

# DÁIL ÉIREANN

## AN COISTE UM ACHAINÍOCHA ÓN BPOBAL

### COMMITTEE ON PUBLIC PETITIONS

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*Déardaoin, 3 Feabhra 2022*

*Thursday, 3 February 2022*

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Tháinig an Comhchoiste le chéile ag 1.30 p.m.

The Joint Committee met at 1.30 p.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Pat Buckley,	Gerard P. Craughwell,
Cormac Devlin,	Eugene Murphy,
Brendan Griffin,	Fintan Warfield.
Emer Higgins,	
Pádraig O'Sullivan.	

I láthair / In attendance: Deputy Sorca Clarke.

Teachta / Deputy Martin Browne sa Chathaoir / in the Chair.

## Consideration of Public Petitions on Unauthorised Developments: Discussion (Resumed)

**Chairman:** I welcome everyone to this meeting which is being held over Microsoft Teams. Apologies have been received from Senator Buttimer. On my own behalf and on behalf of the committee, I send our condolences to Senator Buttimer on the death of his father yesterday. May he rest in peace.

The Ceann Comhairle, Deputy Seán Ó Fearghaíl, and the Cathaoirleach, Senator Mark Daly, have published a Covid-19 code of conduct for the parliamentary community, January 2022. Masks, preferably FFP2 grade, should always be worn during the meeting except when speaking. This will help to reduce the risk of Covid-19 including the Delta and Omicron variants. I ask for everyone's full co-operation.

I propose that we approve the minutes of the private and public meetings held on 19 and 22 January, which have already been approved at a virtual meeting. We must do this for procedural reasons. Is that agreed? Agreed.

I remind members of the constitutional requirement that they must be physically present within the confines of the place in which Parliament has chosen to sit, namely, Leinster House, in order to participate in public meetings. I will not permit a member to participate where they are not adhering to this constitutional requirement. Therefore, any member who attempts to participate from outside the precincts will be asked to leave the meeting.

Before we start, I wish to explain some limitations to parliamentary privilege and the practice of the Houses regarding references witnesses may make to other persons in their evidence. The evidence of witnesses physically present or who give evidence from within the parliamentary precincts is protected pursuant to both the Constitution and statute by absolute privilege. However, the witnesses are giving evidence remotely from a place outside of the parliamentary precincts and, as such, may not benefit from the same level of immunity from legal proceedings as a witness who is physically present does. Witnesses may think it appropriate to take legal advice on this matter.

The witnesses are reminded of the long-standing parliamentary practice to the effect that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if any of their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that the witnesses comply with any such direction.

This committee will observe fair procedures in these meetings. If any other persons identified in evidence before this committee is of the opinion that a mistake or a fact of misstatement, including a misstatement by the omission of necessary or relevant context, has been made affecting him or her, they are invited to give a statement of evidence in writing and relevant documents to this committee. They will also be given an opportunity to appear before the committee if they so wish.

Today we resume consideration of public petition No. 9/21 which relates to unauthorised development in the name of Michael Barrett and No. 23/21 in the name of Mr. Jamie Forde Kelly.

I extend a warm welcome to the representatives of Waterways Ireland and Westmeath Coun-

ty Council. From Waterways Ireland we are joined by Mr. Andrew Nixon-King, marketing and development director, Mr Éanna Rowe, western regional manager and Ms Sinéad Mallon, head of administration for property and legal. From Westmeath County Council we are joined by Mr. Barry Kehoe, director of services transportation, planning and economic development and Mr. Cathaldus Hartin, senior planner.

I propose that we publish the witnesses' opening statements on the committee website. Is that agreed? Agreed. Witnesses should make their opening statements for around ten minutes, after which we will have questions and comments from members. I ask them to keep to around five minutes so that members can get in more than once to speak.

**Mr. Andrew Nixon-King:** I thank the committee for the opportunity to make a brief opening statement on behalf of Waterways Ireland on public petition Nos. 9/21 and 23/21. My name is Andrew Nixon-King, I am the marketing and development director in Waterways Ireland. I am joined by my colleagues Mr. Éanna Rowe, our western regional manager and Ms Sinéad Mallon, our head of administration for property and legal.

Waterways Ireland is the cross-Border navigational authority responsible for more than 1,000 km of inland navigable waterways across the island of Ireland. It is the largest of six North-South implementation bodies established under the Good-Friday Agreement. Its statutory function is to manage, maintain, develop, and restore specified inland navigable waterways, principally for recreational purposes. Last year, more than 3.2 million people used the waterways, creating social, economic, and environmental well-being valued at €560 million annually.

Waterways Ireland was established through the transfer and consolidation of assets of multiple agencies, including the Shannon Navigation Commissioners, CIÉ, OPW, Rivers Agency and the Department of Arts, Heritage, Gaeltacht, and the Islands, inheriting properties that were previously the responsibility of these organisations. Very little of this property was registered in the Land Registry. Waterways Ireland is before the committee to provide information in respect of petitions 9/21 and 23/21. These relate to developments at Lough Ree. There are several statutory provisions dealing with the River Shannon and Waterways Ireland property ownership. An 1839 Act appointed and empowered the Shannon Commissioners to determine and define the limits of the River Shannon and to produce 45 maps known as the Shannon jurisdiction maps, which show property boundaries and jurisdiction. Subsequent legislation transferred this ownership to Waterways Ireland. The immediate focus of Waterways Ireland on its establishment was to ensure waterways were open and accessible.

In 2009, Waterways Ireland established a land recovery team, comprising two staff members, to secure the property portfolio on the Royal Canal. This took four years to complete. In 2021, we established a dedicated small group of staff to focus exclusively on recovery and first registration. We continue to examine encroachments, including the alleged encroachments referred to in these petitions. Currently, 52% of our property portfolio is registered or at an advanced stage of registration. We anticipate completing the programme to secure the property portfolio transferred to Waterways Ireland will take significant resources. The detail involved in registering our property portfolio is complex with significant administrative and legal inputs.

In relation to the leasing of Waterways Ireland property, planning permission is typically a prerequisite to considering any development and granting leases on our property. In relation to Portaneena, this development began in the 1950s and has taken place incrementally since then. Waterways Ireland was notified in 2012 about a development at Portaneena, parts of which

were alleged to be unauthorised and encroaching on our property. Since then, Waterways Ireland has conducted inspections and written to the occupiers. We understand the same development was also brought to the attention of Westmeath County Council in 2012.

In 2017, Tidebrook Limited, of which the petitioner Mr. Michael Barrett is or was a director, applied to the Circuit Court for an injunction under section 160 of the Planning Acts in respect of the alleged unauthorised development, naming The Portaneena Company Limited and Waterways Ireland as respondents. The Circuit Court made an order in 2019 refusing the application and dismissed the proceedings. Waterways Ireland deferred completion of its own investigations of alleged unauthorised development at Portaneena until the planning authority had completed its investigations into the planning status, and until all litigation under the Planning Acts had been determined.

It is important to note that the Circuit Court has now ruled on this matter. The court found no evidence that Waterways Ireland had engaged in any alleged unauthorised development or had consented to or facilitated any alleged unauthorised development and had acted in good faith in relation to all aspects of the matter. The judge stated she “was not satisfied that the applicant demonstrated proof of any adverse environmental or planning impact”. Tidebrook Limited filed a notice of appeal to the High Court and later withdrew the appeal in July 2020. We are not in a position to go into the specifics of any alleged encroachment at this time as it may pre-empt the outcome of any investigation and risk prejudicing any future action Waterways Ireland might wish to pursue.

**Mr. Barry Kehoe:** By way of introduction, my name is Barry Kehoe and I am director of services for transportation, planning and economic development at Westmeath County Council. I am accompanied by Mr. Cathaldus Hartin, senior planner with responsibility for delivering the daily planning functions of the local authority. I welcome the opportunity to address the Joint Committee on Public Petitions and to provide assistance on matters related to the aforementioned petitions. In this regard, it should be noted that the council has engaged extensively with respect to all developments to which the petitions relate. Such engagement constitutes prolonged enforcement and associated legal actions and in this regard a brief summary of the history associated with the sites is set out in appendix 1. This is included for the record but does not form part of the council’s statement to the committee today.

Westmeath County Council has been engaged in planning enforcement activities in this area for many years and it is acknowledged that there are several developments on and adjacent to the lakes and the River Shannon that do not have the benefit of planning permission. In some cases, the development in question predates the Planning Act of 1963 and in other cases, development took place on an incremental basis over the years without recourse to the planning authority. Other development may have been undertaken in blatant disregard of planning laws and it should be noted that the council remains actively engaged in enforcement proceedings in suspected cases of unauthorised development, save for circumstances in which the Statute of Limitations applies.

The council monitored the hearing of the committee held on 9 December 2021 and welcomes this opportunity to give the council’s perspective on the general planning issues raised. By way of opening, it is considered that an Oireachtas committee is not an appropriate forum to ventilate legal arguments on particular cases, which have already been subject to court hearings and may be subject to ongoing legal action now or in the future. Furthermore, this is a public meeting, none of the affected parties is present or represented and the council does not benefit from the protection of privilege that is in place for Members of the Oireachtas. It has been not-

ed that Tidebrook Limited, to which one petitioner would appear to be associated, is listed in the Legal Diary as having an ongoing High Court action against Portaneena Marina Limited, which is the subject of the petition. Rather than discussing the individual cases, I refer members to the factual position from a council perspective, which is set out in the appendix to this statement.

In terms of general planning enforcement issues, having regard to the general issues raised at the previous meeting of the committee, the council comments as follows. While the local authority is charged with the implementation of the Planning Acts, including planning enforcement, it is important to note that the council is not all-powerful in this respect. The successful implementation of the planning system requires the co-operation of a large number of stakeholders, including the council but also landowners, developers, business people, the courts, Departments, State and semi-State agencies and local communities.

It is the case that the council has, on many occasions, prosecuted individuals and companies to the full extent permitted under the law and has nonetheless failed to achieve planning compliance. While the legislation provides for the council to take direct action, this is not always practical or reasonable. The process associated with securing these orders can be lengthy and costly and can carry significant risk for the council. In this context, the council must, in all matters, be mindful of consequences associated with interfering with citizens' rights, property rights, proportionality and legal and financial risk.

We recognise the concerns expressed by the petitioners in respect of the current legislative provisions in this area. Planning legislation has evolved significantly since the introduction of the Planning and Development Act 2000, undergoing extensive and incremental amendment. Significant challenges have been presented in terms of alignment between national and European legislative frameworks, as evidenced in the increasing rate of challenge to planning decisions, many of which are based on environmental matters. As such, the frameworks within which the council operates are complex and subject to legitimate challenge. In this regard, the council welcomes a recent initiative by the Department to carry out a full review of the Planning Act.

A lacuna exists in our planning legislation in that it is not possible to regularise development in instances where an environmental impact assessment report, EIAR, or Natura impact statement, NIS, is required as part of an application for retention permission. Previously, a mechanism existed under the substitute consent process, as set out under Part XA of the Planning Acts, which allowed parties to apply to An Bord Pleanála for permission to regularise permission for certain developments considered to be non-compliant with provisions of EU law. However, following the Supreme Court decision of 2020 in the matter, certain provisions of this substitute consent legislation were struck down regarding the requirement to demonstrate "exceptional circumstances" for regularisation. The decision also highlighted the requirement that members of the public should be able to participate in the process from the initial stage. Consequently, the conditions under which substitute consent can be availed of are extremely limited and apply in exceptional circumstances only, as must be determined by An Bord Pleanála.

It should be noted that the removal of development in such circumstances can have further unintended and unwanted negative environmental impacts. It is the case that a conviction for contravening the Planning Acts constitutes a criminal offence and, as such, there is a significant burden of proof attaching to the prosecuting authority. This burden makes planning enforcement a much slower and more complex process than is realised by some observers and leads to delays that are very frustrating for impacted third parties. It is also the case that the defendants in such cases often mount vigorous defences due to the seriousness of the charge. In addition,

some courts can be reluctant to convict, having taken all of the circumstances into account. As with all matters, the council must make decisions on the action that is appropriate in any case based on a careful consideration of the issue, its local and wider impact, bearing in mind the human and financial resources available to it as well as the risk in terms of legal and other costs.

Westmeath County Council is actively engaged with and committed to the enforcement of the Planning Acts, as determined by the Oireachtas. It is actively engaging in the legislative review that is under way under the Office of the Attorney General and the Department of Housing, Local Government and Heritage.

**Chairman:** I thank Mr. Nixon-King and Mr. Kehoe for their opening statements, and I thank both organisations for attending. I understand the witnesses cannot comment on any issues that are the subject of ongoing legal proceedings. We all respect that.

I would like to know who is responsible for whatever is on or adjacent to the River Shannon. Having read the correspondence on the matter from various parties, there seems to be an issue with policing the river and the developments along the River Shannon. One of the statements lists various bodies, including Waterways Ireland, the councils, landowners, developers, business people, the courts, State and semi-State agencies, local communities, etc. It is impossible to police anything, whether on a river, on land or anywhere else, if so many organisations and community groups are involved. For what are Waterways Ireland and Westmeath County Council responsible on the River Shannon? Is their authority confined to the body of water and riverbed or does it extend to the riverbank? I ask my questions against the backdrop of developments that lead out into the river.

**Senator Gerard P. Craughwell:** In light of what the last speaker said regarding court and legal actions, are we straying into a dangerous area? Should we allow the legal process to go ahead? The last thing I want is to find myself or any other member of the committee brought into the courts to explain ourselves. When I hear there a live case I have serious concerns about getting involved. I defer to the Chairman and his view of this matter but I am extremely uncomfortable.

**Senator Eugene Murphy:** To reiterate what Senator Craughwell has said, having listened to Mr. Kehoe, I want to know where the committee is legally with this matter? A large number of questions are being raised here. Is it wise for us to continue with this discussion? I am hesitant to do so but that is only my personal view. I am seeking clarity.

**Chairman:** To the best of our knowledge, there is no court case at the moment. We are looking at policy and procedures. There is no actual court case. We can seek legal advice, if members so wish.

**Deputy Eugene Murphy:** There may be no court case now but what if a line or comment is used at this meeting that leads to something coming up in court? That is what I am afraid of. I understand what the Chairman said but I am concerned about what could come down the road if we have a debate here. I am seeking clarity. I appreciate that the Chairman is trying to clear this up but I have reservations. I would prefer if the committee sought legal advice before proceeding. I will not have an issue if the legal advice indicates it is safe enough to go ahead. I accept what the Chairman has said that there is no court case at the moment but if a comment is made here that leads to court action, we will be drawn into it. I am only a layperson in terms of the law but that is my view.

**Senator Gerard P. Craughwell:** Will Mr. Kehoe clarify whether there is a case outstanding?

**Chairman:** Can Mr. Kehoe answer that question?

**Mr. Barry Kehoe:** I am not able to answer.

**Chairman:** I would be very careful about asking any of the witnesses a question of that nature.

**Senator Gerard P. Craughwell:** Yes.

**Chairman:** As with any committee, anything can be said at any committee meeting and could be used at a future date. We just do not know when we talk about any of these issues. I hope people will be very careful in what they say during this discussion and ensure they do not bring either the committee or any other members into that situation.

**Deputy Cormac Devlin:** As a member of the Committee of Public Accounts, I am very familiar, as is the clerk and the other members of the Oireachtas staff, with Standing Order 218 and the implications that an Oireachtas committee, albeit a different one from this one, had for the nature and course of engagement of Oireachtas committees with witnesses. I am struck by two other aspects. One is the correspondence that we have received, which we went through in private session. It has a lot of content and background information which I was certainly not *au fait* with or aware of at our December meeting. A lot more information has also come to light.

The opening statement of Westmeath County Council states that “an Oireachtas committee is not an appropriate forum to ventilate legal arguments”. I accept what the Chairman has said and obviously we may want to discuss the history of this issue. However, if we are not sure that there is, potentially, a challenge to any previous legal case or if a new legal case could emerge, this could have an unintended consequence and implications for either of the State organisations represented, be it the county council or Waterways Ireland, the Oireachtas and, potentially, us. I confirm that I am on campus but the fact we are even having this conversation shows that members are uncertain and unsure.

I ask the Chairman to deliberate on whether we should proceed and indicate whether he feels comfortable that we proceed. I would also like to hear from the clerk because Standing Order 218 has changed all engagement with the Committee of Public Accounts, for obvious reasons. We have given notice to the witnesses and I appreciate that they have come in and given their time. From the correspondence that we went through yesterday in private session and from what I have heard today in the opening remarks made by both organisations, there seems to be a very grey area and a narrow point in which we can continue a discussion. I ask the Chair to rule on whether we should proceed and indicate whether he is comfortable that we proceed.

**Deputy Emer Higgins:** I am a brand new member of this committee and this is my first full meeting. I am shocked by what we are discussing at this meeting. We seem to be here to discuss a matter that has already been before the courts and on which a Circuit Court determined there is no evidence for the claim. A court of law made that determination. Westmeath County Council, in its statement, summed up my gut feeling on this matter when Mr. Kehoe said that this committee is not an appropriate forum to ventilate legal arguments on a particular case, which has already been subject to court hearings. As Waterways Ireland said, that may prejudice potential future actions. The Chairman spoke about fair procedure and the right of people affected to be invited before committees. He spoke about our statutory obligation to ensure we

do not identify anyone in such a way as to make him or her recognisable. My understanding, however, is that at the previous meeting, many allegations were made, references to maps were held up and this did help identify people. That is at odds with the rules of any Oireachtas committee and it is simply unacceptable without a right of reply being offered. We are here as legislators and we make laws and policies, but we do not interfere in or prejudice the administration of live or individual cases. That is not our role and it would be inappropriate.

What is being done to afford a right of reply to anybody who may have been identified at earlier meetings, as per the fair procedure clause the Chairman read out earlier? Otherwise, we will be denying people natural justice. The theme of this petition seems to seek to ride roughshod over the ability of local authorities and the courts to do their jobs and I am not comfortable with that. I thank our guests for their time and their remarks, which capture exactly why this case should not be something we are discussing. I am certainly not comfortable with it.

**Chairman:** I do not agree we are here to ride roughshod over any local authority or organisation. That has not happened since this committee was set up. I said in my opening remarks that we were giving a right of reply to everybody and that an invitation would go out to the other party that was involved. It was agreed the other people who were involved would be asked either to write to the committee or to appear in front of us.

**Deputy Pat Buckley:** I thank our guests for attending. The initial petition on this referred to unauthorised development on the River Shannon. Waterways Ireland's statement struck me in that it indicates very little of this property is included on the Land Registry. I am not talking about any individuals or court cases; this is about the River Shannon in general. The bodies that controlled this matter before it was handed over to Waterways Ireland, namely, CIÉ, the OPW, the then River Agency and the then Department of Arts, Heritage, Gaeltacht and the Islands, surely had some paperwork to say who owned the land or whether they were just minding it for somebody. In my constituency, in Youghal and east County Cork, there are agreements going back to 1604. The Duke of Devonshire still holds the rights to the seabed in Youghal. Waterways Ireland stated, "Currently, 52% of our property portfolio is registered or at an advanced stage of registration." This was supposed to be about unauthorised development on the River Shannon. We are not here to catch anybody out. In fact, this is a way of assisting our guests' organisations. Waterways Ireland seems to be overstretched, at only 52% capacity in regard to the properties it controls.

One term appeared repeatedly in the opening statements. The statement by Westmeath County Council refers to "several developments on or adjacent to the lakes and the River Shannon that do not have the benefit of planning permission". It goes on to state:

In some cases, the development in question pre-dates the Planning Act of 1963 [so there is an issue there] ... development took place on an incremental basis over the years without recourse to the Planning Authority. Other development may have been undertaken in blatant disregard of planning laws and in this regard it should be noted that the Council remains actively engaged in enforcement proceedings in suspected cases of unauthorised development, save for circumstances in which the statute of limitations applies.

The committee is not pointing the finger at anybody, but is there a possibility, because of the limitations on the Land Registry or because of historical planning issues, that unauthorised development is still happening on the River Shannon over which the council does not have control? Is it possible private companies are moving in without the council's knowledge or control? That is the question we are trying to get at. It is not about individuals. Individual



cases were raised as a red flag, but it seems Westmeath County Council, while trying to do its best with enforcement measures and so on, lacks power. Similarly, Waterways Ireland is at an infancy stage whereby it is trying to gather all the information, statistics and what it can control and use. In between, there are, possibly, people or entities taking advantage of the planning structure or the flawed planning laws that exist.

That is the case we are trying to highlight here. It is not to point the finger at anyone but rather to get a collective picture, assist the organisations and flag it with the Government in case more resources are needed to deal with the issue. Last night, I noted the term “unauthorised development” appears repeatedly in our guests’ statements and in the appendix supplied by Westmeath County Council. It is possible someone could come in with a caravan and put it on concrete blocks for seven years. After seven years, the limitation period will have expired and he or she could install a solid structure and get away with it. Is this a planning issue? Is it possible this behaviour is still going on? That is what I want to know. It is a calamity at the moment because Waterways Ireland does not have all the information in respect of the portfolios and so on that it controls. Westmeath County Council is trying to enact enforcement orders when it can but it is caught in a crux between archaic planning laws and seven-year rules. Is it possible today that there are unauthorised developments all along the River Shannon over which our guests’ two entities have no control?

**Deputy Cormac Devlin:** On a point of information, based on our discussion before Deputy Buckley came in with a more general question, the agenda for today is quite specific and relates to a particular site. We are all aware of which one it is. Plenty of county councils border the River Shannon and, presumably, have unauthorised development along it, but this is very specific. Before we proceed, I, along with colleagues who have spoken about this, would like to hear whether this meeting should proceed, in the Chairman’s view, and I would like to hear also from the clerk to the committee.

**Senator Gerard P. Craughwell:** Deputy Buckley continually used the term “unauthorised development”. It is my firm belief this matter will find its way to the courts for resolution at some stage. I am deeply concerned about it. I fully appreciate where Deputy Buckley was coming from and I support most of what he said. If we had these two entities before us today to discuss the general topic, that would be fine and I would be very happy with that. As was pointed out by Deputy Devlin, however, this is a specific issue that was raised with us. It may end up having to be resolved in the courts. I am not comfortable with it and I do not believe we should stray into it. We should watch where we are going here. We know what happens when an Oireachtas joint committee gets something wrong.

**Senator Eugene Murphy:** I served on the previous Committee on Public Petitions with Deputy Buckley and it is seldom we disagree, but this is not about who is in charge of what along the River Shannon. It is about an individual case. The committee has already heard a presentation from individuals and we were shown maps. This is really dangerous territory. Whatever is agreed, that is fine, but if we do not get a resolution, I will be proposing that we suspend debate on this to another day until we get legal advice. The Chairman will offer his point of view, but we have to take into account what Deputy Higgins said. At the beginning of every meeting of this committee the Chairman or whoever is in the Chair reads a long spiel about what members should and should not do. That is made quite clear to us. We have to take all of that into account.

Mr. Kehoe is a very reputable man, which I know because I do not live too far from Westmeath. However, on the basis of what I have heard from Mr. Kehoe, I am not happy to proceed

to an open public debate on the issue at this time.

**Chairman:** I propose that following a closing statement from Waterways Ireland and Westmeath County Council we suspend this part of the meeting and that we take up this matter at our next private meeting. Are members happy to proceed in that way?

**Senator Gerard P. Craughwell:** As the person who raised this issue, I want to apologise to the witnesses who have given of their time today to come here to try to resolve this matter, but I believe it is in all our interests that we take the steps now proposed by the Chairman. I again apologise to the witnesses for throwing a spanner in the works on this one, but I believe it is in everybody's interest.

**Senator Eugene Murphy:** I too apologise to the witnesses who have probably laid out their day to be here with us. I do not believe there is need to progress with any further statements at this point. It is a matter for the Chairman and other individuals, but why should we proceed with further statements? Nobody is against further debate in the future, but from our perspective we first need a legal opinion on this.

**Chairman:** I propose that we suspend this section of the meeting until we get legal advice. We will revisit the issue at our next private meeting in two weeks' time. Is that agreed? Agreed.

On my own behalf and on behalf of the committee, I apologise to the witnesses for what has transpired. We will seek the legal advice, following which, hopefully, the witnesses can appear before us again.

*Sitting suspended at 2.13 p.m. and resumed at 2.14 p.m.*

### **Decisions on Public Petitions Received**

**Chairman:** We have three petitions for consideration today. The summary notes and recommendations in regard to the petitions were circulated and discussed in private session with a view to the decisions on them being taken in public session. I suggest that we consider petitions 42/21 and 48/21 together. Petition 42/21 is in regard to saving the services at Owenacurra Centre, Midleton, County Cork. Petition 48/21 is in regard to a similar matter. Following on from the discussion on these petitions in private session, it was agreed to invite the HSE in on this matter, but be fair to the Owenacurra Centre and St. Brigid's hospital committees, I think we should invite them in first. It is the function of this committee to allow organisations and committees to petition it on particular issues. We can invite the HSE in at a later date. Would anyone like to add to that?

**Deputy Pat Buckley:** We spoke about this in private session. The matter is ongoing. The committee is supposed to be open to every member of the public. As I said in the last session, it is about fairness and listening to both sides of the story. As is often said, there are two sides to every story and then there is the truth. I agree we should first invite in the witnesses from the Owenacurra Centre and St. Brigid's hospital. I should declare at this stage that the Owenacurra Centre issue is of personal concern to me because it is located in my home town. I have been fairly vocal on the matter. It is important that the committee hears the witnesses' statements with regard to the impact of closure of these services on communities and families. That would also be a bonus for those who are not aware of the services. The HSE is also entitled to come in and offer its take on the matter. That would be a fair way to proceed. It would open up a lot

of other avenues. It is the fair way to go.

**Deputy Cormac Devlin:** I am not familiar with the Owenacurra Centre or St. Brigid's hospital. Given they are health services, is there a reason the petitions are not matters for the health committee? Even if we bring in the groups, followed by the HSE, I cannot see any resolution. The HSE is probably the best option if we are to proceed, but I believe the best route for a petition of this nature is the health committee, not this committee.

**Chairman:** To my knowledge, the issue with regard to the Owenacurra Centre is with the health committee. I am not sure of the position with regard to the St. Brigid's service. As mentioned by Deputy Buckley, we had a discussion earlier about bringing in the HSE. As the Committee on Public Petitions, our function is to hear petitions from people in regard to issues arising in their local areas.

**Deputy Pat Buckley:** The Committee of Public Petitions has an opportunity to deal with local issues as well as national issues. Some local issues could have a national impact as well. I take on board Deputy Devlin's remarks with regard to the matter being one for the health committee. It did go to the health committee and it was agreed that some members of that committee would visit the Owenacurra Centre this month. I am well aware of that. As I said, I see where the Deputy is coming from. The petitioner has submitted a very lengthy petition setting out the pros and cons and detrimental effects of the closure of this service. This committee is the only platform that these people have to tell their story. Having been a member of the previous Committee on Public Petitions and of this committee, I have listened to petitions from the disability sector, the mental health sector and so on. This is the best committee to afford people an opportunity to explain their case. Following on from our discussion with the witnesses, we can take stock and then invite in the HSE which is entitled to an opportunity to offer its spiel. It is from that process we will get a better picture of what is happening. I am on record as saying that this committee is different from the previous one in terms of party politics. It is more of a collective group and it is more empathetic. It is in the rules of the committee that we can submit our findings or decisions back to the Committee on Health. Obviously, if that has not been dealt with within three months, it comes back. I think it is very important to give witnesses an opportunity in our committee to tell their story. As I said at the start, we listen to the two sides and somewhere in between, hopefully, we get the truth.

**Chairman:** We have the option of asking the Committee on Health to sit in with us, if members wish that. I call Deputy Higgins.

**Deputy Emer Higgins:** This is more for my information than anything else, and I am not trying to be difficult but trying to learn more about the committee. If this subject has already been discussed by another committee, does that not seem like a lot of duplication from the Houses of the Oireachtas on one particular topic? Until that field trip Deputy Buckley has spoken about happens and we get the findings from that, would we not be better to wait and then make a more informed decision as to whether or not we need to look at this, in addition to the other committee or perhaps alongside it? If it is already looking at this, I suggest that we wait and see how that pans out before we make any determination. That is my feeling on it.

**Chairman:** For information, this committee has precedence over the other committees. That is why I am suggesting the Committee on Health would join us for a joint meeting. I call Senator Craughwell.

**Senator Gerard P. Craughwell:** I was really comfortable in my mind as to what I wanted

to say until Deputy Higgins came in. She has now totally thrown my mind somewhere else. There is much in what Deputy Pat Buckley is saying in this particular case. I would see no difficulty whatsoever in this committee taking the lead on it and by all means inviting in the Committee on Health as well. It is one of those rare occasions where the story merits the efforts of the committee. That is my view.

**Chairman:** If no other member wishes to come in, I suggest that we send an invitation to the Committee on Health to have a joint meeting. I see Deputy Buckley wishes to come in.

**Deputy Pat Buckley:** What the Chair was about to suggest seems the fairest way. Let us bring the two committees together.

**Chairman:** We will ask the secretariat to make contact with the Committee on Health. We will have a joint meeting and take it from there.

**Deputy Pat Buckley:** I would agree with that, if the committee is happy.

**Deputy Cormac Devlin:** On that, if we are doing a joint meeting, I suggest that we have it with the HSE. Having had a quick look at a few items with regard to St. Brigid's, I think the group is quite political. If we have questions about the centres, we should ask the HSE ultimately. We thank the petitioners for their petition and for raising the issues and bringing it to the attention of the committee, but we should bring in the HSE and discuss it with it directly. That would be my proposal.

**Chairman:** Which one did the Deputy say is political? Was it St. Brigid's?

**Deputy Cormac Devlin:** Yes. I would argue both, but St. Brigid's certainly is.

**Chairman:** What does the Deputy base that on? I know the town. Some 11,000 signatures have gone in from south Kilkenny, north Waterford and south Tipperary, and all parties are involved in it.

**Deputy Cormac Devlin:** I am not doubting there is no interest in this and, absolutely, there is interest in it. As I said, if we want to resolve the issue, we should bring in the HSE. That is my proposal. If it is a joint sitting of this committee and the Committee on Health, that is fine. I think that would be the best proposal.

**Chairman:** Will we have a joint meeting with just the HSE or, as Deputy Buckley said, will we have our meeting on St. Brigid's and Owenacurra first and then a joint meeting with the HSE?

**Deputy Pat Buckley:** I want to come back in. The Committee on Petitions is for the general public. With no disrespect to Deputy Devlin, I take offence at the suggestion it is political. We have three Government party members who are also working to save that centre. Whether he is using "political" as in politically motivated or as referring to the Opposition, I have been on the record in my own town of Midleton, with the other Deputies in east Cork, to say that we would not be politicising it and we will not play party politics on it because it is a local issue about local services. I want that on the record. That is why I think it is the important to get the witnesses in.

I understand where the Deputy is coming from in regard to the HSE and it will get its turn too. However, the Committee on Petitions is open to every single citizen in the country and they can come in and at least ask for their voices to be heard. That is the point I was trying to

make. It certainly will not be political points scoring. I am not on the media about it as much as others. I will go on the record and say it here again. I have reminded people at previous meetings of the Joint Sub-Committee on Mental Health that there are three Members fighting for the same thing who sit in the present Government and I have not been throwing anything that is inappropriate. As I said at this committee a while ago, this committee is very different. We can put politics aside to address local issues and to help everybody. That is the way it should be. That is my take on it.

**Senator Gerard P. Craughwell:** I support what Deputy Buckley is saying. I am in the beautiful position that I am an Independent here and answerable to nobody but God. At the end of the day, key to the Committee on Petitions is that the citizen has access to the Oireachtas and the citizen has the opportunity to bring his or her case here, when everything else has failed him or her. From that perspective, leaving party politics out of it, I do not care if they kill one another down in the constituency, and that is all fair game as far as I am concerned, but let us put the citizen at the centre of everything we are doing today and make our decisions based on the needs of the citizen.

**Chairman:** I agree with the two previous speakers. We said at the start that we would all leave party politics at the door. Before I let in Deputy Higgins, I suggest that we have a meeting with Owenacurra and the St. Brigid's committee and then have a separate joint committee meeting with the HSE. I think it will get very messy if we try to have in two committees, the HSE and the two petition groups. I propose that we have two separate meetings, one with the two petition groups and a separate meeting with the HSE as a joint meeting with the Committee on Health. I call Deputy Higgins.

**Deputy Emer Higgins:** Senator Craughwell said this committee is there to support our citizens when everything else has failed them. Are we not pre-empting the failure of the Committee on Health to address this? Should we not just let it do its work? If we feel it is not adequate or if people feel they have been failed, at that point, we can step in. I am conscious of the phrase the Chairman has just used that it might get "very messy" if we have too many parties involved. Surely to have too many committees involved has that same risk.

**Chairman:** I do not think so. Is Deputy Buckley on the Committee on Health?

**Deputy Pat Buckley:** I am a substitute on that committee. My feeling is that the Committee on Health would prefer it if the Committee on Public Petitions took this because it was referred to it. Given the amount of work the Committee on Health takes on at the moment, it feels it is more appropriate for us. Our committee is a listening committee, to go back to what Senator Craughwell said. It is supposed to be the most easily accessible committee that every Irish citizen can access. If they have concerns, fears and worries and they feel they are not getting anywhere, we should afford them the chance to be listened to. We should afford them the chance to speak. If it does advance from that and the Chairman feels that it is beyond our grasp or that we are out of our depth and it is a major health issue, we can then refer it to the Joint Oireachtas Committee on Health. That recommendation can sit in limbo for three months and then be referred back to us. At least this way, we are addressing it.

In terms of background information on the Owenacurra centre, it is a very urgent matter and we do not have time to let it go. That is my opinion. This is a nice committee and we agree to disagree at times but it is the only committee through which we can collectively bargain on behalf of the citizen and not for our own kudos.

**Chairman:** As has been said, this committee is the first port of call for any petition coming from the public. If the issue is not resolved here, we can refer it on to the Joint Committee on Health or any other Oireachtas committee. The first port of call should be this committee.

I have a dilemma because I do not know which of the two candidates for the role of Vice Chairman indicated a desire to speak first.

**Senator Gerard P. Craughwell:** I will allow the member from the Lower House to speak first.

**Deputy Cormac Devlin:** I thank the Member from the Upper House.

Does the Chairman know whether St. Brigid's and Owenacurra have written to the health committee? Deputy Higgins has made a good point there. As I said, I believe the health committee should be the first one to examine this and then, as Deputy Buckley said, if it is not examined, it can come to us. I still stand by what I said earlier, that if the HSE were to come in we have already received a petition to put before it. Obviously Deputy Buckley is familiar with his local area and the local issues there and I accept what he is saying. It is not a political issue. Other members are more aware of the issues with St. Brigid's. If the HSE were to come in, we could put the questions from the petitioners to it, short-circuit the whole thing and hopefully get a resolution. That would be a good day's work.

Does the Chairman or the clerk to the committee know if the petitioners have written to the Joint Committee on Health? As I understand it, Deputy Buckley is a member of that committee or a substitute member. If the petitioners have done so, we should see what that committee does first and then offer to look at it jointly or come back to the issue at our next meeting.

**Chairman:** I do not know if the petitioners have written to the health committee. Perhaps Deputy Buckley knows. Regardless, I still come back to the point that this committee gives people from communities all over the country an opportunity to bring their concerns to a public platform in Dáil Éireann. If we bypass them with the HSE, there is a possibility that the people of south Tipperary, south Kilkenny, north Waterford and Middleton in Cork will never get to put their case for their own communities and their services in front of anybody here. That is the worry I would have.

**Senator Gerard P. Craughwell:** Thank you very much, Chairman. I ask Deputy Higgins to drop me a text before I speak in future so that I do not walk myself into trouble. The problem we have here is that Deputy Buckley on one side, and Deputies Higgins and Devlin on the other side, are all making perfect sense. What I would say about the Committee on Public Petitions is that it should be the last chance saloon for everything. If people have been through the system and the system has let them down, if they have tried everything possible to put something to rights but to no avail, then this committee is for them. This committee is the last chance saloon where people can come and put their case on the public record. They may not get the support of the committee at the end of it, but we should defend to the death the right of any citizen to come here with a case. I understand the urgency of the case that Deputy Buckley is concerned about and that conflicts me slightly *vis-à-vis* the statement I just made.

If it is possible to hold a joint meeting with the Joint Committee on Health, we should do that. However, if there is still scope for the health committee to do something here, then I would side with Deputies Higgins and Devlin and say we should get that committee on the game but if it is not up to the game within a short space of time, then we will take it over.

**Deputy Pat Buckley:** May I clarify something? To my knowledge, the Owenacurra centre has approached the Joint Committee on Health and the Committee of Public Accounts. The centre has exhausted most avenues. It has called for meetings with the HSE. It has exhausted the avenues open to it which is why I feel that this committee dealing with it is so important. In fairness to the health committee, it has said that it will facilitate a visit to the centre so that members can see it with their own eyes and compare what they see with the reports from the HSE.

Despite what people may think, it has not been disjointed. There has been good dialogue between some of the worried families, the HSE and the health committee. As I said, some of the petitioners want the Committee of Public Accounts to get involved because public moneys are involved here. The investment of public money in the centre is the crux of the issue. When committee members hear the petitioners' statement on this, it will totally clarify the situation that patients and their families are in. It will also give members a clear picture of the impact that the choices being offered by the HSE will have on patients. Then when we hear the HSE's side of the story, that will give clarity in terms of the whole picture. Questions may remain at the end of that process but it will be up to the committee as a whole to decide on that. I would go back to the statement I made at the outset, which is that we have to hear both sides of the story and then decide where the truth lies.

Deputies Devlin and Higgins have asked why the health committee is not dealing with this. That committee has facilitated those involved to the best of its ability but it is swamped with work because of the current situation with regard to health, Covid-19 and so on. We are in a very privileged position at this committee in that we can afford these people the opportunity to air their views. Where there is an action, there is always a reaction and we can also give the HSE an opportunity to tell its side of the story. Then it will be up to us to decide.

**Chairman:** Just to clarify, I am not sure if the petitioners have actually written to the Joint Committee on Health but I know they have met the HSE. The same is true for the St. Brigid's petitioners who would argue that they have the backing of 11,000 people in the south Tipperary, south Kilkenny and north Waterford catchment area. They feel they have exhausted all available options and that appearing before this committee is an opportunity to put their case.

**Senator Eugene Murphy:** As Deputy Buckley will know, when I was on the previous committee, I was always conscious of the importance of giving people a hearing when necessary. In terms of Senator Craughwell's comments, if we are in a last-resort scenario then we should deal with it. Has the group met the regional health committee, some of whose members would be local councillors from the region? Have they used that forum?

**Chairman:** Is Senator Murphy referring to St. Brigid's or Owenacurra?

**Deputy Eugene Murphy:** Either one. There are regional health forums all over the country and there are elected representatives on those forums. Those forums are used by lots of groups so I am just wondering if the petitioners have sought a meeting with the regional health forum. They should do that before they come here.

**Chairman:** I am not sure but I would imagine they probably have done so.

**Deputy Pat Buckley:** Every avenue has been exhausted. In fairness, the support they have received, including from local councillors, has been overwhelming. This is the crux of the matter. Support is coming from the bottom up, from the general public. There have been public displays of anger involving marches on the street. Support has also come from local council-

lors, local businesses and even local gardaí. That is why I am asking that they be allowed to tell their stories. We will know what is happening when we hear their story. They are entitled to that fair hearing.

**Senator Eugene Murphy:** That is not what I am saying. Have the groups in the Deputy's region met the regional health forum? It is a simple question that requires a "Yes" or "No" answer.

**Deputy Pat Buckley:** I am not aware of that.

**Senator Eugene Murphy:** Could the Deputy find that out before we proceed-----

**Deputy Pat Buckley:** I do not know why the Senator is taking that tone with me. This is the Committee on Public Petitions and the petitioners have lobbied the committee for a fair hearing, to which they should be entitled. They have tried everything else and they are thinking about going to the European Union.

**Senator Eugene Murphy:** Not if they have not-----

**Deputy Pat Buckley:** I know the Senator's question is if they have met the regional health forum. I could not answer that question because I am not aware if they have met it.

**Senator Eugene Murphy:** I am trying to be helpful by suggesting that before the petitioners jump in here-----

**Deputy Pat Buckley:** It will slow things down and there is an urgency to the issue.

**Senator Eugene Murphy:** It would make sense for them to meet the regional health forum and the representatives on it before they come here. If the committee agrees, I have no difficulty taking the petitioners but we should remember that we will have dozens of these requests once we take one. We will have them coming from all over the country because there are similar problems all over the country. I am not saying we should not give some people a hearing but we will create a big work issue trying to accommodate everybody on this committee. We need to be careful and wary of how we do it. I am only saying that the Deputy should find out if the groups have met the regional health forum. If they have and nothing has come out of that, I am sure we can agree to take a small number of representatives of the groups.

**Chairman:** They have come this far and to the best of my knowledge they have exhausted every avenue that was open to them. Listening to them might bring in extra work but if we start putting obstacles in front of community groups like the St. Brigid's hospital committee and the Owenacurra centre committee, we will finish up having nothing to do because no one in the public will have any faith that an issue will be dealt with in this committee. There will be a perception that we want to keep holding them off. The two hospitals in question are closing. St. Brigid's hospital is closed and the Owenacurra centre is closing. Time is of the essence. There are 11,000 people involved in the petition for St. Brigid's hospital, for example. They want this matter progressed and have signed a petition to get it in front of the committee. It has come through the secretariat to the members and we should afford them the opportunity to appear before us. Let us make the decision, bring in the HSE and members of the Joint Committee on Health and see where we go from there. We should not put obstacles in the way of any group just because it might create extra work for members, who are elected representatives.

**Senator Eugene Murphy:** The Chairman is misrepresenting what I am saying. I never



used the word “obstacles” and I do not put obstacles-----

**Chairman:** I withdraw that.

**Senator Eugene Murphy:** That is fair. I am saying they should use every available forum before they come here. We all accept that this committee is almost a last resort. We get very little media coverage because many of the cases have been raised all over the place before getting here. We are the last resort. I am asking for clarification from the Chairman and Deputy Buckley on whether these groups have gone through the regional health forum. If they have, I am sure we can agree to meet them. I do not have any issue with that. I am not putting any obstacles in anybody’s way or objecting to their case or the concerns they have about the two hospitals. I asked a simple question on whether they have gone through the regional health forum and met its members to make their case.

**Chairman:** As I said, I cannot speak for the St. Brigid’s hospital committee. I do not know if it has used the forum. I know the people involved in the committee and I imagine they will have exhausted all avenues.

**Deputy Emer Higgins:** I do not mean to labour the point but the Joint Committee on Health is considering this matter and has organised a visit to the site. Is it not prudent to ask that committee for a report on what progress it is making in order to put pressure on it to ensure it deals with this matter adequately? As Senator Craughwell said, if we cannot get those reassurances, we should look at the matter then. I agree with Senator Murphy. If this is a committee of last resort, we do not want a dual process with two committees looking at the exact same issue. I appreciate that the two committees could be brought together but the HSE has already been before the Joint Committee on Health to discuss this issue. Asking it to appear before this committee would be a total duplication of work from our perspective and that of the HSE. If there are other petitions that should be considered, we would be deprioritising them to deal with a matter that another committee is already examining, which would not make sense. We should ask the Joint Committee on Health for a report on its work and keep the pressure on it to ensure it deals with this. I know it a time-sensitive issue but that committee has agreed to visit the sites. If it does not do that or if we feel it is not progressing the matter, we should by all means look at it. Until then, this seems to me to be a matter for the Joint Committee on Health and it is on its agenda.

**Deputy Cormac Devlin:** Deputy Higgins had made a sensible suggestion. I know we have had a long discussion on this and I am conscious that there is a third petition to examine. We should defer the matter until we know what the Joint Committee on Health is doing. Let us come back to it at our next meeting.

**Deputy Pat Buckley:** The problem here is that members of the Joint Committee on Health are going to visit the Owenacurra centre to look at the so-called structural deficiencies that formed part of a HSE report on the centre. That is one of the reasons the centre is being closed. The petitioners are raising a separate issue relating to the same premises, namely, the social impact of all the services being lost forever. The centre provided long-term and short-term respite, mental health services and day-care services. The HSE is saying the building is not fit for purpose and it has to close it. The Joint Committee on Health is looking at the structural report and asking why we cannot improve the centre rather than knocking it down and losing its services. The petitioners want to appear before this committee and ring-fence the argument that while the structural issue can be addressed, once those beds and services are gone in their area, they will be gone forever and that will have a social impact. That is the issue. I hope I have clarified the matter.

**Chairman:** We have had a good discussion and we now need to make a decision. We can check if the petitioners have met the regional health forum and we can even ask the regional health forum to appear if we so wish. Do we wish to defer the matter or send an invitation to the two petitioners, the Owenacurra centre and St. Brigid's hospital committees, ask that they come in and give their take on the issue?

**Senator Gerard P. Craughwell:** I reluctantly propose that we do not invite them in until we establish that all other avenues have been exhausted. That would be simple enough if Deputy Buckley were to bring a letter to the next private meeting indicating he has confirmation that the petitioners have exhausted all avenues open to them. In that case, then we would be in the last chance saloon and we could get them in straight away. All we would be doing is deferring the matter for a few days if Deputy Buckley would agree to that.

**Deputy Pat Buckley:** To be honest, I would find that difficult. As I said, I am not acting as a go-between for the Owenacurra centre. I am a public representative and I take the same amount of punishment or credit as others. My feeling from working on this, talking to the service users and listening to the petitioners is that they have exhausted all avenues. That is why they need this opportunity to tell their stories, nail down what the social impact of this closure will be and try to cut across the bureaucracy. That might show that there is a bigger picture here. They are only asking for their voices to be heard, although I understand what other members are saying. This is only my view. We can vote on the issue because that is what democracy is about. This is urgent. The people who are personally affected by this are hurt and they have exhausted every other angle. If they had not done so, they would not have come to the Committee on Public Petitions. Some of the witnesses' statements on the documents we got are of major concern. It is a matter of urgency. I feel that as a public representative it does not matter if it happens in Midleton, Kilkenny or whatever other county. They should be all afforded the same respect and the same opportunity. It is a matter of urgency. We are lucky enough to be in a position to afford those people the opportunity to express their issues, it is only fair that we should listen to them. That is my argument on the point.

**Chairman:** We have had a good discussion. I will shortly allow Senator Murphy and Deputy Devlin to come in. Before I do, I suggest that we ask the secretariat to write to both petitioners and get clarity. If we get that clarity, we will bring the matter up again at our next private and public meetings. If we get clarity and we have exhausted that process, we will put out an invitation to the representatives from Owenacurra and St. Brigid's to attend our next public meeting. We could defer consideration for two weeks if they have gone through the regional health committee.

**Deputy Emer Higgins:** Did the Chairman also mention the health committee?

**Chairman:** We had said we would have representatives of the health committee in when we talk to the HSE.

**Deputy Emer Higgins:** Could we not write and ask them-----

**Chairman:** It is up to the committee.

**Deputy Emer Higgins:** Could we not write to them and ask whether the matter has been before them and could they give us a report? That would be useful.

**Chairman:** We can ask the secretariat to give us an update at our next private meeting in two weeks' time.

**Senator Eugene Murphy:** It is important to say that we understand what Deputy Buckley says. Of course there is a social fallout. Of course people are hurt. We have Sláintecare and all of these things happening. I want it to be clear that I and my colleagues want what is best for the people. When I was a member of the previous Committee on Public Petitions, another committee was dealing with an issue and we were told we could not deal with it. I will try to find the minutes of that meeting. I clearly remember that I wanted to bring up an issue and was told that the health committee or the Committee of Public Accounts was dealing with a matter and the Committee on Public Petitions could not have the relevant people before it. Perhaps that has changed. If, as Deputy Higgins said, the health committee is going to visit one of those sites, and that was what I understood her to say, that committee is dealing with the issue. Would we be crossing another committee? I clearly remember the point arising when I was a member of a previous Committee on Public Petitions. If a particular committee of the Houses was dealing with an issue, no other committee could cross it. We were seen as the last resort. If another committee failed in what it was trying to do, the matter came to the petitions committee. I know I am correct in that because I remember it clearly.

**Chairman:** What has been said already is that petitions come here and we move them on to the health committee, if we feel-----

**Deputy Eugene Murphy:** Does the opposite hold true? If the health committee is dealing with a petition, as it is according to Deputy Higgins-----

**Chairman:** It had come here first and was sent on.

**Deputy Eugene Murphy:** That is not the way it works. If there is an existing committee-----

**Chairman:** We can find out what the situation is because there is uncertainty.

**Deputy Cormac Devlin:** Let it not be said that I never agree with Senator Craughwell because I totally agree with his suggestion. In fairness to Senator Murphy, this committee certainly wants to hear about the concerns of constituents and their local centres. There is no question about that. To the point that Deputy Higgins made earlier, we also must be cognisant of our work and duplication with other committees. The Chairman suggested that the clerk would seek information from other committees and I would not limit that to the health committee. From listening to colleagues, nobody seems to be certain which committee is involved. This group is obviously very active and I commend its members on their work to date. If they have corresponded with other committees and subcommittees of the Oireachtas, we need to find out. Perhaps they have been in touch with the Sub-Committee on Mental Health or another Oireachtas committee. We need to be sure whether a site visit is happening. Deputy Buckley says the visit relates to the physical building, and that is fair enough. It might not be about the services. I cannot imagine an Oireachtas committee attending a site and not discussing the services in tandem with discussions of a building. Why would a building be repaired if there are not to be services? They will have a discussion around everything. We need to have that report, as Deputy Higgins rightly said. I would also like for this committee to inquire of all other Oireachtas committees to see if this is on the agenda for any other committee. When we establish that, Senator Murphy's point about the regional health forum is a very good suggestion. It is more targeted. The regional health manager would be at those meetings, along with the other professionals within the HSE. We might not actually get that audience at a meeting of ours but that is not to say we should not try. We must ensure there is no duplication happening in the Oireachtas. We have learned today that a site visit is happening, which I welcome.

Following on from that, we can discuss it at the next meeting. That is why I agree with Senator Craughwell's suggestion.

**Senator Gerard P. Craughwell:** I am completely shocked. I thank the Deputy very much. I apologise to Deputy Buckley but I think we need to do this quickly. These people are suffering and we should not do anything that would prolong that suffering. We should get to it quickly. I ask Deputy Buckley to explain that to them because I know he will be working with them. I know that colleagues in other places and members of other political parties will be working with these people. Please explain to them we are not disregarding their needs. We are trying to ensure they get the best possible outcome in the quickest possible time.

**Chairman:** What was the Senator's suggestion?

**Senator Gerard P. Craughwell:** I am saying we should tell them the matter has been deferred for the moment while we investigate what other committees are doing with respect to this issue. If we find no other committee is doing anything, then we must step in. That can surely be accomplished in a few days. It is not rocket science. I appreciate that the health committee is busy at the moment, with all that is going on, and it is quite possible it could not deal with this matter. If that is the case, we should deal with it as a matter of urgency. We should be telling the petitioners that we are suspending consideration for the moment because we need to check with the other committees but if no other committee is dealing with the matter, we will tell the other committees we are taking over the issue and we will call the petitioners before us and they will have a chance to make their petition as a matter of urgency. We are not going to leave them swinging in the wind for much longer. Deputy Buckley must get that message across to them, as must his colleagues from all parties and none who are dealing with this case.

**Deputy Pat Buckley:** I have no issues with that.

**Chairman:** We will ask the secretariat to-----

**Deputy Pat Buckley:** I can see both sides here. I thank the committee for hearing me out. I understand the issue about duplication. If the suggestion is that the secretariat writes to the Sub-Committee on Mental Health, the health committee and others, and asks where the issue is at or if those other committees are finished considering the issue, at least then we will know what action to take. I am happy enough with that. It is a commonsense approach and a way of meeting in the middle. No one is being ostracised at the same time. I would ask for a bit of urgency because there is anxiety. An issue like this will affect people. I urge urgency.

**Chairman:** We will ask the secretariat to contact the health committee and other committees to see if there is a crossover. I will say, as Senator Craughwell and Deputy Buckley have said, there is an urgency to this. We will also get clarification from the petitioners themselves if they have been with the regional health committee. If they have, we will try to fit them in over the next one or two meetings. We will bring them in if everything has been done. We can talk about having a joint meeting with the committee and the HSE. Are members happy with that?

**Deputy Pat Buckley:** That is a middle ground. I thank the Chair.

**Senator Gerard P. Craughwell:** I will go with that suggestion.

**Chairman:** The next petition is 44/21, which relates to Wexford County Council. There was a recommendation during the private session that the correspondence from Wexford County Council would be forwarded to the petitioner for comment. Do members have any views on

that? No.

That concludes our consideration of public petitions. I invite members of the public to submit petitions via our online portal. The petition may be addressed to the Houses of the Oireachtas on a matter of general public concern or interest, or on an issue of public policy.

The next item on the agenda is any other business. Would members like to make any points or comments?

**Deputy Pat Buckley:** I just want to say thank you for today. This is what the committee is about. It is about dialogue and fairness, and about meeting in the middle ground. At the end of the day, the committee is set up as a forum for people to have a voice. We must just progress with this and I thank the Chairman.

**Chairman:** I thank members for attending and taking part. I thank also the committee secretariat and those involved in helping to run these meetings. We will adjourn until 11.30 a.m on Wednesday, 16 February 2022, when we will meet for a virtual private meeting, to be followed by a public meeting at 1.30 p.m. on Thursday, 17 February 2022.

The joint committee adjourned at 3.01 p.m. until 1.30 p.m. on Thursday, 17 February 2022.