between Travellers and non-Travellers increases rapidly after the age of 35, with 50% of Travellers in poor health compared with 22% of non-Travellers. The report concludes the disproportionate poor health of Travellers is due to a disadvantage that worsens over the course of a lifetime.

Irish politics has been on a neoliberal trajectory for decades, but it is going in a particularly worrying direction at present. There is an ideology among some in higher levels of Government who see society as binary in nature. On the one hand are the honest hard-working taxpayers who get up early in the morning and earn a good wage, and on the other are the entitled scroungers. There is a danger the Government feels that in recognising Traveller ethnicity it will have done its bit for Travellers. Indeed, Travellers are notably absent from much of the literature in the current Fine Gael leadership campaign. There has always been an expectation on Travellers that they should somehow be grateful for what they get, but this is a group which has been consistently discriminated against and abused by a system that facilitates casual and institutional racism against them. The Government now needs to take concrete steps to write these grievous wrongs.

Recently, I met four Traveller women in Wexford, two of whom were almost as old as me and two young women. It was an absolute breath of fresh air to listen to them. They were looking for funding to set up an organisation to help Travellers work for fairness in the areas where they live. It is something they do not get at present. I hope the State will take a different approach to how we treat Travellers in every way. What we have seen for many years is nothing short of apartheid. We look at other countries and we can see clearly when something such as apartheid or genocide takes place, but very often when it is close to home we seem to be blind to it.

I commend the Minister of State on his interest in this. I also commend Deputy Ó Caoláin, the Chairman of the committee. As Deputy O'Callaghan said, the people who deserve the most

praise are those in the Traveller community who have worked so hard to make a change and make a difference.

I hope when the new Ministers are selected, the winner will put talent before those who jumped on the favourite bandwagon fairly quickly at the start. I hope the Minister of State is treated well.

Deputy Dessie Ellis: Tá áthas orm go bhfuilim ag labhairt ar an ábhar seo.

Last March, when the House recognised Traveller ethnicity, it was truly an historic moment for the 40,000 members of our Traveller community and for Irish society as a whole. This recognition must be the first step on the path for real and practical change. The formal recognition of Traveller ethnicity does not immediately deal with the challenges and discrimination faced by the Traveller community, but it is a major step in the right direction. We need to keep moving in this direction. I was very proud to be here to witness the joy of the hundreds who turned up to see this historic occasion. I pay tribute in particular to those who have advocated on behalf of the Traveller community for decades, from within the Traveller community and those in the settled community who have done so much to advance the welfare of Travellers. I also commend the committee, which conducted its own hearings and added a fresh report to the body of work already in place on the recognition of Traveller ethnicity.

At present, two out of three recommendations from the joint committee have been implemented. It is the third which is now important. It states, on the formal recognition of Traveller ethnicity, that the Government should conduct a review, in consultation with Traveller representative groups, of any legislative or policy changes required on foot of recognition of Traveller ethnicity. This recommendation is crucial. It is important to state formal recognition of Traveller ethnicity brings no new rights and likely needs no new legislation.

Traveller people have always had rights. They need to be treated with the full rights of the country, to which they are as entitled as anyone else. This is not the case, as we well know. I will take as an example Traveller accommodation. Last year, local authorities failed to spend a total of more than €1.2 million earmarked for Traveller accommodation. A number of local authorities drew down less than one third of the funding allocated last year by the Department of Housing, Planning, Community and Local Government. Local authorities in Kildare, Clare and Carlow did not spend any of the money set aside for Traveller accommodation, while city councils in Cork and Waterford only used a small portion of the available funding. How can this be the case? We would not allow any other group of people to become so marginalised from society. While efforts such as this charter on Traveller ethnicity are important steps, what is needed is a cultural change of attitude from us all. It has been clear for many years that there has been a concerted campaign to integrate the Traveller community into so-called settled housing. Many families and individuals have been coerced into housing through the use of rent supplement and the rental accommodation scheme, RAS, with the excuse that there is nothing else available, even though funds were not spent or even handed back to the Department by local authorities. This policy must stop. It is ethnic cleansing.

I recall the marginalisation of, and discrimination against, Travellers by the State in Dublin North-West over the years. Dunsink Lane between Finglas and Castleknock was blocked almost 18 years ago with huge concrete structures, thus isolating the hundreds of men, women and children living there and depriving them of all services, connectivity and proper policing. The excuse given was that there were some criminal elements there. At the time I warned

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about the damage it would do. It led to civil disturbances, serious rioting and, unnecessarily, a breakdown between the Garda, the Traveller community and local people. Luckily, however, the local community always got on very well with the Traveller community in Finglas, so there was no lasting damage. However, it was a disastrous mistake by the State and the politicians at the time. I warned that it would cause a problem, and it did. In contrast, the feud that is taking place in the inner city, which has led to so many deaths, has not led to such a drastic approach. We can only measure how far society has moved when we look at what is happening around us.

Poverty levels in the Traveller community are massive. The community has one of the highest suicide rates in the country. The rate is higher than that in any other section in society. Unemployment is a major problem. There is no incentive to try to work with the Traveller community to increase employment. The attitude is, "We will leave it to yourselves. We will throw a few small things into your community and that is it". That is not good enough. Health is also a serious problem, as are discrimination and racism. People in the Traveller community die younger. It is up to all of us to break down these barriers. St. Margaret's, one of the Traveller sites in Ballymun, and Avila Park in Finglas are bursting at the seams to get people housed. There is no sign of that changing. There is a need for more Traveller-specific accommodation as well as accommodation to cater for Travellers with disabilities, which is a big problem.

Recognition of ethnicity is a huge achievement, but actions are of primary importance. Carrickmines and Louth have shown us the task that is before us. If our society is to call itself a just and caring society, we must break down those barriers. We must reach out to all our communities, not just the Traveller community, but also the so-called settled community. I do not like the word "settled" but it is often used. I thank Deputy Ó Caoláin, the committee and all who supported this cause over the past number of years. This has been a long time coming. I recall this matter being raised ten and 15 years ago and speaking to the Traveller community about it. However, there is still a large amount of discrimination. It is important to get rid of the myths that are voiced about the Traveller community and other minority groups, particularly the Roma which is targeted by many myths told about them. The myths are disgusting and unacceptable. Society needs to learn. We must get out in society and get a better message across. We must get the word across to the community that this is unacceptable.

The Traveller community is a huge and welcome part of our community. We hope to see it expand and have its own identity. That is what it deserves.

Deputy Seán Crowe: Like other speakers, I commend the Deputies and Senators on the joint committee who contributed to this important debate and to the report on the recognition of Traveller ethnicity. I have difficulty pronouncing the word "ethnicity", although I have no difficulty with what we are discussing. It is one of those words that cause difficulty and I have no doubt that it will probably arise about 100 times in my speech.

It is important that Irish society recognises this huge step. I commend Deputy Ó Caoláin, chairperson of the committee. As somebody said earlier, he is now 20 years a Member of the House. I congratulate him. I do not know if I can look forward to that length of time in the House, but we will see what happens. It is important to recognise the role he and the Minister of State have played in this. Other speakers have mentioned various Deputies but I wish to mention Senator Pádraig Mac Lochlainn, who had a huge part in this. Others from other parties also played a role but I particularly commend him. He was a champion for this issue and the work he did on it has delivered. He has moved all of us along this road.

The date of 1 March last was an historic day for the State. On that day, there were just a few words from the Taoiseach, which meant so much to Travellers, recognising Traveller ethnicity. It was a momentous step forward for equality and we all accept that it was long overdue. Until 1 March, the State had maintained a position for decades that amounted to denial, without ever presenting any evidence-based defence of that position to international groups and partners who had spoken out or, indeed, to the Traveller community. The lack of recognition of ethnicity was a matter of deep concern for the Traveller community. It is estimated that there are 40,000 men, women and children in the community across the island. The distinct culture, traditions and ethnicity of the Traveller community should be cherished and valued. The formal recognition was an important and momentous step forward for equality on the island. It is also a positive re-alignment of the relationship between what is called the settled community and the Traveller community in Ireland.

However, formal recognition by the State of ethnicity will not be the magic wand or formula that alone will address the ongoing challenges of inequality and discrimination faced by Travellers. That has been mentioned by every speaker in this debate. Although the policy of the State towards the Traveller community has come a long way since the Commission on Itinerancy, much work remains to be done. This is the start, but there is a long journey ahead before we can say that Travellers are included and fully part of Irish society. There is much wider institutional discrimination faced by the Traveller community in areas such as health and education, as has been mentioned. A number of reports have been mentioned here tonight. The Travellers are probably sick and tired of the different reports that have been published over the years. People talk about being embarrassed about the fact that Travellers experience discrimination. We should be embarrassed and ashamed. This should be a spur for us to do something. Embarrassment and expressing shame are no use in themselves, however; what the Traveller community wants is action.

The ESRI report was mentioned in respect of the numbers who are disadvantaged in education and employment. I mentioned this a couple of times in the House. In 2011, in the days of austerity, Travellers were affected severely by the cutbacks affecting health, education and other services. The cuts affected all communities but particularly Travellers. The austerity agenda of the Fianna Fáil, Labour and Fine Gael Governments targeted the weak and most disadvantaged in society. We were told the austerity programme was the way forward at the time, for whatever reason. The then Government took its decision probably in the knowledge that there would not be a huge kick-up about it. I do not remember a huge kick-up in this House. The educational supports were done away with. The then Government aimed specifically at targets and the supports were eliminated overnight. They included the posts for visiting teachers for Travellers, who supported Traveller pupils and their families, and additional resource teachers and resource hours for Traveller children. Specialised training centres for teenage and adult Travellers were also closed down overnight, with nothing to replace them.

Worryingly, Pavee Point made the point that, since 2008, State funding of Traveller education had fallen by 86%. Only 15% of Travellers completed second level education, compared with 92% in the rest of society. In disadvantaged areas, only a handful are breaking through. It should be no surprise that less than 1% of Travellers proceed to third level. What can we learn from this? Most obviously, if one removes supports and services, it will impact directly on the most vulnerable. It is not rocket science but, unfortunately, policy makers keep repeating these approaches.

The suicide rate for Traveller women is six times that among women in the settled com-

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munity, and that of Traveller men is seven times higher. We have all experienced a spate of Traveller suicides in our communities and we are all fully aware of what is happening. At the root of all these problems are the unacceptable levels of prejudice, discrimination and social exclusion of Travellers.

The comments of Mr. Nils Muižnieks, the Council of Europe Commissioner for Human Rights, were mentioned. He talked about the discrimination against Travellers and the inequality they face. I am a member of the committee and talked to him directly about this. I informed him that the Irish Parliament had come to a decision to recognise Traveller ethnicity.

Sinn Féin has called in the past for the establishment of a national forum across the island of Ireland involving Travellers and the settled community, including representatives of all political parties, the Government, local authorities, the health and education sectors and media organisations to plan a way forward. It needs to be established.

I have served at local authority level. We have all come through that process. At AGMs councillors used to fight to get on various committees but I do not ever remember people fighting to get on the Traveller accommodation committee. People should note this if they want to talk about shame.

I am proud, to some extent, of some of the work of my local authority. We have not done enough but we collectively agreed a programme to roll out housing. Unfortunately, however, much of that accommodation provision has stopped. Hardly a week goes by without someone from the Traveller community coming to my advice centre looking for housing support. This is affecting the Traveller community along with everyone else.

I thank all those who have been involved in formulating the policy at the committee and all others who have taken part. As I stated, we are starting a journey. There is such a huge amount of work to be done by us. Collectively, if we approach it in the appropriate manner, we can, I hope, start to get things done and make society more inclusive for Travellers.

Deputy Bríd Smith: I accept completely and totally the Minister of State's bona fides and genuine approach to the question of Traveller ethnicity. It was a momentous evening when we celebrated the recognition of Traveller ethnicity. I remember spending most of my time out at the gate trying to get more Travellers in. We were squashing them into the Gallery and, unfortunately, could not find enough space for them. I am very proud of one of them, Eileen Flynn. She did not come here today because she got so fed up not getting in the last night. Last week, she completed her degree course in Maynooth. She was one of two Traveller women who have gone to college and completed their course in Ballyfermot. We can be proud of these kinds of results but we have a long way to go.

I noticed a few points in the Minister of State's speech. I wish to flesh out a small argument without being overly critical of him as an individual. Over a year ago, Ronnie Fay of Pavee Point addressed the Committee on Housing and Homelessness on the issue of Traveller accommodation. She said:

Between 2008 and 2013, the Traveller accommodation budget was cut from €40 million to €4 million. This is a staggering 90%. Even more shockingly, there was an underspend of 36% of the allocated Traveller accommodation budgets by local authorities.

In that period, I was chairing the local Traveller accommodation consultative committee in

Dublin City Council. Unbeknown to us, the council's housing department refused or failed - I would say a bit of both - to draw down the total funding that was allocated to it for housing by the Department. The reason became obvious to me when this was repeated over a number of budgetary years. If one does not spend the full budget in one year, one gets less the next year, and if one does not spend all that, one gets less the following year. The council's housing department justified to itself, even in the absence of austerity, its decision to drop the Traveller accommodation budget to the limit mentioned.

Ms Fay explained the extent of the accommodation crisis among the Traveller community. She said 361 Traveller families lived on unauthorised sites and that 188 Traveller families lived on basic service bays. I am sure the Minister of State is familiar with these. One can plug into electricity sometimes and there might be access to plumbed water sometimes but it is not always the case that one has both or either at these sites. Ms Fay also said 182 families shared permanent halting sites and 17 families shared basic service bays or transient halting sites. Startlingly, she said:

[R]oughly 5,500, or 18.6%, of the Traveller population are in need of proper accommodation provision. If one uses the census 2011 figures [there has been another census since that year], this would be the equivalent of 853,415 of the general population [almost 1 million] in need of housing.

We all know we have a housing crisis but we have an extreme one among the Traveller population. In his presentation, which I welcome, the Minister of State repeated five times that recognition has no implications for public expenditure or legislation and does not require any legislative amendments. He says the Government is developing an action plan to tackle and seek to solve the problems facing the Traveller community and working with Travellers to do so. I argue that, if any action is to be taken, money has to be spent.

The Government could not address the enormity of that problem without spending money if an equivalent number of people in the general population had such a crisis. By God, does this Government have to justify spending money on the Traveller population. It absolutely behoves us to spend money on them because we have starved them and underfunded them to a disgraceful degree, particularly over the years of austerity. I will not go over the facts about the years of austerity and how it unjustly and in an unbalanced way hit Travellers more than any other section of the population. However, I do remember when the criticism was made to the Minister for Finance, Deputy Noonan, at the time. I will never forget his words. He said that we have to pluck the low-hanging fruit first. That was another way of saying that it is easier to go after the most vulnerable and after those who are most exposed to take what they have from them. That way, one will get less of a kickback. To our eternal shame, we have done this and it is that part of the community that we now have to look after and ensure that they get their rights.

I do not know how Deputy Ó Caoláin stuck 20 years in this place, but he did. It is a great achievement that he recently got this report through. He has played a fine role for 20 years in the House. For the five years that I chaired the local traveller accommodation consultative committee, LTACC, I learnt a lot about how the State and the system works and where racism and discrimination come from. It was not necessarily that I sat across the table from a city manager or officials in the department of housing in Dublin City Council who absolutely hated Travellers or who thought they were all smelly or something. That was not the case. Rather, it is built into the system to use discrimination as a tool by which not to spend money, not to pay attention

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and not to deal with real problems. The lives of people working in these jobs are made easier by not tackling the depth and breadth of the problems these communities face. It is easier to send somebody into a halting site to say there is too much anti-social behaviour there, the doors cannot be repaired, the electricity cannot be fixed or the running water they require cannot be given as a result. They get away with when they do it to Travellers in a halting site, such as the places I am most familiar with like Labre Park in Ballyfermot or St. Margaret's in Ballymun. The systemic, in-built attitude of the State towards the Traveller community is going to have to be dug out in a serious way.

The best way to do that is to begin to change our legislative and structural framework and how we deal with it. For example, in the same contribution, Pavee Point recommended the establishment of a statutory Traveller agency with Travellers involved in it to deal with Traveller accommodation crises. Therefore, we would probably not need the local area Traveller committees like the one I sat on or the national Traveller committee, which we all walked out of in disgust over a year ago as it was utterly failing to deal with the national Traveller accommodation issue. I believe the committee is not having an AGM this year but is rather travelling around the country to consult with different communities. I believe it makes absolute sense to replace those two bodies, as they have utterly failed, and create a statutory agency that has powers of spending, creating budgets and delivering on the accommodation needs of the Traveller community.

Likewise, similar measures will have to be taken with education and health. Recognition of ethnicity does not require legislative changes but other changes might. The implications of dealing with all of these things correctly should require the review of the Housing (Traveller Accommodation) Act 1998, the Trespass Act and a whole plethora of legislative and corrective issues in local authorities as well as at a national level.

I am very keen to see what the national Traveller and Roma inclusion report says when we come back here on 13 June. I believe Members should look at it carefully and work with the local Traveller activists, whom I must say are amazing people. They are some of the finest people I have ever met in my life. It is not patronising to say that those, both Traveller and non-Traveller, who work with the Traveller communities are extremely impressive, dedicated and decent people. They have really achieved this final result. Although Deputy Ó Caoláin and others helped them through, it has really been down to the activism, as has already been said, that this recognition has been achieved.

I look forward to the implementation of this. The body politic - all of us - owe it to the Traveller community to undo the injustices that have been imposed on them down through the decades in this State.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I am happy to reply to the debate. I know that Deputy Ó Caoláin will speak after me. I have listened carefully to everything that has been said. The programme of research commissioned and funded by the Department of Justice and Equality has been mentioned on a number of occasions. It is entitled A Social Portrait of Travellers in Ireland, was drawn up by the ESRI and published in January last. I launched it. At the time, I commented on the contents of that report and how on almost every level, Travellers were not doing well to put it mildly. I launched that last January.

Mr. Ronnie Fay from Pavee Point was very much involved in that report, as was Mr. Déa-

glán Ó Briain from the Department of Justice and Equality. I pay tribute as well to Professor Dorothy Watson, Ms Oona Kenny and Professor Frances McGinnity who compiled it. It was a major and very important report. I hope that the next time such a report is done we will see major improvements. That will be very important. I also recognise members of the Traveller community in the Visitors Gallery this evening and I welcome them here.

The report of the committee contained three recommendations. The first two have been fulfilled by virtue of the Taoiseach's statement on 1 March 2017 regarding the State's recognition of Traveller ethnicity. With regard to the third recommendation, I explained that in order to recognise Traveller ethnicity, legislation was not necessary. It was not necessary to have any extra resources. It was not necessary for that to happen. This is a view shared with the national Traveller NGOs. Legislation does not automatically flow from the statement of recognition. Neither does the need for extra resources. However, that does not mean that there is not a need for them. I am just breaking the link between the two. I believe that the recognition issue, as colleagues have said, was such an issue on the night that it has to stand on its own and be recognised for what it is. It is an historic change. We will let it stand on its own. All the other issues have to be dealt with and addressed as well. I just want to make this clear. I do not think we should be using the recognition issue as some kind of a lever to get other stuff. The other stuff should happen anyway. Let it stand on its own for what it is as a very powerful, unanimously agreed statement of recognition. I remember on the night there was a standing ovation in the House for the Travellers in the Visitors Gallery. The Travellers and everyone in the Visitors Gallery gave a standing ovation back. In the 20 years myself and Deputy Ó Caoláin have been here, I have never seen anything like it. It was a good night.

Reviews of legislation and policy are undertaken by my Department and across Government on an ongoing basis. Such reviews are a necessary and integral part of having a public sector that is flexible and adaptable to the evolving demands and challenges of a modern democracy. My own Department keeps equality legislation under constant review and puts forward amendments whenever necessary and appropriate. That particular piece of research was commissioned and paid for by the Department of Justice and Equality. The ESRI is independent. We wanted to know independently what was going on out there. A further example of such legislative reviews in the nature of business is the forthcoming review of Traveller accommodation legislation, recently announced by the Minister of State, Deputy English. A prime example of policy review is the development by my Department of the new national Traveller and Roma inclusion strategy. In a way, the third recommendation calling on the Government to conduct a review in consultation with Traveller representatives groups of any legislative or policy changes required is already happening because the national Traveller and Roma inclusion strategy is being developed. It is actually happening anyway. It is not on foot of or because of recognition of Traveller ethnicity. I just wish to make that clear. These reviews would have been done even if the statement announcing Traveller ethnicity had not happened. They should have been done anyway.

What we achieved by working together on a cross-party basis in terms of achieving State recognition of Travellers as an ethnic group in Ireland is clear. I believe that we can and should use that type of co-operation to move forward with actions that will make a tangible improvement to the quality of life of Travellers in Ireland. From this point forward, I believe that our focus should be on the implementation of the forthcoming national Traveller and Roma inclusion strategy for 2017 to 2021. I look forward to Deputy Bríd Smith's constructive criticism of that strategy when it comes forward and support for many of the proposals in it.

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To make a truly living document that makes a real difference to people, we must work together to implement the actions set out in it. We need to monitor the progress of that implementation and report so it will not just be left on the shelf. We need to suggest new ideas and initiatives as they occur. Crucially, we need to build on the positive platform and momentum that State recognition of Traveller ethnicity has given us. It is imperative to take advantage of this opportunity now and as elected representatives, continue to demonstrate good faith to the Traveller community. We can do this by working together and in partnership with Travellers to strive constantly to show practical ways that Travellers are a valued part of our society.

Deputy Bríd Smith mentioned finances earlier on. The Minister and I managed to get an increase of €1 million in the allocation to my Department for Traveller and Roma community development programmes and initiatives this year so we need to build on that again. Extra money is being made available. We now need to focus our efforts to ensure that this money is invested wisely in ways that will give rise to an improved standard of living for Travellers and Roma. This will need to be done in conjunction with Traveller and Roma organisations and at a cross-departmental level. Today, at the National Traveller Pride Awards 2017, I witnessed the talent, skills and potential of Travellers. It was amazing. Next year, if Deputy Ó Caoláin is still Chairman of the committee, and I hope he will be, he might get the committee to attend because it is an uplifting experience.

It is also important to come back to a point I raised earlier today about feuding and anti-social behaviour in the Traveller community because it is a two-way street. Such behaviour is carried out by a small minority in the Traveller community but is very damaging in terms of reputational damage to Travellers as well as intimidation of members of the Traveller community. It also increases Traveller marginalisation and exclusion from the rest of society. One of the key initiatives I want see implemented during the course of the new national Traveller and Roma Inclusion Strategy 2017-2021 is the development of a culturally appropriate intervention to bring feuding and anti-social behaviour to an end within a definitive period of time. My Department will be leading on this initiative, which has the potential to be very successful and improve the quality of life of many Travellers. I would welcome the support of the House in respect of this intervention. As I mentioned earlier, the negative ramifications of feuding and anti-social behaviour in the Traveller community impact directly on mental and physical health, the position of Traveller women and children, employment and accommodation issues. We urgently need to address this but it will be challenging.

I welcome the report and thank the committee and Chairman for their support of Government decisions regarding recognition of Traveller ethnicity. I also acknowledge the contribution of the committee's work to taking the debate forward and thank colleagues for comments about the small input I had into this. It was building on work done over many years. The publication of the inclusion strategy is the next step. As I said, it is an inclusion strategy, not an integration strategy. That is quite important and is the difference between the 1963 statement and this one. There are many other differences as well. There has been an entire change of attitude. I believe education is key. The report by the ESRI mentioned that as well, as did a Member earlier on. It was mentioned today during the National Traveller Pride Awards. We must support young Travellers to help them stay in education as much as possible. One of the Travellers today said that at the least, they should be encouraged to stay to the leaving certificate. There are so many other avenues open to them because there are so many skills there that are being wasted. If a person has education, things like employment, health and accommodation follow. Everything else flows from that.

I look forward to working in whatever capacity I will have in this House after the publication of this report to see it as a blueprint for the next four years. We can change it as we move along if we discover new things in it. I thank the committee for its work on this issue.

Deputy Caoimhghín Ó Caoláin: I thank all Deputies who have attended and participated in this special debate on the report of the Oireachtas Joint Committee on Justice and Equality entitled Report on the Recognition of Traveller Ethnicity published in January 2017. I thank the Minister of State, Deputy Stanton, for attending and for his contribution. I thank all the Traveller organisations and their representatives for their engagement with us over the series of hearings we held in October and November last year. I extend a special word of thanks to the Irish Human Rights and Equality Commission for its participation and to both Anastasia Crickley and Robbie McVeigh for their respective contributions. I wish to also recognise the presence in the Visitors' Gallery of a number of interested parties, including the Irish Traveller Movement, Pavee Point Traveller and Roma Centre, Minceirs Whiden, the Irish Human Rights and Equality Commission and others from various Traveller representative groups. They are all most welcome in this House.

While I accept and note the acceptance of the Traveller organisations that the formal recognition of Traveller ethnicity does not confer any new rights on the Traveller community, I am very much of the view that it is the State's responsibility to ensure that all discriminatory practices and any identifiable negative dispositions towards Traveller people are rooted out of our public services. Government, through the Office of An Taoiseach, should advise all Departments, all State agencies and local government across the board of the importance of the recognition of the needs and wishes of Traveller people. There is also a need to ethnically-proof all new legislation and regulations. I do not want to hear again the reply I received on the last occasion I asked a director of services to advise me of the range of Traveller accommodation options provided by that local authority. The reply was "we put them in houses" - as stark and blunt as that. Our delivery systems, be it through local authorities, Departments or the agencies of State, can and must do better than that.

Another area that needs to be addressed is the disposition and-or lack of awareness of Traveller culture, needs and aspirations among the Judiciary. Some judges demonstrate an appreciation of the Traveller community and its unique way of life while some show scant regard and little empathy with defendants and complainants from the Traveller community coming before them. Will the Minister for Justice and Equality take appropriate steps to urge and indeed insist on all members of the Judiciary having at the very least a broad knowledge of all equality legislation?

The media is another sector that has a serious job of work to do. The labelling of crimes carried out and-or those responsible as "Traveller related" or "of the Traveller community" smears all members of that community. This is wrong. The vast majority of the Traveller community are good, decent and law-abiding citizens who have no truck with criminality. This labelling hurts and further contributes to the personal sense of being of less worth that all too sadly is strongly in evidence within the Traveller community. This might require a re-visiting of the Broadcasting Act where there is no specific reference to Travellers.

Whatever the new national Traveller and Roma inclusion strategy may present - because we still do not know - there is and will be a need for the State to up its game in dialogue with Traveller representatives and with the wider Traveller community. I want to see, we want to see, a much more intense engagement that covers all key areas that impact on the daily life condition

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of Traveller people. This must include address of the key areas of accommodation, education, employment, health, media and political representation. Look at the representation in these Houses and how few, if any, of Traveller stock are represented among our number. It must also include the areas of culture and heritage. It has to be meaningful and the only litmus test of that is in the implementation of agreed measures that will impact positively on the lives of all who are proud to proclaim their Traveller ethnicity. I want all Travellers to have that pride, to be proud to be Travellers and proud to be a part of the Irish nation that properly respects them and affirms their dignity as co-equal citizens of our country.

I thank the Leas-Cheann Comhairle, the Minister of State and Members for their participation here this evening. I wish the Traveller representatives and friends in the Visitors Gallery yet another happy evening following this debate.

An Leas-Cheann Comhairle: Like the other Members, I want to take the opportunity - because I remember the last debate we had, which was historic, and the Gallery was full - to welcome the visitors to the House who have a special interest in this debate. Fáilte romhaibh.

Question put and agreed to.

The Dáil adjourned at 7.25 p.m. until 2 p.m. on Tuesday, 13 June 2017.