

Meeting with D/Health on Magdalen Redress Scheme

A/Sec Jimmy Martin had a meeting with D/Health (Barry Murphy, Angela Noonan and Caroline Fitzpatrick) to discuss the option of including an amendment in the Health Amendment Bill extending the Nursing Homes Support Scheme Act 2009 to cover Magdalen women lacking capacity. The meeting also discussed the Quirke Report's other recommendations relating to D/Health.

A/Sec Martin indicated that the persons appointed to represent the Magdalen women who lacked capacity would have to have the authority to make applications on their behalf to the Restorative Justice Scheme, to sign a waiver on any future right of action against the State and to accept payments and make decisions on the monies received. The Scheme presumed that the women had capacity. However, the Government had to be satisfied that the person had capacity when signing the waiver as this was a legal document that would have to stand up in court. The question was who would sign the waiver in situations where a woman lacked capacity. The Assisted Decision-Making (Capacity) Bill was the preferred option but was expected to take another year.

D/Health's views were as follows:

- It would not be possible to include an amendment into the Health Amendment Bill which was already at second stage;
- The Nursing Homes Support Scheme Act was not an appropriate vehicle for the Magdalen women who lack capacity as its provisions re care representatives are narrowly focused on the Nursing Homes Support Scheme and do not cover property or affairs;
- D/Health has concerns re giving medical cards over and above the norm or providing them to people living outside the State. A/Sec Martin indicated that the Government had already agreed to provide the Magdalen women with medical cards. What these would cover was a matter for the Department of Health. Counselling had been mentioned repeatedly.
- The actual costs of the recommendations should be made clear in the final report as costs might be much higher than foreseen.
- D/Health has received legal advice pointing to problems with implementing recommendation 9 of the Quirke Report in its current form (recommending an amendment to the Nursing Homes Support Scheme Act to ensure that monies received by the Magdalen women would not be taken into account for the purposes of the Nursing Homes Scheme). Another route would be needed.
- Re Judge Quirke's concern that the money received by Magdalen women in institutions would affect the overall funding given to those institutions, A/Sec Martin advised that D/Health could issue a public commitment from the Minister to this effect. D/Health indicated that the HSE could write into funding agreements with the institutions that such payments would not be taken into account.

A/Sec Martin indicated the intention to prepare a report for the first Government meeting in September. D/Health promised to provide material in the next 2-3 weeks.