



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	2
Priority Questions	2
Defence Forces Personnel	2
Overseas Missions	4
Overseas Missions	6
Defence Forces Personnel	8
Other Questions	10
Defence Forces Reserve	10
Defence Forces Properties	13
Defence Forces	15
Overseas Missions	17
Defence Forces Records	19
Message from Seanad	21
Topical Issue Matters	21
Topical Issue Debate	22
Education and Training Provision	22
Water Supply Contamination	26
Accident and Emergency Department Waiting Times	28
Leaders' Questions	35
Order of Business	44
Proposed Approval by Dáil Éireann of the Terms of the Association Agreements between the European Union and Georgia, the Republic of Moldova and Ukraine: Referral to Select Committee	53
Visit of French Ambassador	54
Terrorist Attack in Paris: Statements	54
Registration of Lobbying Bill 2014: Order for Report Stage	61
Registration of Lobbying Bill 2014: Report Stage	61
Hospital Services: Motion [Private Members].	80

DÁIL ÉIREANN

Dé Céadaoin, 14 Eanáir 2015

Wednesday, 14 January 2015

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

*Paidir.
Prayer.*

Ceisteanna - Questions

Priority Questions

Defence Forces Personnel

1. **Deputy Seán Ó Feargháil** asked the Minister for Defence if the Defence Forces have succeeded in recruiting the required number of doctors; and if he will make a statement on the matter. [1391/15]

Deputy Seán Ó Feargháil: I welcome staff and colleagues back to the House and wish them a happy new year. My question reflects the difficulties experienced by the Defence Forces in recent years in recruiting the full complement of doctors to provide services to members of the forces. I am seeking to ascertain what progress has been made in this regard.

Minister for Defence (Deputy Simon Coveney): I join Deputy Ó Feargháil in wishing colleagues and staff a happy new year and welcoming them back for what we expect to be a busy term in the Dáil.

I am advised by the military authorities that as of 9 January 2015, there are 20 doctors employed as medical officers in the Permanent Defence Force. The current establishment figure for medical officers qualified as doctors in the Permanent Defence Force is 28. There is an ongoing recruitment effort to appoint doctors to fill vacancies for medical officers in the Defence Forces. To this end, a competition for the appointment of doctors remains open, with applications being accepted on an ongoing basis. Unfortunately, there has been and remains a limited response to this competition. As suitably qualified applicants are identified, they are interviewed with regard to their suitability for service in the Defence Forces. In 2014, three doctors were appointed as medical officers, and a further two applicants are currently progress-

ing through the selection process.

Due to the difficulty experienced in recruiting doctors to the Defence Forces, it has been necessary to identify alternative options for the provision of medical services, including consideration of the outsourcing of Defence Forces domestic medical services. In this connection, a joint civilian-military standing committee was set up with a view to advancing the development of a sustainable integrated medical service and addressing the appropriate means of delivery of key medical capabilities for the Defence Forces. An integrated model for provision of the required medical services, involving both the medical corps and outsourced service provision, is currently being progressed.

I take this opportunity to assure the House that Defence Forces personnel requiring medical treatment are getting the care they need. I am committed to providing a sustainable medical service to meet the needs of the Defence Forces both at home and abroad.

Deputy Seán Ó Fearghail: I welcome the Minister's statement to the effect that Defence Forces personnel are receiving the medical care they need. That is an issue of paramount importance to all of us. My interest in the area of medical services dates back to the decision of the Minister's predecessor, Deputy Shatter, to close the Curragh families clinic. When I previously raised this matter with him, Deputy Shatter advised the House that the establishment figure for medics within the Defence Forces was 32. The Minister has just stated that this figure now stands at 28. Much more significantly, figures provided by the then Minister, Deputy Shatter, indicated that 45 private GP practices provided services to the Defence Forces in 2012 and that these accommodated 36,000 visits during that year. The cost to the Exchequer in this regard was €1.4 million. In 2011, 51 GP practices accommodated 39,000 visits at a cost of €1.5 million to the Exchequer. The figures for these visits seem inordinately high and it is extraordinary that this number of GP practices are providing services in addition to those provided by Defence Forces medics. The current position with regard to the general population is that 141 medical professionals provide services to every 100,000 members of the population. This would equate to 14.1 doctors for every 10,000 personnel within the Defence Forces.

Deputy Simon Coveney: The Deputy quoted a number of figures. Defence Forces personnel are not like everyone else in society. They are constantly checked in terms of their mental and physical fitness, they are driven hard in the context of the training they must undergo and they are benchmarked with regard to the standards etc., which they need to set. As the Deputy knows, medical assessment of Defence Forces personnel forms part of the training regime. Defence Forces personnel, who are fit, strong, healthy young men and women, are still obliged to see GPs in order to ensure that they meet the standards expected of them. There is a difference between medical care for these personnel and the need to outsource the carrying out of assessments relating to fitness levels and so on.

In the context of the alternative arrangements that are in place to provide medical cover to military personnel, a total of 36 medical practices, including those involving nine retired military medical officers, provide general practitioner medical services, as required, for military personnel on a contract for services basis at various military installations. We are examining practical ways to ensure that Defence Forces personnel will have access to the medical facilities required in order that they can be looked after adequately in the context of their health demands. Obviously, however, an establishment figure of 28 trained doctors within the Defence Forces is something we would like to achieve. We will continue to consider ways to ensure that we host more successful recruitment campaigns.

Deputy Seán Ó Feargháil: I take the Minister's point. However, it seems extraordinary that in 2011 and 2012 - this also appears to have been the case in 2013 and 2014 - it was necessary to make contractual or other arrangements with anything between 45 and 51 general practices in order to meet the needs of what should be - and is - the healthiest cohort of people in the country. Some 39,000 and 36,000 visits were accommodated by such practices in the years 2011 and 2012, respectively. The numbers of such visits appear to be inordinately high. The management of the medical services by the Department of Defence is, at best, questionable, and serious attention needs to be paid to how they are managed and ordered, and to the cost arising in respect of them, namely, €3 million over the two years. This cost excludes consultancy services because I notice that in each of the two years, there were six consultants in addition to the general practitioners on a retainer of some sort in the Department. In addition, out-of-hours services were provided.

Deputy Simon Coveney: The Deputy is trying to make a big issue out of something that I admit is an issue in terms of our capacity to recruit the required number of doctors suited to be in the Defence Forces. Recruiting them is a problem. We have 20 but need 28. We need to find ways of attracting medical practitioners into the Defence Forces more successfully. However, I take issue with the Deputy's suggestion that because there are as many visits to general practitioners by members of the Defence Forces as he has quoted, there is some kind of health problem. The role of doctors and medical advisers to the Defence Forces is very different from that of medical personnel among the normal population. To be fair, the Deputy accepts that. The figure for medical practitioners is actually 36.

On recruitment, it is true to say that in 2011 there were no additional doctors in the Defence Forces. In 2012, there was one extra, in 2013 there was another one, and last year there were three. There are two currently under consideration for the start of the year. We are making some progress here but this is certainly an area that I am very aware needs constant attention. It is receiving attention. There is a committee examining this matter to ensure we proceed in a cost-effective way and, most important, in a way that is appropriate for a modern defence force.

Overseas Missions

2. **Deputy Seán Crowe** asked the Minister for Defence if he will confirm plans to send Irish Defence Forces personnel to the Indian Ocean to tackle piracy; the number of personnel who will be involved; and the possible timeframe for deployment. [1394/15]

Deputy Seán Crowe: I welcome the Minister back after the Christmas break. There were media reports in December that the Minister was examining proposals to send Irish troops to the Indian Ocean to battle piracy as part of plans to expand peacekeeping missions abroad. My questions centre on that.

Deputy Simon Coveney: In response to the rising levels of piracy and armed robbery off the Horn of Africa and in the western Indian Ocean, the European Union launched its first maritime operation, EUNAVFOR ATALANTA, on 8 December 2008. The primary aims of the operation are to contribute to the protection of vessels of the World Food Programme delivering food aid to displaced persons in Somalia, in accordance with the mandate laid down in UN Security Council Resolution 1814 (2008); and to the protection of vulnerable vessels cruising off the Somali coast, and the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast, in accordance with the mandate laid down in UN Security Council

Resolution 1816 (2008).

Two Naval Service officers were deployed to the operational headquarters of Operation ATALANTA at Northwood in the United Kingdom between June and November 2009. The Department of Defence has begun examining potential options in regard to a contribution by Ireland to the mission, in consultation with the military authorities. This examination is at a very early stage and no decision has been made.

To be blunt about it, I have asked my Department to consider this seriously. Many other European countries have made a contribution towards it. Ireland is a county that relies on trade. This is about protecting and maintaining trade routes in this part of the world. Ireland has the capacity to make a positive and real contribution to this effort. Of course, however, it needs to be fully costed to determine whether we can afford it; that is the issue at present. As soon as we make a decision on that, we will revert to the House because we would need its full approval before any definitive decision could be made.

Deputy Seán Crowe: Have there been any specific requests? Who did the requests come from? The Minister referred to costs. Has he a ballpark figure for the cost? How many troops are being talked about? In the past, the Irish Rangers operated in the area. One of them was injured at one stage. This is media speculation and I do not know if that is the situation.

Somalia is a failed state, and there is a difficulty in that regard. There are warlords. It is one of the poorest countries in the world. There are all those socio-economic difficulties as well. Are we looking at this as a package or merely as a deterrent, or what is going on?

I and one of our colleagues here visited Tanzania just before Christmas with the Association of European Parliamentarians with Africa, AWEPA. We were looking at deep sea fishing and the fact that there is no deterrent. There are no fishing vessels there and there had been support from the EU. That whole coastline, as part of the Indian Ocean, is being stripped of tuna. Is the package seen as part of that overall position or is it specifically a military response to a difficult situation there?

Deputy Simon Coveney: Operation ATALANTA is specifically about counteracting and preventing piracy and providing a significant deterrent for what had become a serious problem whereby ships, some of which were carrying World Food Programme aid, were under threat of being attacked and having their cargo robbed. It has been a successful mission. The number of acts of piracy in that part of the world has been significantly reduced as a result.

We could contribute probably in one of three ways. We could send a well-trained unit of approximately 20 personnel to be on World Food Programme cargo vessels, in effect as an armed guard at sea, we could send Air Corps personnel and an aircraft to improve the capacity in terms of surveillance in the area, or we could look at sending a fully crewed ship, for a period of three or four months, to participate in the work the fleet is doing there. We are weighing up all the options. I will certainly come back to the House if it will progress to a decision. There are different cost implications for different proposals and we are limited in terms of what we can afford to do at present.

Deputy Seán Crowe: Given the “Captain Phillips” film, it is in the media at present. People are aware of the difficulties and what happened there. Mainly, I want to find out whether this is a live issue or merely something that was floated before Christmas, and whether the Minister is looking seriously at this issue. The big concern will be the extent of the involvement in this

mission.

I suppose there are issues. For example, if an Irish soldier arrests someone, where will that person be tried? Will the person be brought back to Ireland? In “Captain Phillips”, the Americans brought them back to the United States. Will such a person be brought to The Hague? Will the person be tried in Somalia, which is run by warlords? Those are the factors related to the specifics of the mission. I accept that it is still only at the discussion phase, but anything new that involves Irish troops in a difficult situation needs to be discussed and thought out fully.

Deputy Simon Coveney: To reassure people, this is a mission that is working really well. The kind of questions Deputy Crowe is asking have been asked by many other countries before they would have participated in Operation ATALANTA. There is an efficient system working successfully to patrol off that part of Africa. The decision we must make is whether it is appropriate for Ireland to contribute to those positive efforts and fit in with that EU-led mission, whether we can afford to do it and whether we should do it.

The direct answer to Deputy Crowe’s question is that we are looking seriously at this. I will have a full cost estimate within the next couple of weeks and then we will make a decision on the back of that. I stress there are many things I would like to do abroad in terms of a positive contribution the Defence Forces could make in different parts of the world around conflict resolution and peacekeeping work. We must prioritise because we have limited resources. What I am assessing at the moment is whether we can afford to do this and whether we should do it in terms of contributing to a very successful mission that is already under way. One way or the other, by the time we have the next Question Time on defence, I will probably be able to say whether this is a real likelihood.

Overseas Missions

3. **Deputy Clare Daly** asked the Minister for Defence whether he will acknowledge the serious mistake and breach of our neutrality by successive Governments in sending Irish troops to Afghanistan, making us complicit in war crimes and torture; the reason that mistake is now being compounded by the continued presence of Irish troops since the ending of the International Security Assistance Force, ISAF, mission; and if he will make a statement on the matter. [1318/15]

Deputy Clare Daly: As Ireland is a neutral country, I do not believe our Defence Forces personnel should ever have had any involvement with the occupation forces in Afghanistan. None the less, given the ending of the ISAF mission before Christmas, it is regrettable that the Minister did not use that opportunity to withdraw the seven Defence Forces personnel but instead chose to have them remain as part of the Resolute Support Mission, RSM. Could the Minister comment in that regard? Will he provide an opportunity for the House to discuss the matter, and what is his analysis of the success or otherwise of the involvement of Defence Forces personnel in the area?

Deputy Simon Coveney: I thank Deputy Daly for her question. The deployment of Defence Forces personnel to the UN-mandated, NATO-led ISAF mission in Afghanistan between 2002 and 2014 had no implications for Ireland’s traditional policy of military neutrality. The service of Defence Forces personnel with ISAF represented a further example of Ireland’s commitment to participation in UN-mandated peace operations, a long-standing and key foreign

15 January 2015

policy principle for Ireland. The work carried out by Irish personnel deployed with ISAF represented a relatively small but important contribution to the mission.

On 9 December 2014, the Government approved the participation of seven members of the Defence Forces with the follow-on Resolute Support Mission, RSM, in Afghanistan, which commenced on 1 January 2015. RSM is a non-combat training mission designed to support and develop the capacity of the Afghan national defence forces in order that they can ensure the security of the Afghan population and its national government institutions following the withdrawal of the ISAF mission.

The deployment of members of the Defence Forces in a training role is consistent with the provisions of section 3(1)(b) and 3(1)(d) of the Defence (Amendment) Act 2006. The United Nations Security Council has welcomed the establishment of the Resolute Support Mission and has also welcomed Ireland's willingness to be part of it. We are one of many countries that are part of this mission. Ireland, along with its partners, is doing everything it can to ensure that a new government in Afghanistan can try to create stability and normality in a country that has been torn apart by war for many years. I am happy that we are trying to play a constructive training role in that effort.

Deputy Clare Daly: I am afraid that is not good enough. First, the United Nations' supposed cover for the operation masks the fact that the exercise was a NATO-led one. The UN Security Council resolution justified the decision, but the United Nations broke its own rules by approving the occupation by the US-led coalition and its activities.

The Minister said he wants Irish troops to be part of the rebuilding of Afghanistan. Let us look at what has happened in that country. The intervention was supposedly to overthrow al-Qaeda and the Taliban, but they are now stronger than ever. In fact, many of their members have now defected to ISIS. Subsequent to that, we were told the purpose of the intervention was to eradicate poppy growing and even, ridiculously, to deliver women's rights. We have since had a bumper crop of poppies, and women's rights are further back than they were in the 1980s. More than \$100 billion has been spent in the area, which is one of the poorest, most backward, most corruption-ridden and most dangerous places to live. Therefore, the mission of which we were a part has not been much of a success.

Does the Minister not agree that it has been well documented and established that hundreds of prisoners were imprisoned under extreme conditions by US-led forces in Afghanistan at the same time as Irish troops were present in Kabul? Many of the prisoners were tortured and some of them died as a result. Does that not make us complicit in that activity? Is it not the case that by leaving our troops there when many other foreign troops have been withdrawn, the Minister is making them much more vulnerable to attack and insecure in their current positions?

Deputy Simon Coveney: If one were to follow through on the logic of the Deputy's argument, the international community would simply pull out of Afghanistan. In my view, if that were to happen, the country would implode and would be taken over once again by tribal leaders, some of them fundamentalist in their thinking, and that is not what the international community would like to see happen. Therefore, we are doing what we can, in a new environment, to try to support the maintenance of stability and the building of some kind of normalisation in a country that has not seen that for very many years.

I draw the Deputy's attention to our partners, including many other neutral countries such

as Austria and Sweden. Our European partners include Finland, Germany, Italy and Montenegro, and our other partner countries include New Zealand, Australia, Armenia, Azerbaijan and the Republic of Macedonia. This is a collective effort, with approximately 12,000 personnel staying on as part of the follow-on mission, ISAF, which previously had many more personnel. With regard to Ireland's role, what we bring to those efforts in terms of training and knowledge will be a positive contribution to what is, essentially, a peace and stability mission.

Deputy Clare Daly: I would say it is a war mission. As the Minister said, it is true that the country has not seen normalisation for decades, but the roots of that situation lie in interference, including the overthrow of the government in the 1980s and the incitement and encouragement of jihadist forces by the United States even at that time. The Minister argues that Afghanistan might implode if the troops were to pull out, but I remind him that Afghanistan has imploded. The tribal leaders whom the Minister said would emerge to the top have done so and are doing very nicely out of the present conflict. It is the ordinary people who are suffering, without any protection whatsoever from the Western forces. In fact, the very presence of Western forces has given encouragement to those tribal gangs in the first place. I think it would be better if we pulled out. The fact that other countries are present does not give any cover or legitimacy to our concerns there. We are supposed to be a neutral country in our own right, dictated by peace-keeping missions. Everybody knows that the only reason there was interference in Afghanistan in the first place was not democracy or furthering the interests of people but, rather, the very rich and lucrative gas and petroleum supplies that lie in the Caspian Sea. It is a resource issue.

Deputy Simon Coveney: I think, with respect, that is a revision of history on the part of the Deputy. The reason there was a military campaign in Afghanistan was that terrorists were being trained there.

Deputy Clare Daly: Was it very successful?

Deputy Simon Coveney: That triggered a whole series of events that have taken place since. Rather than just pointing out mistakes, we all have an obligation to make an effort to contribute in a constructive and positive way to helping countries that are in real difficulty to achieve stable government and, as a result, some level of normalisation for their populations. This is the reason I have sanctioned Ireland's participation in this follow-on mission. I believe we can play a part because of our experience in post-conflict peacekeeping missions. We have seven personnel in place - this contribution is not large in numbers, but in my view it is worth maintaining. So long as I can see a positive role for the international community in a state which is trying to re-establish itself, then we will maintain a presence there.

Defence Forces Personnel

4. **Deputy Seán Ó Feargháil** asked the Minister for Defence if he will provide an update on any discussions or plans to revise the 21-year rule with regard to service in the Defence Forces; and if he will make a statement on the matter. [1392/15]

Deputy Seán Ó Feargháil: My question seeks to establish what sort of progress is being made in revising the 21-year rule as it applies to members of the Permanent Defence Force. I am aware that an adjudication is due on this matter on 30 January 2015. At the outset of the last Question Time at which this was discussed, we complimented the Minister on what he has done for the beef sector, but made the point that doing something about how the 21-year rule impacts

15 January 2015

on members of the Defence Forces is every bit as important to this sector of Irish society as the beef issue was to agriculture.

3 o'clock

Deputy Simon Coveney: I thank the Deputy for raising this issue again. I would have liked if this issue had been resolved by now. It has not but it will be shortly. I have outlined previously to the House that a claim has been received from PDFORRA on this matter and it is being dealt with under the conciliation and arbitration scheme for members of the Permanent Defence Force. Discussions have been taking place with the representative association on its claim under a special sub-committee of the conciliation council. As discussions under the scheme are confidential to the parties involved, it would not be appropriate for me to comment on the matter at this time, other than to emphasise that in dealing with this issue the manpower and operational needs of the Defence Forces must be the primary concern as well, of course, as treating people fairly.

As military life places unique physical and psychological demands on individuals, it is necessary that Defence Forces members be physically and mentally prepared to meet the challenges of all military operations and to undertake their duties on deployment overseas. It is vital the age and health profile of personnel be such as to ensure that operational capability and effectiveness are not compromised. As such, to maintain the age profile of the Permanent Defence Force to carry out the operational tasks required by Government, it is necessary to have a constant input of recruits into the Permanent Defence Force. The maximum age for personnel who have enlisted in the Permanent Defence Force since 1 January 1994 provides the mechanism through which a satisfactory age profile can be achieved.

While significant progress was made on this issue in recent discussions between PDFORRA and civil and military management, it was not possible to reach full agreement. As a result, the issue is being referred to third-party adjudication for a ruling. It is planned that the adjudication hearing will take place on 30 January, following the exchange of submissions between the parties.

In the meantime, work is continuing on exit support measures to support those due to be discharged. A number of military courses and other skills courses are already accredited with various third level institutions and professional bodies. In addition, a comprehensive training course to aid transition to civilian life for these personnel, which involves a skills appraisal and review of a person's service history and training already provided, is being piloted. I hope that by the time we have our next Question Time, this issue will have been resolved.

Deputy Seán Ó Feargháil: Can I take it the Minister will accept, therefore, the recommendation of the arbitrators in this matter? I emphasise again that much has changed since the 21-year contract was envisaged in 1994. Commandants can serve an additional two years, until they are aged 58; lieutenants can serve until they are aged 54; gardaí and prison officers can serve until they are aged 60 and firefighters, who have particularly challenging work, can serve until they are aged 58. We all subscribe to the view that our people must be physically and psychologically fit to undertake the particular challenges of the job. Going back to an earlier question, people are demonstrably fit, and the evidence for this is when one examines the public service as a whole one sees that members of the Permanent Defence Force have the least amount of sick leave awarded to them.

Deputy Simon Coveney: I would expect that. In my time as Minister for Defence I have been hugely impressed by our Defence Force personnel, at home and abroad, in southern Lebanon, Golan, Collins Barracks in Cork and other barracks throughout the country. The fitness levels and benchmarks we have set and achieved for the Defence Forces mean that we have fitter, better-trained, stronger Defence Forces personnel than we have ever had, which is as it should be.

I have deliberately stayed out of this debate because we do not need to make political decisions here. We need to make decisions that are fair to the individuals involved and that are right for the Defence Forces. I want a process to be finalised and a recommendation to come to me that I will look at. I do not want to be tied down here to implementing that to the letter, but I would be very surprised if the recommendations from that system when it is finalised were not fully implemented. I will wait and see those results.

Deputy Seán Ó Fearghaíl: Am I to take it, therefore, that there is some degree of flexibility on the Minister's part; that he appreciates there is a problem; and that he is willing in his approach to this to find a solution to that problem that will inevitably have to provide for some additional service for people who have reached their late 30s or very early 40s and continue to be absolutely fit and capable of undertaking the particular challenges of the job?

Deputy Simon Coveney: It is important to understand that since 1994 when this was introduced initially there have been two renegotiations of that policy to reduce the overall age profile of members of the Defence Forces. It was extended from five years to 12 years and to 21 years. Now the 21 years is up. The Defence Forces have shown a willingness to be flexible in the past and I think some flexibility will also be shown this time.

However, the overriding objective must be to do what is best for the Defence Forces as a collective to ensure we have an influx of new Defence Forces personnel all the time. We also need to value the experience and training that many of those who have been in the Defence Forces for 20 years have and could still contribute in the future. It is about trying to balance all the considerations, and being fair and respectful to people who have served their country. That is why the process is under way and it is why we have taken our time to get it right. It would not be appropriate for a Minister to wade in before the process has concluded and try to determine what the outcome should be. I will wait for the outcome of the process and then we will finalise decisions.

Other Questions

Defence Forces Reserve

5. **Deputy Seán Ó Fearghaíl** asked the Minister for Defence his plans for the development of the Reserve Defence Force; and if he will make a statement on the matter. [1216/15]

Deputy Seán Ó Fearghaíl: The question focuses on the future development of the Reserve Defence Force. I tabled the question given that the Minister had made a very positive statement about the Reserve Defence Force at an Estimates meeting of the Select Committee on Justice, Defence and Equality before Christmas. It is also based on the fact that a little earlier the Joint

15 January 2015

Committee on Justice, Defence and Equality had heard a very detailed presentation from the representatives of the Reserve Defence Force from across the country who were exceedingly pessimistic about the commitment of the Department of Defence to the development of their organisation.

Deputy Simon Coveney: I state categorically that I am very committed to the further development of the Reserve Defence Force.

A value for money review of the Reserve Defence Force, published in November 2012, identified a range of issues that were adversely affecting the capacity of the Army Reserve and Naval Service Reserve. These included high turnover of personnel, a poor uptake of training and inefficient organisational structures.

The review recommended a range of measures to ensure the continued viability of the Reserve Defence Force. These measures included the implementation of revised organisational structures based on a strength level of approximately 4,000 personnel, implementation of revised recruitment policy and practice, a critical review of the approach to the delivery of training, a revision of the regulatory criteria for classifying reservists as effective and the preparation of options for the future development of the first-line reserve.

Implementation of the value for money review recommendations is ongoing. The revised single-force structure, introduced in March 2013, offers significant potential to enhance Defence Forces capabilities through improved interoperability between permanent and reserve elements. At present, reserve units remain under-strength, which is a problem, and a key priority is to recruit further members of the reserve in order to reach strength level targets. Revised recruitment procedures were introduced with the goal of improving retention rates. However, the numbers recruited to date have proved disappointing. Progress in this regard and the implementation of other recommendations of the value-for-money review are being closely monitored.

Deputy Seán Ó Fearghail: Does the Minister accept that while the integration of the Permanent and Reserve Defence Forces is a very positive thing, operationally it has presented difficulties in the short term and that, in effect, the Reserve Defence Force has been imposed on some permanent units? That provides for difficulties arising, not least in areas in which there is assessment through the operation of performance indicators.

There may well be a problem in terms of the protection that exists for employees generally across the State who may wish to participate in the Reserve Defence Force. Is it the view of the Minister that some legislation or regulation is required to enable employees to have time off from their employment so that they can participate in the reserve in a way that is necessary now but may not have been in the past, when much of the activity of the reserves was carried out at weekends or in the evening?

Deputy Simon Coveney: The results of the recruitment process last year were not good. We had 2,146 applicants. Of those, 1,857 were eligible, a large number of whom withdrew from the process. After a fitness test and interview procedure, only 152 new people were inducted into the reserve. Issues and problems need to be overcome in terms of the numbers of suitable people applying.

We need to consider other options. A parliamentary question has been tabled on employment protection and law, the answer to which is very negative from my perspective. I do not

think that, for the moment, we can consider introducing regulations or legislation which would require employers to facilitate people taking time off. We have a pretty fragile economy at the moment and many businesses would find that difficult. However, we need to consider all of these things and have an open mind. At the moment the answer to that particular question is “No,” but if we cannot find other ways to increase the number of volunteers who want to be part of the reserve we will need to examine all measures to ensure we have sufficient numbers.

Deputy Seán Ó Fearghail: In that regard, the Minister has put his finger on the problem. In the new system, passing the key performance indicators is critical to a person’s continued involvement and successful participation in the Reserve Defence Force. These types of assessment invariably take place during the hours of 9 a.m to 5 p.m.

Deputy Simon Coveney: Not always.

Deputy Seán Ó Fearghail: My understanding is that this is what is happening. Therein lie many of the difficulties for the reservists. It is proving necessary for them to take time off work. Unless some sort of arrangement can be worked out with employers, it is difficult to see how we can develop the Reserve Defence Force along the model initiated by the Minister’s predecessor.

Everything the Minister has said about the reservists has been very positive. Will he meet with the representative body as a matter of some urgency? If we are to develop the Reserve Defence Force - everybody here wants to see that happen and it is very much in the national interest that it would happen - it is necessary for the Minister to engage with the representative body. At this stage its members are quite despondent, and this would revive enthusiasm for the mission with which it is involved.

Deputy Simon Coveney: Of course I will meet people from those bodies. I will meet representatives of the Permanent Defence Forces Other Ranks Representative Association, PD-FORRA, and the Representative Association of Commissioned Officers, RACO, tomorrow at the Defence Forces headquarters in Kildare. I am happy to meet them and maybe visit some of the training facilities being used and so on.

The point of having a single approach, if we call it that, to training is to ensure that if we have to call on the reserves in the event of a natural disaster, for example, they can operate in a seamless way with the Permanent Defence Force. They should be training together and the training facilities should be shared so we can have the capacity to respond when necessary. We need to find systems that allow people who are essentially volunteers and working in a normal life setting - they include business people and those working in retail outlets - to be able to marry with their lifestyle a commitment to the Reserve Defence Force. If that means we need to schedule interviews, fitness tests, etc., in a way that suits such people, we will need to look at that. My understanding is that we are considering the matter.

Defence Forces Properties

6. **Deputy Clare Daly** asked the Minister for Defence if a stock-take of unused Defence Forces property has been conducted; the amount of property that has been disposed of by transfer to other State bodies or by way of private sale; the plans that exist for the remainder; and if he will make a statement on the matter. [1205/15]

15 January 2015

Deputy Clare Daly: The Minister's Department clearly has a considerable surplus of property in its portfolio, although some of it has been disposed of by transfer to other State bodies at a relatively nominal amount. Some of the property has been sold privately. There are other elements which lie in an under-utilised state, which is a shame, and I wonder where the Department is with such surplus Defence Forces property.

Deputy Simon Coveney: A review and update of my Department's property portfolio is carried out on a regular basis. Where properties have been identified as being surplus to military requirements, procedures are put in place for their disposal. In accordance with Government policy, the normal procedure is that all properties for disposal are in the first instance offered for sale to other State bodies and Government agencies. Where no interest is registered from the State sector, the properties are generally then put on the open market to be sold by public tender or public auction.

My Department has been engaged on an ongoing programme of barrack consolidation since 1998 that has resulted in the closure of 14 military barracks. Sales have been fully completed on nine of these properties. Of those sales, seven properties, including part of Longford Barracks, have been sold within the public sector and two have been sold to private individuals. The sale of a further three barracks, at Castlebar, Lifford and Clonmel, as well as a part of Longford Barracks, to the public sector has been agreed and that is expected to be completed within weeks. Of the two remaining properties, McKee Barracks is expected to be put up for public auction in the second quarter of 2015 and Mullingar Barracks is currently being used by An Garda Síochána, the Customs Service and a number of local organisations, including Westmeath GAA. Discussions are also ongoing with a number of interested parties regarding the future use of Mullingar Barracks.

In addition, a number of other properties, including married quarters and Reserve Defence Force premises, have also been sold. In the case of married quarters which are outside military installations, the majority were sold to the occupiers and members of the Defence Forces. Over 20 Reserve Defence Force premises have been sold since 1998. Three were sold to local authorities and one to a State agency, with the remaining sold to private individuals. There are a number of other smaller properties remaining, which are being prepared for future disposal. I hope that gives a general picture.

Deputy Clare Daly: It is fairly general, and I suppose the devil is in the detail in many instances.

Deputy Simon Coveney: There is not always a devil.

Deputy Clare Daly: Is there not? I do not know, but I will take the Minister's word on that. I am thinking in particular of the Curragh Camp in the context of the housing crisis in the State, as well as the medical crisis. There are accommodation units and a hospital available there which are idle. With a small amount of investment, they could be returned to being habitable dwellings for Defence Forces personnel who, as we know, are among the lowest paid public sector workers. We know that a number of families are living in some of those homes now under fear of eviction but we also know that many soldiers, without adequate accommodation, sleep in their cars. Deputy Wallace and I visited the Curragh Camp on a number of occasions. Deputy Wallace, with his builder's hat, was able to look at the state of some of those buildings. They are in considerable shape and they do not require an enormous amount of investment to make them usable. Unless the State looks at this and at making them available, we are involved

in a sort of State-sponsored vandalism by allowing them to remain derelict because there are important uses to which they could be put rather than letting them diminish and die.

Deputy Simon Coveney: I can assure the Deputy that we are not going to let anything diminish and die. If she looks at what the Defence Forces have been doing proactively in regard to homelessness in Dublin, for example, she will see that we have made a former military hospital available for shelter for rough sleepers. That has been a very successful initiative and we have had between 20 and 30 people staying in that accommodation most evenings over recent weeks. The Defence Forces have shown a willingness to be proactive and open-minded in terms of how we can use vacant buildings and infrastructure, which would previously have been of use to the Defence Forces but which now may not be, for other purposes in terms of assisting Government and other NGOs with solving difficult problems. We will continue to do that. Where there is infrastructure linked to barracks that are no longer of strategic use, of course, we have an obligation, first and foremost, to check whether there are other State agencies and State bodies which could use them effectively and, if so, whether we should transfer them. If there is no strategic use, then we should look to sell them to the private sector in order that we can raise resources that can be reinvested in terms of improving Defence Forces infrastructure or other public spending.

Deputy Clare Daly: I am well aware of the good work of the Defence Forces in terms of property in Dublin. I specifically raised the issue, however, of property in Kildare. Why is the hospital in the Curragh Camp, which is in quite good shape but requires a bit of work, not been put to use, for example, as homeless accommodation? Why could the prison in that area, which was the subject of quite considerable investment, not be opened up for homeless accommodation, for example?

The Minister's predecessor, Deputy Shatter, dismissed the idea of making available those habitable units in that area for families who are in dire need of accommodation, rejecting the offer of Deputy Wallace to have a look at them and evaluate the surveys he had done. Will the Minister look at that? If he really believes what he is saying, then he will be proactive in terms of the idea of an interdepartmental team being assembled, comprising the Departments of the Environment, Community and Local Government, Health and so on, to look at the property he has in his portfolio to see how other agencies of the State could benefit from that. As it stands, it is probably a year since we were actively engaged in this discussion with the former Minister. In that year, all that has happened is that the families who are under fear of eviction are still under fear of eviction and none the wiser in that area and other properties are still idle and are in far worse shape now than they were a year ago when we raised this issue and made the offer. If the Minister is serious, I would put it to him that he might initiate one of the-----

Deputy Simon Coveney: On a general point, we are reviewing the assets of the Defence Forces and the Department of Defence all the time to try to get value for money for them, if they are not of strategic use to the Defence Forces, and to look to other State bodies to try to make full use of them. There are multiple examples of that in terms of barracks throughout the country. I have visited many of them and I have spoken to county managers when there is an interest from local authorities, for example, in Clonmel. We are doing what the Deputy said but she is talking about a specific case in Kildare and, to be honest, I would need to get a more detailed briefing on what is available and is not of strategic use to the Defence Forces.

We need to be careful as well in that the Defence Forces are primarily about providing defence to the State and they have a core role there. We are not experts in providing shelter

accommodation for people who are homeless. We should work with agents of the State who are. We did that quite successfully in Dublin in response to a difficult situation in the build-up to Christmas. We will examine this with an open mind but the Defence Forces must first and foremost focus on their own role in defending the State. Where there are difficulties concerning occupation of Defence Forces property by former Defence Force personnel, we must treat people fairly and at the same time ensure that the State gets value for money.

Defence Forces

7. **Deputy Clare Daly** asked the Minister for Defence in view of the fact that only two officers were ever retired under section 47(2) of the Defence Act 1954, as prescribed by Regulation A15 paragraph 18(1)(f) in the interests of the service, the only clause denying a court martial or right to make a defence, which was removed in 1985, if he will initiate a full independent inquiry into those cases, in the interests of natural justice. [1204/15]

Deputy Clare Daly: This question refers to a clause in the Defence Act and subsequent regulations which were overturned and amended 30 years ago whereby the President could forcefully retire a person without that person having any right to a hearing or court martial or even knowing the circumstances against him or her. In light of the fact that the Minister has furnished me with the information that in the entire history of the Defence Forces only two individuals were ever dismissed under this clause and that it was amended 30 years ago, would the Minister revisit those cases on an independent basis to achieve justice for the people at the heart of them?

Minister for Defence (Deputy Simon Coveney): I would first like to correct the records of the House. As the Deputy will be aware the military authorities previously advised me that 12 officers were retired from the Defence Forces between 1954 and 1985 under the provisions of section 47(2) of the Defence Act 1954 as prescribed by Defence Force Regulation A15 paragraph 18(1). This was communicated to the Deputy in response to Question No. 112 on 11 December 2014. This response reflected that two of these officers were recorded on file as having been retired “in the interests of the service”. I am now informed that further investigation has shown that while these officers were in fact retired under the provisions of Defence Forces Regulation A15, they were not retired “in the interests of the service”. The officers in question were retired under a different provision of the regulation for failing, during courses of training, to maintain satisfactory progress. I have been advised by the military authorities that these two cases date back to the 1950s and involve two officers who failed essential flying tests and were unsuitable for transfer to other branches of the army on age grounds. This being the case, I can see no necessity in initiating an independent inquiry into those cases.

I can therefore advise the Deputy, based on the information now provided by the military authorities that only one person has been identified as being retired “in the interests of the service” as per Defence Forces Regulation A15 paragraph 18(1). This case was the subject of a resolution adopted by Seanad Éireann on 10 March 2010. The Seanad resolution included a provision that the Government would ask the Judge Advocate General to select a nominee to carry out a review of the documentation on file to determine “whether on the basis of the documentation and information available to the Defence Forces at the time, the decision to compulsorily retire” the officer “was a reasonable one.” The individual in question was also offered the opportunity to make written submissions to the reviewer based on the relevant documentation.

The Government remains willing to carry out this review within the terms of reference of the Seanad resolution and subject to the person's agreement and co-operation.

I would like to clarify for the Deputy that none of the clauses of paragraph 18(1) of Defence Forces Regulation A15 were removed in 1985. An amendment was added to the regulation in 1985 to require that the reasons for a proposed retirement in the interests of the service be communicated to an officer and that he or she be given a reasonable opportunity of making representations. Finally, can I say-----

An Leas-Cheann Comhairle: Sorry; we are way over time on this.

Deputy Simon Coveney: Can I just say-----

An Leas-Cheann Comhairle: We are over time. I call Deputy Daly.

Deputy Clare Daly: I do not mind. I am dying to hear-----

Deputy Simon Coveney: I am trying to be helpful.

An Leas-Cheann Comhairle: That is all very well, but Deputies Wallace and Paul Murphy have questions as well. I am against the clock here. It is not my fault.

Deputy Simon Coveney: That is fine.

Deputy Clare Daly: Okay. It is difficult when extra time is taken. There was a huge amount of detail in the Minister's reply. The bottom line in terms of this regulation is that nobody can be dismissed from the Army now on the basis on which this individual was dismissed. We now know that he was the only individual to be dismissed in this way. He has spent a lifetime dealing with the shame of being dismissed without knowing the reasons for his dismissal, without being given the right to have his good name vindicated, without any evidence being given against him and without having the right to attend a court martial. I am a little thrown by the correcting of an error in the Dáil record. I find it surprising that this has happened yet again. Would it have been corrected if I had not tabled this subsequent question? I am reminded that when this individual went before the courts, a document that was of key strategic importance to his case was found to have been missing for 32 years and was not presented to the Supreme Court. This document would have shown that before this man was forcibly made to retire, he made legal representation through his solicitors to the Defence Forces but did not receive any reply. This 70-year-old man has spent his life seeking justice for a decision that was made. We now know he is the only person in the history of the State to be dismissed in this way. He has carried this for 45 years.

I am not clear on the resolution to which the Minister has referred. There was a great deal of detail in his answer. Is he now saying he will give some opening to a new independent evaluation of this matter, given that the High Court has said on the record that the man in question, who is aging in years, did not receive fair procedures?

Deputy Simon Coveney: I would like to begin by correcting something the Deputy has just said. It is possible that somebody could be forcibly retired from the Defence Forces under this article now.

Deputy Clare Daly: They would have a right to reply.

15 January 2015

Deputy Simon Coveney: It would be likely to happen in very exceptional circumstances only.

Deputy Clare Daly: They have a right to the evidence.

Deputy Simon Coveney: Yes.

Deputy Clare Daly: They have a right to appeal.

Deputy Simon Coveney: They do.

Deputy Clare Daly: That is the point.

Deputy Simon Coveney: When I spoke to the Deputy about this matter outside the Chamber, I told her that I was anxious to be helpful. However, I am somewhat constrained in terms of what I can say and commit to on the record here and in terms of what I can legally do. I am anxious that we treat this case with fairness. I am keen to ensure any possible review of this case is consistent with what the Seanad called for a number of years ago. Obviously and more importantly, the review should be welcomed and accepted as fair by the individual concerned. I intend to write to him to outline what is possible at this stage. I hope we will be able to make progress in this regard.

Deputy Clare Daly: I thank the Minister for his comments. I emphasise that if we are finally going to do this again, it should be done properly after all this time. I hope it will be done in the spirit of getting a fair result. I am grateful for the Minister's indication of his willingness to do that. I hope there can be a resolution.

Deputy Simon Coveney: It is important not to predetermine an outcome.

Deputy Clare Daly: No.

Deputy Simon Coveney: There are two sides to this story. That is why I think any process that is proceeded with now should be fair and should involve a full assessment of the case, in as much as that is possible, given that this happened quite a long time ago. As I have said, I intend to write to the individual concerned to outline what I consider to be a fair way forward that is consistent with everything I have outlined. I hope we will be able to progress on that basis.

Overseas Missions

8. **Deputy Mick Wallace** asked the Minister for Defence the position regarding the decision to approve the participation of seven members of the Defence Forces in the resolute support mission in Afghanistan in view of it clearly not being a peacekeeping or humanitarian mission; and if he will make a statement on the matter. [1219/15]

Deputy Mick Wallace: The illegal invasion of Afghanistan in October 2001 led to the longest war in US history. The recent pact with the Afghan Government ensures that the US will be there until 2024 at least. The new security pact puts US troops beyond the reach of Afghan law while they are training the Afghan security forces. I do not see for the life of me how the Minister, who is an intelligent man, can argue that the presence of foreign troops from Ireland, America or any other country can be helpful in this situation, particularly in light of the decimation they have carried out in Afghanistan over the last 13 years.

Deputy Simon Coveney: The point of moving on from the International Security Assistance Force, ISAF, mission is to move away from having large numbers of heavily armed foreign troops in Afghanistan and towards the resolute support mission, which is a training mission to help build Afghanistan's capacity to run its own affairs. We are trying to move away from a wartime situation and to create peace and stability in order that there can be a governance structure as well as the military and policing capacity necessary to protect it and populations. We are a part of this. We have seven Defence Forces personnel there. This is a non-combat mission and it is concerned with training and building capacity in order that Afghanistan can look forward to some kind of normalisation in terms of running its own affairs. This is the only motivation for the countries that are remaining as part of the 12,000-strong mission. I named a number of the countries that are in Afghanistan in partnership with Ireland, including many other neutral countries. They are there for all the right reasons, as is Ireland.

Deputy Mick Wallace: I do not accept for one second that the involvement of the US and its allies in Afghanistan, Iraq and Libya has contributed one iota to improving the lifestyles and conditions of the ordinary people in those countries. It has done the opposite. The more money the US and its allies spent and threw at the situation, the more problems they caused. The Minister has claimed that they are only training local security forces now. For a long time, they were "only training" security forces in Iraq. Many of those people are now working for ISIS. ISIS has captured a great deal of US equipment that cannot be used by anyone who has not been trained by the US military.

What sort of turmoil are we sowing in Afghanistan? Only last year, *Rolling Stone* magazine published a video showing Afghan security forces torturing prisoners. I wonder where they learned that? Afghanistan will be a better place when we move out of it. Actually, it is not just us, as our seven personnel are obviously just a token gesture. It is a small number compared with others. It is a token offering to show the Americans we support them. Some people have even suggested that the beef deal was almost in return for that.

Deputy Simon Coveney: That is a ridiculous thing to say, with all due respect.

Deputy Mick Wallace: I am just saying what has been suggested.

An Leas-Cheann Comhairle: The Minister has the floor.

Deputy Simon Coveney: We need to put things in perspective. The US launched a military campaign in Afghanistan because of 9-11, when there was considerable proof of terrorist training camps in Afghanistan. Mistakes were made subsequently and there are major challenges in Afghanistan to creating a functional, normalised state, but the idea that pulling all of the contributing non-Afghan troops out would somehow be to the betterment of the broader population when all evidence suggests that the country would simply be taken over by the Taliban again is not sound thinking. We are playing a small part in contributing to an effort to create the capacity in Afghanistan to run its own affairs from governance and security points of view. This contribution is welcomed by the Afghanistan Government in its efforts towards same. As long as we can make a positive contribution, we will continue doing so.

Deputy Mick Wallace: The Minister and I will have to differ on why the Americans bombed Afghanistan. Only one person from Afghanistan was proven to be involved in the 9-11 attack. Sixteen were from Saudi Arabia. Did it dawn on the US to bomb Saudi Arabia? Damn right it did not, as the Americans have interests there.

15 January 2015

The Minister referred to fears about the Taliban concerning the elections. The last elections were rigged. Warlords and all kinds of torturers are involved in the current regime. That is not something to be lauded and it is the ordinary Afghani people who are losing out. When the United States bombed the country, former President Bush demanded that Osama bin Laden be turned over. When Bush was asked whether he had any proof bin Laden was involved in the attacks on the US, he did not have any such proof. Nevertheless, the former President said Afghanistan would be bombed until its leaders handed over bin Laden and that is what happened. A month later Bush told the Afghans he would bomb them until such time as they overthrew their own Government. It was the most mindless and stupid war that ever took place and it makes no sense that we should have seven troops stationed there. We should be washing our hands of what was done to the Afghani people and getting out of there. The militarisation of the whole region has done huge damage worldwide.

Deputy Simon Coveney: I do not accept the accuracy of what the Deputy is saying. I travelled to Pakistan some years ago and interviewed people in refugee camps who had come from Afghanistan following the bombings that took place there in the wake of the 11 September 2001 attacks on the United States. I remember very clearly the things I saw there and the people to whom I spoke. This is not a simple black and white issue. We are trying, in a very difficult and complex environment, to contribute to a functioning governance structure in a country that has had no such structure for many decades.

One of the ways in which we can do that is by training security forces there to deal with things they are likely to have to deal with in the coming months and years. We are good at post-conflict management and resolution and we are good at training. It is something we are already doing in Mali and other parts of the world. We are making a small contribution towards a significant international effort to help the Government in Afghanistan, a Government I acknowledge is not perfect, to run its own affairs into the future. It is a worthy objective.

Defence Forces Records

9. **Deputy Denis Naughten** asked the Minister for Defence when he will commence recruitment into the Army bomb disposal units; and if he will make a statement on the matter. [1203/15]

Deputy Denis Naughten: The incident yesterday at the Intel plant in Kildare brings to the fore the importance of having a well-equipped and resourced Army bomb disposal division. As it stands, we have units based in Athlone, the Curragh, Rathmines and Cork. In the past three years, these units were called out 595 times, in 75 cases to schools where unstable chemicals had to be dealt with by the Defence Forces. What steps are being taken to increase the number of active personnel within the bomb disposal units?

(Deputy Simon Coveney): I thank the Deputy for his timely question. The total number of Army bomb disposal call-outs was 141 last year, down from 250 the year before. However, that is not to suggest the problem is going away. The figures go up and down year on year, from 180 back in 2008 to 141 last year. The figure could be higher this year; we will have to wait and see.

Explosive ordnance disposal is the military term used to refer to what is commonly called bomb disposal. It is a task assigned to the Defence Forces by Government and is provided in aid to the civil power, namely, the Garda Síochána. Within the Defence Forces the explosive

ordnance disposal function is assigned to the ordnance corps.

The issue of the terms and conditions for entry into the ordnance corps has been raised by the Representative Association of Commissioned Officers, RACO, at conciliation council. In accordance with normal procedures, the association's claim is being dealt with under the conciliation and arbitration scheme for members of the Permanent Defence Force. As discussions under the scheme are confidential to the parties involved, it would not be appropriate for me to comment further on the matter at this time. However, it is my intention that recruitment will commence as soon as the terms and conditions have been agreed.

RACO has expressed concern that because of the recruitment procedures, which take some time, there are not as many personnel as there should be in the ordnance division. We are taking steps to address that important issue. It is worthwhile to note that we have international credibility in this area in terms of training. Deputy Wallace may be interested to know that one of the things our troops are doing in Afghanistan is providing training in bomb disposal and explosives management. We need to maintain that particular skill set and the numbers of staff who are proficient in it. As I have outlined, there is an ongoing discussion with RACO which we hope will soon be finalised.

Deputy Denis Naughten: The last intake to the Defence Forces was in September 2011, which is more than three years ago. While we have been training many personnel from around the world, we have not been training our own personnel to man our Army bomb disposal units. By the middle of this year, as a consequence of retirements and staff leaving as a result of the number of duties they are required to fulfil per month away from home, we will have fewer than half the active numbers of personnel we need to operate our bomb disposal units effectively. How great a priority is this problem for the Minister? When will we have our numbers back up to the level we need to maintain the four units across the country and deal with our international obligations?

Deputy Simon Coveney: It is not appropriate for me to talk about numbers while the conciliation process is ongoing. It is a priority for me to secure agreement through that process with RACO so we can move ahead and ensure, first, that we maintain the training levels and skill sets that are needed in this very important area and, second, that we have the numbers we need to ensure we are fully covered. I intend to progress the matter as a priority but, as with the 21-year rule issue, I must wait for a process to conclude before I can start making definitive commitments and comments on it. Otherwise I would be wading into the middle of a conciliation process, which would not be very clever in the current environment.

Written Answers follow Adjournment.

Message from Seanad

An Leas-Cheann Comhairle: The Seanad has passed the Water Services Bill 2014, without amendment.

15 January 2015

Topical Issue Matters

Acting Chairman (Deputy Catherine Murphy): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputies Terence Flanagan, Finian McGrath, Richard Boyd Barrett, Derek Nolan and Jonathan O'Brien - the position regarding accident and emergency departments;

(2) Deputy Catherine Murphy - the sudden reduction in available 2015 places at Scoil Uí Riada, Kilcock, County Kildare;

(3) Deputy Robert Dowds - the need for improved legislation and enforcement of the law regarding the misuse of scrambler bikes in public spaces;

(4) Deputy Jim Daly - the urgent need to review retrospective penalties applied to farm payments;

(5) Deputy Pat Deering - the need to have training allowance payments for participants in the Moving On training initiative reinstated;

(6) Deputy Anthony Lawlor - the funding provision for progressing the N7 upgrade, Osberstown interchange and Sallins bypass to construction stage;

(7) Deputy Ciara Conway - the work being done to improve standards in child care and tackle issues such as those raised by the breach of trust investigation;

(8) Deputy Martin Heydon - the funding provision for progressing the N7 upgrade, Osberstown interchange and Sallins bypass to construction stage;

(9) Deputy Michael McGrath - the loss of routes and reduction of services at Cork Airport;

(10) Deputy Mattie McGrath - the need to secure the post office network;

(11) Deputy Timmy Dooley - the need to protect strategic national interests in considering any sale of Aer Lingus shares;

(12) Deputy Colm Keaveney - the need to hold a referendum to remove the offence of blasphemy from the Constitution;

(13) Deputy John O'Mahony - the need for energy bills to reflect the current reduction in oil and gas prices;

(14) Deputy Michael McNamara - the necessity of maintaining Heathrow slots to ensure balanced development;

(15) Deputy Patrick O'Donovan - the development of a number of legacy projects to include civic society in preparation for the centenary of events to commemorate the 1916 Rising;

(16) Deputy Joe Costello - the need to address litter and dumping in Dublin, particularly in the north inner city; (17) Deputy Eamonn Maloney - the national ambulance service and realistic expectations; (18) Deputy Derek Keating - the response times of the ambulance service;

(19) Deputy Dara Calleary - the response times of the ambulance service;

(20) Deputy Clare Daly - the fallout from the Charlie Hebdo killings;

(21) Deputy Mick Wallace - the Charlie Hebdo killings in Paris;

(22) Deputy Michael P. Kitt - the two-year boil water notice in Williamstown, County Galway;

(23) Deputy Paul Murphy - the recent appointment of Goldman Sachs International to advise on the selling of the State's shareholding in the banks;

(24) Deputy Dessie Ellis - the measures required to prevent homelessness and rough sleeping;

(25) Deputy Sean Fleming - the need to ensure the provision of eculizumab, trade name Soliris, medication for all patients in need of it;

(26) Deputy Joan Collins - the recommendations from the summit on homelessness; and

(27) Deputy Maureen O'Sullivan - community projects and the need for a reversal of the 38% cuts in Dublin Central.

The matters raised by Deputies Pat Deering, Michael P. Kitt, and Terence Flanagan, Finian McGrath, Richard Boyd Barrett, Derek Nolan and Jonathan O'Brien have been selected for discussion.

Topical Issue Debate

Education and Training Provision

Deputy Pat Deering: I thank the Ceann Comhairle's office for selecting this matter, which was brought to my attention during the Christmas recess. St. Catherine's community services centre in Carlow runs a Moving On local training programme targeting new mothers with lower second level education. During the ten months of the course from September to June, participants complete nine Quality and Qualifications Ireland, QQI, level four modules, which leads to an award equivalent to the leaving certificate. The profile of the participants is young women who are unable to continue mainstream education because of substantial personal needs for social support. During the lifetime of this extremely important programme, hundreds of participants have achieved personal, social and educational development and been empowered to progress to employment and further education. These successful outcomes are possible because of the high level of support offered to participants in the programme. As well as assisting them towards their educational attainments, they are supported with advice and information on housing, welfare, financial management and physical and mental health. All of this is crucial for their personal well-being, persistence and resilience and for the future development of their children. Each participant is assigned a key worker who regularly supports her on a one-to-one basis in respect of personal education issues. The personal growth and development of participants is measured by means of specific mechanisms and encouraged by means of the soft outcomes universal learning, SOUL, training model. I understand that Carlow and Dundalk are the only two locations in the country at which the needs of single mothers in this regard are

dealt with.

Prior to January 2014, participants on the SOLAS training course who were in receipt of the one-parent family payment received an additional training allowance of €108.20, together with their social welfare payments. This training allowance ceased in January of last year. The participants on the Moving On training and service programme at St. Catherine's during 2013 and 2014 were the last to receive the allowance. Of the 20 who started on the programme, 16 completed it. Of these, 15 gained major awards. Fifty-five applications were received in respect of the 20 places on offer on the programme for the 2014-15 year. Unfortunately, a lack of financial support - namely, the training allowance - meant that 27 of the potential participants who secured places on the programme during the summer months declined them on the grounds that they would not be able to afford to attend at St. Catherine's. The level of demand for the course was more than double the number of places available. Although the course is free of charge, the personal cost of attending was seen as prohibitive by the majority of potential participants. As a result, for the first time since the course's inception, only 15 participants commenced the programme in September 2014. An application to the Department of Social Protection for out-of-pocket expenses was refused on the grounds that this is a 40-week programme and that such expenses only apply in respect of 26-week programmes.

The major issue arising relates to the fact that those who participate on this programme are the underprivileged in our society. It costs such individuals between €15 and €30 week to have their children looked after. They are also obliged to pay travel expenses. Most of the people to whom I refer live in rural areas and may be obliged to ask someone to transport them to St. Catherine's or to make other arrangements. In general terms, the cost relating to running the programme is €13,000. Given that there are only two such programmes on offer in the country, this means that a total of €26,000 is all that is required to ensure that both will remain in existence for the next period. As already stated, we are talking about some of society's most marginalised individuals - namely, young women who are single parents or otherwise and who want to develop personally in order to ensure that they will enjoy a favourable future. I ask the Minister of State to consider reviewing the position with a view to reinstating the training allowance to which I refer.

Minister of State at the Department of Education and Skills (Deputy Damien English):

I thank Deputy Deering for raising this matter and for giving me the opportunity to clarify the position in relation to the payment of allowances to participants on the Moving On training initiative. This initiative is part of the local training initiative programme funded by my Department through SOLAS and the education and training boards. The latter, in collaboration with local community organisations, provide flexible local training initiatives for unemployed persons. In Carlow, such initiatives are provided at St. Catherine's for young mothers who are unemployed and who are seeking pathways back into work. The local training initiative programme is designed to provide opportunities for marginalised learners who are unable to participate in other education and training board training interventions for personal, social or geographical reasons.

The programme enables local communities to carry out valuable and necessary projects of benefit to their communities, while at the same time training participants in areas related to the project work in order that they can go on to gain employment or progress to further training. Unemployed people, primarily those between 16 and 35 years of age, who have no formal qualifications or whose secondary level qualifications are incomplete and who are experiencing some form of disadvantage are eligible to apply. The local training initiative programme sup-

ports many organisations engaged in a wide variety of activities, including genealogy, environment, heritage, tourism, arts, sports and leisure. It received over €33 million from my Department in 2014.

The payment of allowances for training, including that relating to the local training initiative programme, is aligned to people's social welfare entitlements. A number of changes have been made in this area in the context of budget decisions taken in recent years. These changes have largely been driven by the economic situation that obtained in the country in recent times. As part of the decisions to which I refer, the payment of dual allowances to certain participants on training courses was ceased. I refer here to new participants, as the payment would have continued in the case of existing participants. The dual allowance model is where certain participants, such as lone parents, retained their social welfare payments and also received the standard training allowance while participating on training courses. The payment of an additional training allowance of €31.80 to the long-term unemployed was also ceased on a gradual basis in recent years. I understand it is to this allowance that the Deputy refers.

The budget changes to which I refer had an impact on all education and training board training programmes that attracted training allowances. The core purpose of these additional allowances was to act as an incentive to participation in training during a period of high employment levels. They were never meant to be an additional support; rather, they were designed to attract people to the relevant courses during the good times. I accept, however, that over time they came to be viewed as an additional support, and that is probably where the problem lies. There is no doubt that attending the courses to which I refer involves a cost to participants. The additional training allowances were never intended to address the cost of participation in training. Separate arrangements, such as those relating to meals, travel and child care, were always in place for that purpose. The nature of the payments - an incentive rather than as a measure intended to meet the cost of participation - is demonstrated by the fact that they were not available to all people in receipt of payments from the Department of Social Protection. In other words, only certain individuals qualified for them. The changes in question reflect the entirely different employment situation that now obtains, as well as the very difficult budgetary position in which the Government finds itself at a time when we are endeavouring to protect the overall level of provision of education and training.

The Deputy referred to child care and the cost of travel. Quite a number of participants on these schemes may qualify for either full-time or part-time subsidised child care places. It would be worth his while checking the position in this regard under the child care employment and training support scheme. I imagine that some of those to whom the Deputy refers would be entitled to support, and I will certainly check the position as well. Certain participants on courses are paid travel costs on the basis of the distance they reside from the location at which the course is on offer. These payments range from €4.60 to €32.60.

The overall issue which arises is whether the cessation of the training allowance constitutes a barrier to education. Part of the work SOLAS will do in the coming year will involve examining the position with regard to barriers to participation. I give the Deputy a commitment that we will consider the matter he has raised in the context of the SOLAS review.

Deputy Pat Deering: I thank the Minister of State for his detailed reply. I fully accept the need for a complete review of a number of these schemes. However, the programme to which I refer is extremely important. It deals specifically with a very marginalised group within society, which appears to fall between the two stools of the Departments of Education and Skills and

15 January 2015

Social Protection. The members of that group are pushed from one Department to the other from time to time and are losing out in the general scheme of things. I welcome the Minister of State's commitment to review the overall position.

The Minister of State referred to the fact that people need to be attracted to these programmes.

Deputy Damien English: That was the case in the good times.

Deputy Pat Deering: We need to continue to attract them in order that they might have the opportunity to move on and better themselves. There is no way we will attract people if they are going to be left out of pocket. Those to whom I refer are marginalised and they need to be provided with incentives in order that they might be attracted to programmes of this nature. If they are going to be obliged to pay for child care and travel - some of the women to whom I refer are obliged to travel from rural areas of County Carlow into the town centre at a cost of €30 or €40 per week - then they are going to remain at home.

The Minister of State has indicated that some of those in question may qualify for subsidised child care. I understand that such child care is only available between the hours of 9.30 a.m. and 12.30 p.m. This would immediately rule out many women. I accept that they could have their children cared for in the mornings, but what will they do with them if they are obliged to attend courses in the afternoons? There are a number of barriers in place and these must be addressed. If the young women to whom I refer want the opportunity to progress, they must be given it.

Those in Carlow who qualified for the scheme last year all progressed to the next level of education and some of them are currently obtaining work experience. This has been the position for a number of years. There is a good level of progression among these young women, and that is important in the context of all of these very worthwhile schemes.

Deputy Damien English: I understand that subsidised child care is not just available in the mornings. After-school care is available under the child care employment and training support scheme and I presume that child care is also available. I will check the position for the Deputy. The Minister for Children and Youth Affairs, Deputy Reilly, announced a major review of this area in recent days.

When I used the word "incentive", I was not referring to people needing incentives to attend courses. We actually want people to engage with such courses. In the boom times, however, additional incentives were sometimes required in order to encourage people to re-engage.

4 o'clock

It was felt unnecessary to continue with this in recent years and, in fact, we could not afford to make such an incentive available. It was never meant to subsidise the cost of attending the course.

I accept there is an additional cost associated with attending the course, and that why there are child care and travel expenses. Perhaps some of the Deputy's clients could avail of these. The overall cost of attending is a barrier. I have given the Deputy a commitment here that SOLAS's further education and training strategy will identify and address the barriers to participation on the courses and examine them as part of the review. I will ensure the case in

question is considered also.

In general, over 200,000 people are involved in further education and training courses. There are a range of subsidies and supports for them all. The one in question applied across the board. The incentive had to be removed for the groups in Carlow and Dundalk. The additional incentive was removed across the board a number of years ago. People had probably become reliant on it but, as I stated, it was removed only for new participants on the course. That is my understanding. We will have it reviewed under the SOLAS review. I hope that will help.

Water Supply Contamination

Deputy Michael P. Kitt: I thank the Ceann Comhairle for allowing me to raise this issue, and I commend the people of Williamstown for raising it and bringing it to the attention of the national and local media in a very professional way. The matter was summed up very well by a headline in *The Irish Times* on 5 January: “Galway Community may face two years on boil water notice”. The article refers to “a contaminated water supply in County Galway which could affect about 1,000 people for two years.” The powers that be have a considerable responsibility to find a quick solution to the contamination of the water supply in Williamstown, County Galway. The contaminant is cryptosporidium, which was in the Galway city water supply some years ago.

This boil water notice is supposed to be dealt with by brining water from Lough Mask in County Mayo. I heard the Taoiseach state this in the House. If this happens, it will take two years, although I welcome any development to alleviate the problem.

Local people have been told to boil water before using it for drinking, food preparation and even brushing teeth. Therefore, it is now important that we examine another solution in the meantime. I refer to a local solution, perhaps using the other water treatment plants in the area. There are a number of different water schemes in the area. If access could be gained to their water temporarily, it would deal with the difficulties that have to be addressed. I hope this will happen. It is felt that Irish Water’s proposal to bring water from Lough Mask is a long-term option. Irish Water has been in contact with the community in Williamstown. I was glad to receive an invitation to meet Irish Water representatives in Williamstown next Friday. The local elected representatives will be able to listen to the proposal.

It is only right that I should put on record the fact that the boil water notice is a very serious issue. In *The Tuam Herald* today, a headline reads: “Williamstown group to tour contaminated water plant”. This is the tour we are talking about. What amazed me was the fact that many people were not told about the boil water notice. One family has spoken about how they all got sick from the water, except for a young girl who had the flu injection because she has a heart condition. The other members of the family were all very ill because they only saw the boil water notice in the general practitioner’s surgery. There is certainly a problem with communication, as it transpires that people did not know about the fact that there was contamination of the water.

I was glad to see in *The Tuam Herald* this week that, following the placement of an advertisement in that newspaper, a caretaker will be appointed for the Williamstown and Glenamaddy water schemes. This is most important, because it is very difficult for one caretaker to look after a huge area of north Galway. That the position is now being advertised is very welcome.

15 January 2015

However, the main point I am raising today is that we need a solution now. We cannot wait for two years for the people in Williamstown to see water coming from Lough Mask in County Mayo to solve their problem.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Ann Phelan): I am taking this Topical Issue matter on behalf of the Minister for the Environment, Community and Local Government, Deputy Alan Kelly. I thank the Deputy for providing me with an opportunity to outline the current status of water services in Williamstown and the plans to address the issue that has led to a boil water notice.

Modern water and wastewater services infrastructure is vital to this country. Since 1 January 2014, Irish Water has had statutory responsibility for all aspects of water service planning, delivery and operation at national, regional and local levels, including the delivery of water service capital infrastructure. Irish Water has been established to take a national approach and raise greater investment to address weaknesses in the water system, including high leakage rates, varying quality standards, such as at Williamstown, and disruptions to supply. Addressing the problems of water supply schemes where boil water notices are in place is a key priority for Irish Water. The position specifically in Williamstown is that the existing water treatment plant cannot cope with seasonal changes in raw water quality.

Irish Water has advised me that it has a constant programme of water quality testing, and this identified a potential risk with the Williamstown water treatment plant. Owing to the poor-quality raw water in the Williamstown area, there is a risk to the water supply during certain weather events. For this reason, a boil water notice has been imposed.

Within 48 hours of the imposition of the boil water notice in Williamstown, Irish Water had identified a technical solution. This solution involves the construction of a major pipeline that will extend the Lough Mask scheme from Ballyhaunis in County Mayo to Williamstown. This is a significant project and is due for completion by the end of 2016.

Lough Mask regional water supply scheme in Mayo has the strategic capacity to provide a long-term sustainable public water supply to the entire area. Lough Mask currently serves 20,000 people, and currently it has spare capacity of 7,000 cu. m, with plans to increase this. The short-term option being considered for Williamstown includes the urgent advancement of a pipeline extension from Lough Mask to Williamstown. This would be the first phase of a significant expansion of the Lough Mask regional water supply scheme, ultimately providing the long-term solution to both Williamstown and also Castlerea and its hinterland in Roscommon. Irish Water is satisfied that the Lough Mask scheme will make full provision for present and future needs in the supply area, including the planned extension.

I wish to mention the position regarding water charges for households, which commenced on 1 January. It is important to note that where a boil water notice is in place or where customers are subject to a drinking water restriction notice, affected customers will receive a 100% discount to the water supply element of their water charges bill for the duration of the restriction.

Deputy Michael P. Kitt: I am raising this issue not because of water charges but because people will be subject to a boil water notice for two years. It is very fair to say that when there was cryptosporidium contamination in the Terryland and Lough Corrib areas of Galway, steps were taken to deal with it. However, I cannot understand why it will take to years to deal with a very serious situation. I have given the example of a family whose members have been very ill.

I noted what the Minister of State said about Lough Mask. I heard the Taoiseach himself refer to this when questioned in the Dáil. Lough Mask supplies the water to Ballyhaunis, County Mayo, which is 20 km from Williamstown. There is a lot of work to be done to get the water as far as Williamstown. In fairness to the people in that area, there should be an opportunity to provide water for Williamstown in a far shorter time.

I hope I have highlighted the information that Irish Water and the HSE have given on the seriousness of the position. I have told the Minister of State, Deputy Ann Phelan, what they have stated water cannot be used for, and it is a major concern. I hope that we will learn more from the officials of Irish Water on Friday when they visit the treatment plant in Williamstown and when they go to Lough Mask to show what is available there.

This is a most serious situation. *The Tuam Herald* highlighted today that the people in Williamstown will get a chance to get more detail on this. I hope Irish Water can give us a more short-term solution.

Deputy Denis Naughten: Two years is unacceptable.

Deputy Ann Phelan: I again thank Deputy Michael Kitt for raising this extremely serious issue. Addressing boil water notices is a key priority for Irish Water. It has published a capital investment plan for 2014 to 2016 and this is available online on Irish Water's website. The plan includes projects which will address the needs of customers who are subject to boil water notices.

One of the primary reasons Irish Water was established was to provide for an increase in capital investment in the water infrastructure. This increased investment is needed to address the significant deficiencies in the public water infrastructure, to address legacy issues, to invest for the future and to provide for consistent customer service throughout the country. Irish Water needs to invest approximately €600 million every year.

I welcome the work that Irish Water is undertaking to address the situation regarding boil water notices, and the capital investment that is being made will deliver real benefits for the people of the areas affected. I take the point Deputy Kitt raised about the communications and I will pass that on directly to the Minister, Deputy Kelly.

Accident and Emergency Department Waiting Times

Deputy Terence Flanagan: I thank the Ceann Comhairle for the opportunity of raising this most important issue and I thank the Minister for Health for being present for this Topical Issue matter.

Fast and effective action is needed to address the ongoing hospital crisis as a matter of urgency. There is a serious problem with overcrowding and patients waiting on trolleys in accident and emergency departments throughout the country. In particular, I refer to Beaumont Hospital, as it is in my constituency of Dublin Bay North, which I visited recently. I am appalled at reports that terminally ill patients have been left on trolleys. It is shocking to think that people are being subjected to this treatment.

The situation in the accident and emergency departments is not fair, but it is also not fair on the medical staff who must work extremely hard in a pressurised environment, day in, day out.

15 January 2015

They should be commended on the brilliant work that they continue to do under such difficult circumstances. The overcrowding at Beaumont Hospital has become so bad that the nurses have voted in favour of industrial action on 27 January. They are clearly concerned about the situation - the excessive workloads and the conditions in which they must work every day. As the Minister will be aware, nurses held a protest today outside the Dáil to voice their concerns, one which I supported. Nurses are running from patient to patient in hospitals. They do not have time to take the patient's name and they are concerned about the Minister's recent comments that nurses need to work even harder. With such comments, they wonder what world he is living in.

The solutions to deal with the accident and emergency crisis include the need to open additional beds as soon as possible to address the crisis temporarily, but it is more recruitment in the nursing profession and permanent positions rather than temporary contracts that are needed. We need to get some of the medical staff who are abroad back into the country as well as being a lot more efficient regarding discharging patients from hospitals, dealing with home care packages and the fair deal scheme.

Deputy Finian McGrath: I welcome the fact that the Minister is in the Chamber because it is an important issue. This is a major crisis in accident and emergency departments and it is important that the Minister understands that. There is a national emergency. I am not talking up this issue. This has gone on for many years, but in recent days and weeks there has been a massive problem in the accident and emergency services.

The first point I would make to the Minister is that his brief is that of Minister for Health. He should focus on health and the Members in this House will support him when it comes to supporting services in the health service. It is important that the Minister gets that message.

I also attended the protest outside the gate of Leinster House and I met the nurses. They all are concerned about hospital overcrowding, but they also have solutions. They have been presenting solutions to many of us for the past number of months.

We must deal with the capacity issue. There is a shortage of beds and resources have to go into staffing the health service and providing the beds. If we deal with the issue by providing in the region of 600 beds, it would have a major impact. We need to focus on that issue. I hear Ministers state there are other issues, that it is this, that and the other. It is a capacity issue; it is a beds issue. That is the important point in starting to implement solutions.

It is easy for us to come in here and try to score political points, but I do not want to be jumping up and down, as it were, about people on trolleys, as the Minister's predecessor, the Minister, Deputy Reilly, did when in opposition during the term of the previous Government. I want solutions and I want the Minister to listen to the solutions provided.

We also must focus on and think about patients. There is a considerable personal cost on patients when they sleep on trolleys or chairs. They lose their personal dignity and they lose a lot of the social networks.

I would say to the Minister to focus on the issue, which is capacity, beds and resources, and he will have the support of Opposition Members. When it comes to tax cuts for the wealthy, the Government should park those and give the funding to those in the hospitals.

Deputy Richard Boyd Barrett: Yesterday, a shameful 601 people who had been admitted

to hospital were left lying on trolleys. A record 601 people, who needed a bed and appropriate care, were put through the indignity and needless suffering of being left on a trolley in an overcrowded accident and emergency unit. Nurses, absolutely at the end of their tether and run off their feet, have now been forced by the Minister to protest and take industrial action because of the inaction of the Government to deal with this crisis. As professional health workers, they now feel that it is safer to turn people away from accident and emergency units than to admit them.

Contrary to years of the Government mantra about how it is all about efficiencies and it is not about throwing money at the health service, the INMO is categorical. What is needed is for the 2,000 beds that are closed in the system to be reopened. Thousands of nurses need to be recruited to provide the care for those who will occupy those beds. The INMO states that 523 beds which are closed could be reopened tomorrow if the resources and nurses were provided and that the other 1,500 beds could be opened fairly quickly if the Minister recruited the nurses. That means demanding of the Minister for Finance, Deputy Noonan, and the Taoiseach that the budget for the health service, which is utterly inadequate, be raised to reverse the damage of thousands of beds and thousands of nurses being taken out of the health service and to put those back in to deal with this crisis.

The international best standard is hospital bed occupancy of 85%. We are running at 100%, and we have unloaded more on top of that from the small accident and emergency units that have been downgraded and closed. That is the crisis. The Minister has been told what he could do to address it. Will he do it?

Deputy Derek Nolan: I thank the Minister for attending in the Chamber to respond to this Topical Issue. He is aware that nurses in Galway have announced they will work to rule from 3 February onwards. This is not the first time they have raised conditions in the accident and emergency unit in Galway. They had a one-hour protest in September, at which time I engaged with them and we have been trying to come forward with a number of solutions. In fairness to the hospital, it has taken some steps. There has been limited recruitment but not enough. At the time I raised the matter in the Dáil with the Minister. One of the concerns related to the physical infrastructure in the emergency department, ED. The Minister accepted that the emergency department in Galway is simply not up to scratch. I am aware he will do his very best to get the hospital on the capital plan.

Another issue I raised with the Minister that has been put forward by the nurses as a practical solution is that they would really like to get an independent person from outside University Hospital Galway who could examine the way in which the ED works; whether they are doing triage right and if they have the correct ratio of nursing care assistants to nurses in order to put in place a temporary plan they could buy into to get them over the hump before they are in the position of having a new emergency department at which time more medium and longer term measures could be taken on board.

Among the nurses to whom I spoke, some are coping well who have been working in the system for a very long time and they are hardened, but others are broken by the system and what they see when they go into emergency departments because of the empathy and sympathy they feel for people who are on trolleys, some of whom are terminally ill or otherwise extremely ill and have worried families around them. The former CEO of the Saolta University Health Care Group said they were not offering dignity to their patients. That is not something we can allow to continue. If we can do things in the interim such as exhausting the panel of nurses that have

15 January 2015

been identified and bring in external people to see what we can do in a cost effective way in order to do something different, then we should do so now.

Deputy Jonathan O'Brien: I do not need to explain to the Minister the crisis in the emergency departments, in particular in the past week or so, and the record number of patients lying on trolleys. There is a number of reasons why that is happening. In the vast majority of hospitals the number of people awaiting discharge but who do not have the necessary step-down facilities is ever increasing, be it due to the lack of home care plans or the delay in the fair deal scheme. In Cork, a public nursing home has beds that are currently closed, which could take some of the people who are at present taking up beds in Cork University Hospital, CUH, and the Mercy University Hospital, MUH. The reality is that we have healthy people in beds who are waiting to be discharged and we have sick people on trolleys. The situation must be rectified.

I do not believe that it is all down to finance. Other issues also arise such as planning, co-ordination, integration, and staffing levels, which all need to be addressed in a comprehensive and holistic way. The ED task force, which was designed to address some of the issues, is not working. I do not know the reasons why that is the case. The Minister will have a better knowledge of why the task force is not delivering what he hoped it would deliver. We cannot continue with the situation. We have beds that are closed which could be opened. I accept that will require finance, planning and co-ordination in addition to staff. If we could get to a situation whereby we discharge healthy people more quickly then we would have fewer people waiting on trolleys. The matter must be addressed.

Minister for Health (Deputy Leo Varadkar): I thank the Deputies for raising this issue. It will also be discussed during Private Members' business tonight and tomorrow and at committee tomorrow as well.

At the outset I emphasise that the Government regards trolley waits of more than nine hours to be unacceptable and acknowledges the difficulties which any overcrowding in EDs causes for patients, their families and the staff who are doing their best to provide safe, quality care in very challenging circumstances.

As of this morning at 8 a.m. the TrolleyGAR update from hospitals indicated that there were 298 patients on trolleys. The figure includes patients on trolleys in regular wards but not those in day wards. The figure fell to 217 at 2 p.m. today and 131 of those were on trolleys for more than nine hours. Most such patients will be in beds tonight but of course more patients will come in the meantime. While 298 people waiting for a hospital bed is nothing to be proud of, we should all acknowledge that through the hard work of staff, hospitals working together, supported by HSE services, management and my Department, we have significantly reduced the numbers.

The nurses' union trolley watch number this morning, at 268, was the lowest in seven years for the equivalent peak Wednesday in January. The last time it was lower was in 2007. This morning's SDU TrolleyGAR figure stood at 298. That is the lowest figure recorded for the equivalent peak Wednesday in the four years of recorded hospital statistics. When recording started in 2012, the figure for the equivalent peak Wednesday in January was 355.

All hospitals have escalation plans to manage patient flow and patient safety in a responsive, controlled and planned way that supports and ensures optimal patient care. Triage is used to prioritise patients in order that those with the most acute needs are seen and treated as soon as

possible. Senior clinicians are a key part of the process. As part of their everyday duties, they work closely with hospital management to minimise potential risk and ensure the safest possible care.

Measures to manage ED surges involve the health service as a whole, including primary, community and continuing care. The aim is to ensure that all available capacity and options are utilised and brought to bear on the situation. Some of the measures taken to reduce overcrowding include opening additional overflow areas and community and transition beds - hundreds of beds have been opened in the past week; the curtailing of non-emergency surgery, which unfortunately will impact on waiting lists later in the year, but it must be done; the provision of additional diagnostics; and a focus on discharge planning and additional home care packages as well as fair deal nursing home places – 400 of the former and 300 of the latter were approved in December but, unfortunately, they did not all come through until January.

Members will all be aware that I convened the emergency department task force to develop lasting solutions to overcrowding by bringing a new focus to the challenges presented by this chronic problem that has been ongoing for 15 years. The task force comprises stakeholders such as senior doctors, lead hospital consultants, GPs, HSE national directors, union representatives and senior officials from my Department. The task force will meet on a monthly basis to develop and oversee the implementation of effective measures to improve access to acute hospital services. It works in partnership with primary, acute, community and ambulance services.

I attended today's ED task force meeting. I take this opportunity to welcome the appointment of Mr. Liam Doran as co-chair of the task force. An important point to make because the task force is not the only thing happening in this regard is that conference calls among several HSE staff and hospital group chief financial officers, CFOs, are happening daily, twice daily and sometimes three times a day since the beginning of the year. I have participated in some of the conference calls.

I am aware that the INMO is threatening industrial action as a response to this very difficult situation. I am also aware that seven out of 26 hospitals are affected by the threat of industrial action, which is a most unfortunate situation. While I am assured that a work to rule will not affect patient care, I was present in hospitals and working there for previous work to rule situations and I am aware of their impact which will make life harder for other front-line staff, in particular junior doctors. The issues currently experienced across EDs require co-operation across all areas. Only by working together can we give patients the services they need.

I reassure the House that we are all working hard to find solutions to the management of emergency care, with optimal patient care and patient safety at all times remaining a Government priority. I am out of time but I will respond to some of the Deputies' points when responding to supplementary questions.

Deputy Terence Flanagan: I thank the Minister for his response. I accept that he has inherited a significant issue and crisis. He will be aware that ten reports have issued on the matter since 1997 setting out the solutions to the crisis. At this stage action is required as that will speak much louder than words alone.

Nurses are at breaking point due to the conditions in which they work. Nurses and patients are under pressure and are stressed. The situation is shocking. As a medical person I am sure it is not something the Minister can stand over. The immediate solution is to provide more beds

and to ensure that nurses and other medical professionals are put on permanent contracts rather than temporary contracts. They will not remain *in situ* on temporary contracts as they need security in order to have proper employment and to pay their bills.

Deputy Finian McGrath: The bottom line is that this morning, 298 patients were on trolleys and as the Minister outlined, at 2 p.m. today, there were 217. This is not good enough. We need a lasting solution. We have put forward proposals and part of the solution is that we need to deal with the issue of beds and the issue of resources. We also need to look at the implementation of many of the constructive ideas put forward by nurses and doctors. I welcome that Liam Doran has been asked to act as a co-chair. This is a sensible proposal. However, we need to listen to the people on the ground and we need to ensure that our patients are treated with respect and our senior citizens are looked after in a fair way. That is the way to deal with the issue. The Government needs to put in the resources and stop giving away the extra resources from this year's budget to wealthy people. The resources should be put into our health services. That is the way to deal with this issue.

Deputy Richard Boyd Barrett: I acknowledge the positive decision of the Minister to bring Liam Doran onto the task force. However, what the INMO and any medical professional says is that we need more beds and more nurses and this requires more resources. What we are dealing with now is an absolutely unacceptable and unprecedented crisis in accident and emergency departments. It is a case of the chickens coming home to roost, of 5,000 nurses being taken out of the system, of 2,000 beds being taken out, of 2.3 million home care hours being cut. Neither a health service, hospitals nor accident and emergency departments can be run on that basis or on the basis of 100% bed occupancy, because this means there is no room for manoeuvre if there are any surges and then a crisis immediately ensues. The international best standard is 85% occupancy. The beds must be re-opened and more permanent nursing staff must be employed and extra resources and money must be provided in order to do so. If the Minister does not grasp that nettle, if the Government does not get that message, this crisis is just going to continue.

Deputy Derek Nolan: I thank the Minister for his response. I am sure a number of the issues he outlined will have a positive impact. I am slightly concerned about what we consider to be normal practice, which nowadays means having large numbers of people on trolleys at any one point. We need to get away from that. Some of the topics discussed by the Minister are focused on the national situation. One of the issues I encounter in talking to nurses in Galway is the sense that local management is not willing to engage and to have the type of relationship and task forces at local level for which we strive at a national level, so that the nurses, doctors and health care assistants can contribute in order to make the best of what we have.

We will need to look beyond getting over the annual busy periods and to have a more long-term plan for dealing with the regular flow of patients and putting in place a plan on how the ideal is to be reached. We must work towards limiting the time spent in accident and emergency departments.

Deputy Jonathan O'Brien: I thank the Minister for his reply. As I said in my initial contribution I do not believe it is just a question of finances because it is also down to the need for planning, co-ordination and integration to achieve a solution. The purpose of the emergency departments task force was to examine the situation in a holistic manner and to come up with long-term solutions. However, short-term solutions are needed. Whether it is a case of the lowest number of people on trolleys today compared to the same day over the past number of

years, the fact remains that more than 200 people are currently sitting on trolleys while healthy people are taking up beds because the step-down facilities are not in place to allow them to be discharged and in the meantime, sick people are waiting on trolleys. This situation needs to be addressed as a matter of priority.

Deputy Leo Varadkar: I thank Deputies Jonathan O'Brien and Derek Nolan for their constructive contributions. I thank Deputies Boyd Barrett and Finian McGrath for their contributions.

Deputy O'Brien is correct that delayed discharges are part of this problem, numbering 850 in December which we have reduced to 750 currently. However, the difficulty is that 110 new delayed discharges come in every week while only 100 are discharged. We need to get ahead of that and stay ahead of it for a sustained period of time.

Deputy Nolan's suggestion with regard to Galway is very good. We have external people in Tallaght hospital at the moment who are working on a hospital redesign project. They will move on to Our Lady of Lourdes Hospital in Drogheda. If there is a willingness - because willingness is essential - by everyone in Galway to embrace it there is no reason they cannot be included in that external review and hospital redesign process.

Deputy Boyd Barrett's information is not correct. There may well have been 2,000 beds closed in the system over the past ten years but these are not all acute beds because some of them are community beds. Many of them have been demolished, many are not HIQA compliant and many have since been turned into radiology departments and endoscopy suites and so on-----

Deputy Richard Boyd Barrett: Five hundred and twenty-three-----

Deputy Leo Varadkar: -----and they cannot be turned back into acute beds. Of the 500 that could potentially be opened, more than half of that number are currently open and where possible, we will open some more. However, there are issues to do with decanting, with fire certificates, electrical issues and with staffing in some cases.

Beaumont hospital has had a problem with overcrowding for over ten years. I visited there in the past couple of weeks. I worked there for four months as a senior house officer, SHO. I met some of the staff who were working there when I worked there and they are still working there. Quite frankly, it is a very great tribute to them that they stick it. I understand their anger and their frustration. I never, ever said that nurses have to do more work so I do not know where that comment comes from. What I did say is that everyone has to be part of the solution, which is quite a different thing. Everyone needs to be part of the solution.

I do not think for one second that additional nursing staff or a change in contracts from temporary to permanent will in itself solve the problem. More nurses and more nurses on a different type of contract does not discharge anybody any quicker nor does it create a single bed. It may be part of the solution but it is probably a relatively small part of the solution.

In the case of Beaumont, the hospital currently has 100 delayed discharges and approximately 30 people on trolleys. In theory, if the delayed discharges were reduced from 100 to 50, there should be nobody on trolleys. However, I know full well that the way that hospital is currently managed and organised, this would not be the case. What would happen is that discharges would slow down and electives would be increased and we would still have people on

15 January 2015

trolleys in the emergency department, as has been the case every day, except Christmas week, for the past 15 years. There is a more fundamental problem in a number of our hospitals than merely money and staff, although I accept that money and staff may well be part of the solution.

Deputy Michael Healy-Rae: Ye promised a lot.

Leaders' Questions

Deputy Micheál Martin: I wish the Ceann Comhairle a very happy 2015.

An Ceann Comhairle: Thank you.

Deputy Micheál Martin: Last week the crisis in accident and emergency departments across the country reached intolerable and unacceptable levels, with 600 people on trolleys. We are not talking statistics because these are real people, whether a child, a parent or a grandparent. Immense distress has been caused and a fundamental question is whether their health or their safety was compromised as a result of the unacceptable and chaotic situation in our accident and emergency departments. Great tribute must be paid to front-line staff.

The crisis should never have escalated to the level it achieved. Notwithstanding the promises of Deputy James Reilly when he said, "Never again will there be 569 patients on trolleys on a single day while this Government is in office" -----

Deputy Mattie McGrath: Cá bhfuil sé?

Deputy Micheál Martin: -----it took us a while but not too long to understand that the man did not have much credibility when it came to making promises and commitments. However, people actually believed the Taoiseach when he said on that big billboard, "I will end the scandal of patients on trolleys". We were to go to www.finegael.ie, for details of how it would be done and to look at the plans.

Deputy Mattie McGrath: The west is awake.

Deputy Micheál Martin: As far back as July, the Minister was alerted by officials in the Department to 650 delayed discharges. This was six months before Christmas. In October the Taoiseach was warned in the House about the fair deal scheme. Despite all the rhetoric and language, how can the Taoiseach possibly state he can deal with this when he has funded 1,400 fewer beds under the fair deal scheme for 2015 than he did in 2013? Year after year the Taoiseach has taken beds which had been available for discharge and has expected the system to cope. It could not possibly cope and the Taoiseach knew this. He and the Minister were warned. In late December the Minister set up an accident and emergency forum, but he stated he knew this was coming. He stated he put in plans to try to deal with it. When he came back from holidays he stated he did not know why the plans did not work. God help Joe Citizen who contacts finegael.ie to try to find out, if the Minister himself does not know how the plan did not work.

Does the Taoiseach believe the accident and emergency departments were safe for patients at the level of overcrowding which was experienced in recent weeks and which continues to be experienced? Will he reverse the cuts to the fair deal scheme and provide adequate financial resources to ensure we do not have waiting times for access and eligibility to the scheme? With regard to the nursing home beds which are available to be commissioned, will the Taoiseach

commit to providing the financial resources so they can all be commissioned and opened and front-line staff recruited to provide for same?

The Taoiseach: I am just checking on Deputy Martin's record on this matter. When this happened previously he stated it was not a crisis and not his fault.

Deputy Michael Healy-Rae: We are talking about now.

Deputy Mattie McGrath: Come into the present.

The Taoiseach: If I recall correctly, he spoke about putting an end to waiting lists in two years, but that is in the past.

Deputy Billy Kelleher: This is the present.

The Taoiseach: The answer to the question is the accident and emergency departments were not as safe as they ought to have been with the numbers in the units and, as a consequence, in the corridors

Deputy Mattie McGrath: And the ambulances.

The Taoiseach: The Minister for Health established the emergency department task force in December 2014 and it held another meeting today. Obviously it is working on a serious plan to regulate this in a way which will not have these surges which occur every so often becoming full-blown crises.

The Deputy is aware the Government provided €25 million in the last budget, on top of an additional €3 million in late 2014, to address delayed discharges in hospitals. This is targeted at hospital and community services which can demonstrate initiatives to move patients from acute or transitional care into long-term care or to enable them return home with appropriate supports.

The HSE has advised the Minister that additional beds to cope with surge pressures are now open, and all non-urgent elective procedures have been cancelled. Urgent and cancer surgeries will continue. The role of consultant doctors in terms of ensuring additional ward rounds and patient transfers has been emphasised by the Minister, particularly because of the change of rota of junior doctors. The use of additional capacity in non-acute hospitals, particularly to provide rehabilitation care, is being expedited in Saint Luke's, Cappagh and Navan. Ambulance bypass cover arrangements will be put in place in exceptional circumstances and with the prior agreement of the group CEO.

The plans are working, with numbers below the high occurrence on 6 January, although they are not satisfactory by any means. I understand the number this morning was 298. This area is a priority focus for the Minister, together with the task force, to see whether it can be dealt with. Some hospitals are more difficult than others. The Minister has just answered a Topical Issue matter on the subject and a Private Members' motion will be taken this evening when there will be greater opportunity to discuss these events.

In respect of nursing homes, obviously there is a growing need for places with an aging population. The physical location of many of them is not as close as one would like them to be for the transfer of patients from heavily populated areas. It is an issue which must be addressed.

The fact the emergency department task force has been set up and has held a number of

15 January 2015

meetings, including one today, is indicative of the priority being attached to it by the Minister for Health and the HSE.

Deputy Micheál Martin: The Taoiseach's initial response was a bit sleeveen, if he does not mind me saying so. He stated they were not as safe as they ought to have been. What does this mean? I asked the Taoiseach a simple question, whether they were safe from a clinical perspective for patients. Stating they were not as safe as they ought to have been is meaningless and does not deal with the core question. I asked the question because numerous HSE spokespersons were asked simple questions on television on whether they were safe. If one reads the transcripts of the interviews one will see everybody fudged the answer-----

Deputy Finian McGrath: Yes.

Deputy Micheál Martin: -----just as the Taoiseach fudged the answer now. It is a core question.

This was coming for quite a long time and the new Minister was told about it in July. Let us go back to the budget 12 months ago and the fraudulent figures with which we were presented. The Taoiseach closed beds during the year. A total of 48 beds were closed in St. Luke's General Hospital in Kilkenny, 14 beds were closed in South Tipperary General Hospital and 75 beds were closed in St. Joseph's Hospital in Ennis. I have a list of all the beds which were closed. As well as this, 1,400 beds were taken from what had been provided under the fair deal scheme two years ago. In the name of God, how did the Taoiseach think the system would cope with this?

Deputy Mattie McGrath: He knew it would not.

An Ceann Comhairle: A question please.

Deputy Micheál Martin: The Taoiseach tried to get away with it, and he has been trying to get away with health for the past three to four years. He has neglected it as a priority in government. This is fundamentally why all records were broken last week with regard to accident and emergency departments. There has been no consistent and persistent application to the issues which occur and which will continue to occur. The Taoiseach tried to get away with it by cutting it short and he got caught. I am not worried about the Taoiseach getting caught; I am worried about the more fundamental question of whether he can guarantee patient safety in the overcrowded scenarios which occur in accident and emergency departments throughout the country, as happened last week and this week and which will happen in the coming weeks. Will the Taoiseach guarantee it? Does he accept they were not safe for the patients concerned? Elderly people and people with serious conditions were in armchairs and there was a potential risk of cross infection.

The Taoiseach: If I recall, the Deputy is the former Minister who accepted no responsibility for any of this. He denied there was a crisis when billions were sloshing around and being wasted by a profligate government.

Deputy Michael Healy-Rae: This is not a history lesson. We are dealing with the here and now.

The Taoiseach: The answer I gave is not meaningless, with respect. Overcrowded emergency departments and patients on trolleys in hospital corridors mean the situation is not as it should be. We have admitted on many occasions that it is not right and proper to have patients

on trolleys, particularly those who have had to wait for more than nine hours on a trolley. This is not as safe as it ought to be. This is clear, and far from being meaningless it is a realistic appraisal of the scale of the challenge we face. It is not all about money, it is about management as much as anything else. One can never foretell accurately the numbers who may wish to avail of emergency departments. It is not a black and white situation to state it is safe at 4 o'clock but not safe at 5 o'clock. It is not right and proper to have trolleys occupied by patients for more than nine hours and it is in this area in particular the Minister is working very hard to regulate properly.

Deputy Gerry Adams: Bliain úr faoi mhaise don Cheann Comhairle agus don Taoiseach freisin. I attended the INMO protest here earlier today. That nurses feel they must protest at the Dáil says everything about the state of our health services. Last week I wrote to HIQA expressing concern at the conditions in Our Lady of Lourdes Hospital in Drogheda. I requested that the authority conduct an assessment. Today I received a truly shocking reply. In summary it states that if previous HIQA recommendations - it is all here if the Taoiseach does not have sight of this - had been implemented, current risks within hospital emergency departments would be significantly reduced.

The Taoiseach will recall that the 2012 Tallaght report made 17 recommendations on the safe care of patients. These recommendations have not been implemented. There were two further reports, one in June 2014 into overcrowding at the emergency department of University Hospital Limerick and another in December into emergency care services. Representatives of HIQA also met officials from the Department of Health and the HSE to express concerns about the failure to implement the Tallaght report and also to express concerns about patient safety. There is no question about whether patients are safe; they are not safe.

Does the Taoiseach agree that the HSE is obliged to take prompt action to implement recommendations made by regulatory bodies such as HIQA? Does he also agree that this is the explicit responsibility of the Department of Health and the Minister for Health? Will the Taoiseach explain to the Dáil why the HSE, the Department of Health and the Minister have failed to implement these recommendations?

The Taoiseach: Sometimes I reflect on whether one should listen to Deputy Adams or watch what his party actually does. He comes in here regularly and he, himself, chooses not to avail of the excellent quality of our health service here in Ireland, but that is a matter for him.

I remind the Deputy that there are 120 patients on trolleys in Northern Ireland today, 40 of whom have been on those trolleys for 48 hours or more. I know the Deputy has an influence on this in Northern Ireland and perhaps he might apply himself to that as well.

The hospital and HSE management are focusing on addressing the issues in accident and emergency departments concerning patients on trolleys before the nurses might commence their work to rule in any of the hospitals concerned. That has been going on for a while. Beaumont was the first hospital to ballot on a work to rule. This would encompass clerical and administrative duties and is expected to commence on 27 January. Representatives of the management at Beaumont and of the INMO met at the Labour Relations Commission yesterday. I understand the parties agreed to revert to local discussions to consider a number of issues that were raised during the course of yesterday's discussions and process. They agreed to go back to the LRC on Thursday, 20 January.

15 January 2015

Management is available in all of the hospitals where the INMO is carrying out ballots in respect of a work to rule.

Deputy Gerry Adams: What is the Taoiseach talking about?

The Taoiseach: I am talking about the Deputy and his question.

Deputy Gerry Adams: I am asking the Taoiseach about the HIQA report.

An Ceann Comhairle: Sorry, Deputy, please.

The Taoiseach: As the House is aware, the emergency department task force met today, which is the second meeting of the group. In the light of the recent pressures on emergency departments, the task force wants to access and assess all suitable non-acute accommodation to the maximum extent possible.

The Deputy will have an opportunity in Private Members' business to expand on the document he has and he will get a comprehensive reply from the Minister in that respect.

Deputy Gerry Adams: That would be a change.

The Taoiseach: I am satisfied, it should be noted, that the HSE has the capacity to recruit where it is necessary to deliver front-line services. In many of these cases the problem does not lie with the availability of front-line service numbers.

(Interruptions).

The Taoiseach: Does the Deputy want to shake hands with me while he is at it? Thank you.

An Ceann Comhairle: Sorry, that is not-----

A Deputy: That is just a stunt, Gerry.

Deputy Timmy Dooley: I thought the Taoiseach was going to be another victim on one of the Deputy's trolleys.

(Interruptions).

An Ceann Comhairle: Sorry, please.

Deputy Gerry Adams: When will the Taoiseach learn to stop indulging in personal attacks on me or bringing the North into a question about this State when his latest visit there was an attempt by him to bring-----

Deputy Regina Doherty: Such double standards.

Deputy Gerry Adams: -----austerity into that part of the island?

Deputy Leo Varadkar: Double standards in this House and double standards in-----

An Ceann Comhairle: Please.

Deputy Gerry Adams: I asked the Taoiseach a very straightforward question. The question quoted the HIQA letter I have just given to him, which states that its recommendations have not been implemented. It continues to state, and this is crucial, that if these recommendations had been implemented, current risks within hospital departments throughout the State would be significantly reduced. That is straightforward. The Taoiseach should not engage in distractions, perambulations and verbal gymnastics.

(Interruptions).

Deputy Gerry Adams: My question to the Taoiseach is as follows. Does he accept-----

(Interruptions).

An Ceann Comhairle: Sorry, would you stay quiet?

Deputy Gerry Adams: Will the Taoiseach acknowledge this and explain to the Dáil? Let us not wait until Private Members' time; this is Leaders' Questions time. I have asked the Taoiseach why the HSE, the Department of Health and the Minister have failed to implement these recommendations which HIQA has stated have not been implemented.

The Taoiseach: I do not consider that I engaged in a personal attack upon the Deputy. It is his own choice as to what he wants to do and he did that.

Deputy Gerry Adams: That has nothing to do with the question.

Deputy Dessie Ellis: The Taoiseach has his own private health care and does not worry about the public. Every one of them has.

Deputy Kathleen Lynch: And Gerry does not have health insurance.

The Taoiseach: It is only right and proper that, as the Deputy continually refers to the excellence of the services in Northern Ireland for which he claims full responsibility, the truth be known in respect of the numbers on trolleys today and the numbers who have been on trolleys for 48 hours or more.

Deputy Gerry Adams: The Taoiseach should tell us the truth about today in this State.

An Ceann Comhairle: Please.

The Taoiseach: I also take the Deputy to task in respect of his outrageous behaviour in respect of the discussions and negotiations being conducted by the Minister, Deputy Charles Flanagan, and the Minister of State, Deputy Sherlock, in Northern Ireland. The Deputy First Minister of the Executive was quite prepared to make much more solid progress than Deputy Adams.

Deputy Gerry Adams: We did a good deal, no thanks to the Taoiseach.

Deputy Martin Ferris: The Taoiseach should answer the question.

An Ceann Comhairle: Thank you.

15 January 2015

The Taoiseach: I am very glad that in the interests of everybody, particularly the citizens of Northern Ireland, the negotiations were concluded.

Deputy Caoimhghín Ó Caoláin: Would the Taoiseach answer the question put to him?

An Ceann Comhairle: Sorry, please.

The Taoiseach: The Deputy marched across the floor today with a two-and-a-half page letter from HIQA. I thank him for that. I will study this letter very carefully. I take the point he makes. The writer of the letter, the chief executive, states that he wants to assure the Deputy, and therefore everybody else through this medium, that the authority will continue to maintain a watching brief on the issues and impress on those charged with the delivery of health care services-----

Deputy Gerry Adams: The Taoiseach will not answer the question.

The Taoiseach: -----the importance of implementing them.

Deputy Gerry Adams: He will not answer the question.

The Taoiseach: The point is that by Private Members' time this evening we will have a more comprehensive response to the Deputy in respect of the questions raised by the chief executive because I have not had time to read the detail of his letter.

Deputy Gerry Adams: A Cheann Comhairle-----

An Ceann Comhairle: I call Deputy Coppinger.

Deputy Gerry Adams: -----is there a responsibility for the Taoiseach to be kept at least to the question?

An Ceann Comhairle: Sorry, you know-----

(Interruptions).

An Ceann Comhairle: I have no control of the content of a reply given to Deputy Adams or anybody else.

Deputy Gerry Adams: But he has to be kept on subject, on the issue.

An Ceann Comhairle: I ask him to accept the fact that I endeavour as far as is humanly possible to stick to the issues.

Deputy Gerry Adams: Will the Ceann Comhairle advise the Taoiseach of that?

An Ceann Comhairle: The Taoiseach has finally said he will address the issue contained in the letter this evening.

Deputy Gerry Adams: But not on Leaders' Questions.

Deputy Micheál Martin: Who is chairing?

An Ceann Comhairle: I accept that, but I cannot do anything about it. There is only a

minute for a supplementary question and a minute for reply.

Deputy Gerry Adams: The Taoiseach has two health Ministers beside him and he knows the issue is coming up.

Deputy Caoimhghín Ó Caoláin: Three.

An Ceann Comhairle: All right.

Deputy Gerry Adams: He has three health Ministers beside him.

An Ceann Comhairle: I call Deputy Coppinger on behalf of the Technical Group. I wish her well in her new role as leader of the Technical Group.

Deputy Ruth Coppinger: This is the first chance the Dáil has had to discuss the horrific case of a clinically dead pregnant woman kept alive for 23 days in December against her family's wishes. I wish to convey the sympathies of the Anti-Austerity Alliance to her family who had to endure the tragic loss of their young daughter and then watch the indignities that were heaped upon her. They were forced into the courts to be allowed to bury their daughter over the Christmas period. This was all solely due to the fears doctors have about the eighth amendment.

The Taoiseach has said this is a personal case which is highly sensitive and so on, as if we should keep out of the matter. However, the State is preventing people from making personal decisions about highly sensitive matters and not the other way around.

Dr. Peter Boylan, the former master of the National Maternity Hospital, said that what was done to this tragic woman was grotesque and experimental. Let us be clear that the eighth amendment led to this. No 15-week foetus has ever survived to delivery anywhere on the planet.

5 o'clock

However, doctors told the family this attempt was being made for constitutional reasons.

The resultant details are highly disturbing, but people need to hear the reality of having this law in place. This woman had a ventilator inserted, a tracheostomy tube in her neck, and six syringe pumps for drugs to stop infections. Make-up was applied when her children came to visit to make her look something like she had been. It is all the more incredible that doctors felt they had to take this course of action when an accident and emergency and bed crisis was escalating around them. We ended up with legal representation for the unborn and a deceased woman, all because of the eighth amendment.

This is the third high-profile case of a woman being abused by the eighth amendment under the Taoiseach's watch. This weekend he marched down the boulevards of Paris against religious fundamentalism.

An Ceann Comhairle: Thank you.

Deputy Ruth Coppinger: Is the Taoiseach willing to allow the Irish people the chance to remove a law which is the envy of religious fundamentalists around the world? Was he strutting and posing for liberty in Paris while maintaining women as vessels and incubators at home, alive or dead? Will the Taoiseach hold a raft of referendums in May while refusing to allow

15 January 2015

people to have their say on the eighth amendment? He said he does not have a mandate, but he can go and get one by having a referendum. There is no time impediment to his holding a referendum to see what the will of the people is at a particular time. That goes for the excuses of the Labour Party as well.

An Ceann Comhairle: Thank you.

Deputy Ruth Coppinger: Will the Taoiseach hold a referendum in May, alongside those on marriage equality and other questions, and lift the shackles from doctors and women?

The Taoiseach: I was happy and privileged to represent the Irish people in Paris this week after an atrocity based on terror and fear. The demonstration of support by the ordinary citizens of France and the leadership of the European Union demonstrated the importance of why we have a European Union.

The case in Mullingar was sensitive. It was a personal case and was not a case of turning a blind eye to the situation. Deputy Coppinger should remember that Bunreacht na hÉireann is the people's book. It is they who put it together, they who vote on it and they who have the sole responsibility of changing it if they so desire. However, in this particular case the courts determined that the eighth amendment did not prevent the turning off of the life-sustaining equipment. It was not the case that the eighth amendment restricted the decision that had to be made.

Deputy Ruth Coppinger: I agree with the Taoiseach that the Constitution is in place. I am asking him to allow people to change it by holding a referendum, enabling them to overturn a decision that was taken 31 years ago at the behest of a Catholic lobby and nobody else. He said the eighth amendment did not prevent the life support from being turned off, but it is the reason doctors were fearful in the first place. The man sitting to the left of the Taoiseach talked about the chilling effect on doctors of the eighth amendment when he had knowledge of the case, and he was right. In the court case, doctors said, "We are unclear what to do in light of the eighth amendment." Dr. Peter Boylan, who is very authoritative and was used as a State witness in the case, said that repeal of the eighth amendment would be even more helpful than medical guidelines. The point about Paris was that the Taoiseach strutted and strolled up the Champs-Élysées with many other Western leaders, ostensibly against religious fundamentalism, while he is presiding at home over a host of laws, including one about blasphemy and one which is so anti-woman, medieval-----

An Ceann Comhairle: A question, please.

Deputy Ruth Coppinger: -----and misogynistic that there is no way any religious fundamentalist would seek to have it put in place.

My key point is that the Taoiseach will have the chance to resolve this issue in May. There is no impediment to the holding of a referendum on this in line with the referendums on marriage equality and other issues. Will the Taoiseach give time for this to be discussed in the Dáil in light of the tragedy which unfolded over Christmas, when a macabre ordeal was visited on the family concerned? What they were put through occurred, as all of the doctors testified, for constitutional reasons, because of the existence of the eighth amendment. Let people have their say. I say to the Labour Party: "Do not sit over this atrocity any longer." We cannot afford to have any more horrific cases coming to light of women being treated as vessels and incubators in this way.

The Taoiseach: Deputy Coppinger should bear in mind that the family involved requested privacy. She can understand they do not want this individual case discussed in the Dáil. I respect their request for privacy.

There are two referendums to be held in May, one on the question of the eligibility limit for the Presidency, which was a recommendation from the people's Constitutional Convention, and a second on the question of marriage equality, which was also a recommendation from the people's Constitutional Convention.

I do not know if Deputy Coppinger was actively involved in any of the campaigns in the 1980s when these amendments were considered previously. I have already said that there will not be another referendum during the lifetime of this Government.

Deputy Joe Higgins: Why not?

The Taoiseach: This is a matter Deputy Coppinger can blithely say should be considered by way of referendum in May. I do not think she realises the scale of the challenge that would be involved. It is all too easy for her to say, "Remove the eighth amendment." I would like to hear her tell me what she proposes to replace it with.

Deputy Ruth Coppinger: Nothing. Take it out.

Deputy Joe Higgins: Legislation.

Order of Business

The Taoiseach: It is proposed to take No. 17, motion re referral to select committee of proposed approval by Dáil Éireann of the terms of the association agreements between the European Union and Georgia, the Republic of Moldova and Ukraine, to be taken without debate; No. 38, statements regarding attacks in Paris; No. 39, Registration of Lobbying Bill 2014 - Order for Report, Report and Final Stages; and No. 8, Customs Bill 2014 - Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that in the event a division is in progress at the time fixed for taking Private Members' Business, the Dáil shall sit later than 9 p.m. tonight and Private Members' Business, which shall be No. 179, motion re hospital emergency departments, shall, if not previously concluded, adjourn after 90 minutes, and shall also take place after the Order of Business tomorrow and shall, if not previously concluded, be brought to a conclusion after 90 minutes on that day; No. 17 shall be decided without debate; the proceedings in relation to No. 38 shall, if not previously concluded, be brought to a conclusion after 30 minutes and the following arrangements shall apply: the statement of the Taoiseach, the Tánaiste and the leaders of Fianna Fáil, Sinn Féin and the Technical Group, or a person nominated in their stead, who shall be called upon in that order, shall not exceed five minutes in each case, and such Members may share their time; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes. Tomorrow's business after Oral Questions shall be No. 39, Registration of Lobbying Bill 2014 - Report and Final Stages (resumed).

An Ceann Comhairle: There are three proposals to be put to the House. Is the proposal for dealing with Private Members' Business, agreed to? Agreed. Is the proposal for dealing with No. 17, motion re referral to select committee of proposed approval by Dáil Éireann of the

15 January 2015

terms of the association agreements between the European Union and Georgia, the Republic of Moldova and Ukraine, to be taken without debate, agreed to? Agreed.

Deputy Seán Crowe: Will there be an opportunity for the Dáil to discuss that issue outside the foreign affairs committee? Will the agreement be discussed in the Chamber?

An Ceann Comhairle: This is a purely technical issue in referring it to the committee.

Deputy Seán Crowe: I understand but the Taoiseach has not intimated if there will be a broader debate.

An Ceann Comhairle: It must return to the Dáil for approval. It is a matter between the Whips as to whether time for debate is afforded to it. Is the proposal for dealing with No. 38, statements regarding the attacks in Paris, agreed to? Agreed.

Deputy Micheál Martin: It is a pity the Dáil was not brought back yesterday as it sends out the wrong signal that it is essentially returning for a day and a half this week.

Deputy Derek Keating: The Deputy's party would have brought us back even later.

Deputy Micheál Martin: I want to make an important point before Deputy Kehoe starts his silly laughing again. It is not good enough to have 30 minutes for this debate on the Paris atrocities. That arises because the Dáil's business is being shoehorned into the time between 2.30 p.m. today and 5.30 p.m. tomorrow. It does not do the Parliament justice that we cannot order our affairs in a more dignified manner. Essentially, we are allocating a half hour to discussing one of the most appalling global atrocities and attacks on free speech. We must be conscious of both the role of this Parliament in the public and how it is perceived. Other issues could also be discussed and there was no reason we could not have come back yesterday.

After the atrocities in Paris last week, Ministers, including the Minister for Defence, Deputy Coveney, and the Tánaiste, rather hurriedly indicated that the provision relating to blasphemy in the Constitution would be removed and there would be a referendum to facilitate that. We know the Constitutional Convention recommended that the article referring to blasphemy be removed from the Constitution, and that was supported by all political parties. In light of the statements from the Tánaiste and other Ministers, will the Taoiseach indicate when we can expect legislation to provide for the holding of such a referendum this year? Is it the Government's intention to do this?

I have seen the published list of legislation. I am very conscious of the exhaustive efforts put in by Deputies and Senators right up to the day before Christmas Eve on the water services Bill. I am not saying people groaned when they read this legislative list but No. 17 refers to another water services Bill to "address outstanding issues reflected in the Government's water package from November 2014". Will this tale of ongoing legislation ever end? Will we be dealing with legislation pertaining to Irish Water right up to next Christmas? We read this morning, with information arising from replies to parliamentary questions, that water meters will not last 15 years, if they last even that long.

An Ceann Comhairle: We cannot debate the issue now.

Deputy Micheál Martin: They will not be used until approximately five years from now. I have a hunch they will never be used for the purpose for which they were commissioned. When can we expect that water services Bill and will the Taoiseach explain its purpose, given the ex-

haustive deliberations on the subject which occurred just before Christmas?

The health (general practitioner service) Bill will introduce universal GP services to all those over 70. We know that up to 50,000, or perhaps more, medical cards were taken from people over 70 but they will now get a GP card returned to them. When can we expect that and regulations to be brought forward to provide for children under six getting GP care? The Tánaiste indicated it would happen “soon” or “early in the new year”. The Minister for Health, Deputy Varadkar, has indicated that he “hopes” the scheme will be rolled out by the end of 2015. I know there are growing differences between the Labour Party and Fine Gael, as last week alone I counted six Labour Deputies who condemned Fine Gael.

An Ceann Comhairle: This is the Order of Business.

Deputy Micheál Martin: The Minister of State, Deputy Ó Ríordáin, frightened me when he said he blamed everything on Fine Gael last week. Will the Taoiseach clarify what will happen with GP care for those under six and over 70?

The Taoiseach: Deputy Stanton made the observation that there should be a short period allocated for discussions in respect of the incidents in Paris. He is Chairman of the committee dealing with justice matters. The Constitutional Convention made a recommendation that references to blasphemy should be removed from the Constitution and the Government accepts that. That referendum will not be held this year. We indicated that in considering the recommendations of the Constitutional Convention, if the Government accepted them, it would say so without indicating a timeline. Two referendums will be held this year and there will not be any further referendums.

Deputy Micheál Martin: What do they deal with? One relates to marriage equality.

The Taoiseach: There will be one relating to a reduction in age of eligibility for the office of president.

Deputy Micheál Martin: Is that more important than the blasphemy issue, given what happened in Paris?

Deputy Barry Cowen: The people might be divided on it.

The Taoiseach: The people’s Constitutional Convention did not decide observations on priority for referendums. It made recommendations on elements that should be considered for referendums.

Deputy Micheál Martin: Does the Dáil have a role? Do elected representatives have any role?

The Taoiseach: There are to be two referendums.

Deputy Timmy Dooley: Who elected them?

The Taoiseach: One relates to marriage equality and the other relates to the presidential issue. They both came from the work of the Constitutional Convention.

Deputy Micheál Martin: Does the Dáil have any role? Should we at least consider it?

The Taoiseach: Similarly, the question of blasphemy arose from the work of the conven-

15 January 2015

tion. That referendum will not be held this year.

Deputy Brendan Howlin: The Deputy's party did nothing for so long.

The Taoiseach: With regard to the water services Bill-----

Deputy Leo Varadkar: The Deputy's party could have dealt with blasphemy in the Defamation Act.

The Taoiseach: -----we can expect the heads - it will be a short Bill - before the end of the January.

Deputy Micheál Martin: Why did the Minister-----

The Taoiseach: I hope that will be enacted by the end of February. With regard to the general practitioners issue, it is expected the legislation for those over 70 will be dealt with in the first quarter of 2015 and negotiations are ongoing with the GPs with respect to those under six.

Deputy Micheál Martin: What about the water services Bill?

The Taoiseach: I have answered that.

Deputy Barry Cowen: We cannot have a session without a water services Bill.

An Ceann Comhairle: I call Deputy Adams.

Deputy Micheál Martin: What about the water services Bill? The Taoiseach has not answered the question.

An Ceann Comhairle: The Deputy has had nearly ten minutes.

Deputy Micheál Martin: The question was not answered.

An Ceann Comhairle: Which one?

Deputy Micheál Martin: I asked about the water services Bill.

An Ceann Comhairle: That was answered.

Deputy Derek Keating: The Deputy was not listening.

Deputy Barry Cowen: We have been asking for the past two years.

The Taoiseach: I answered it.

Deputy Micheál Martin: What is the answer?

Deputy Derek Keating: The Deputy should have listened.

An Ceann Comhairle: Will the Taoiseach repeat the answer?

The Taoiseach: There will be four or five heads in the water services Bill and they will be produced before the end of January for the Government. I hope it will be enacted by the end of February.

Deputy Gerry Adams: I want to raise an issue regarding referendums. There is to be one

on lowering the age of presidential candidates but there was also a commitment to hold a referendum on extending the vote to Irish citizens in the North and in the diaspora. In November, the Minister of State, Deputy Deenihan, stated the Government would hold a referendum to permit Irish people living outside the State to vote in presidential elections.

Deputy Jimmy Deenihan: I did not.

Deputy Gerry Adams: It was reported-----

An Ceann Comhairle: We will not have a discussion across the floor about the issues.

Deputy Gerry Adams: The blasphemy issue has already been raised and it strikes me that the members of the Constitutional Convention will be very disappointed about this. They put in much work on these issues, as the Taoiseach knows; he has commended them on it. Given last week's horrific events in Paris, will the Taoiseach review his position on the blasphemy clause? In deference to the folks who cannot live in this State, will the Taoiseach consider the other matter? I apologise if I misquoted the Minister of State but it was reported in an Irish-American newspaper that he stated there would be a referendum to permit people outside the State to vote.

I also want to raise the Cabinet sub-committee, details of which were announced yesterday. It is a new sub-committee which will set out Government proposals to mark the centenary of the 1916 Rising. When will the Government publish the remit for the sub-committee and will there be a transparent and accountable process in place? I witnessed a debacle at the GPO when the Taoiseach launched this initiative and there was much nonsense related to the video that was launched by the Government. Bad service was afforded to the Irish language and the signatories of the Proclamation. They were not even mentioned in all of this. There is already an all-party Oireachtas consultation group on commemorations, so what will be the relationship with the new sub-committee of the Cabinet? Can we also ensure there will be an all-Ireland or, indeed, a wider approach with the diaspora because, as we know, the Rising was funded by Irish-America and many people in Liverpool, Glasgow and London. The Proclamation itself pays tribute to gallant allies abroad. Can there be an all-island or, indeed, a wider global view of this?

When will we hear about the development of what the Taoiseach described as the "laneways of history" in Moore Street? There is potential for a very fitting museum and an educational asset and for the redevelopment of the inner city and city centre, in particular the north inner city.

My last point deals with two very pertinent issues as an *clár reachtaíochta nua* - the new legislative programme - which came out today. I refer to the public health (alcohol) Bill. There is a crisis around public health in regard to alcohol. In the previous session, this Bill was in section C and it is still in section C. The health information Bill, which is such a crucial issue and the subject of great controversy and concern, in particular for families of ill people and for patients themselves, was in section C in the last session and it is still in section C. These two Bills are vital to preventative measures which, if properly implemented, would reduce the number of patients spending long periods of time in our hospitals.

The Taoiseach: There are 41 Bills in this session - through to the summer. Obviously, we try to say to Ministers and the Departments that these are priority Bills. There is some change because of the necessity to introduce them as quickly as possible. The two Bills the Deputy mentioned are important. The public health (alcohol) Bill is scheduled for later this year, as is the health information Bill. It depends on the progress made in finalising the Bills and how they

can get onto the clár in terms of the scale of the legislative programme.

As I said, the Constitutional Convention recommended the removal of blasphemy from the Constitution, which the Government accepts. I had originally thought that it might have been possible to hold a number of referenda on the one day but I have found from talking to people that if one tries to do that, people may well switch off. They will say they do not understand this and that they need more time to have this explained to them. They will ask why we are holding so many referenda. People generally may not be all that interested in referenda. Two referenda will be held this year – one on marriage equality and one on presidential eligibility. The people of Carlow-Kilkenny will have an opportunity to vote in a by-election.

In respect of the work the Minister of State, Deputy Deenihan, did as the former Minister for Arts, Heritage and the Gaeltacht, he had in place a situation for the development of Moore Street, the protection of the national monument and the developments around that, which were not in his control. Obviously, that is not going ahead in the way in which it was envisaged. This is quite complicated, as the Deputy will understand, but while time is short, I hope it might still be possible to have an appropriate development on the national monument, although there are different elements, as the Deputy is aware, in respect of the scale of the monument and what should be done in the locality.

The Deputy mentioned votes for Irish emigrants and for people in Northern Ireland and that the Minister of State, Deputy Deenihan, had made some comment in the United States. I think I heard the Deputy make one himself in regard to freedom of the press when he was over there. In regard to the Cabinet sub-committee, I want to formalise the structure around the preparations for 2016 in order that they are decisive and clear. The group already there will continue because it will engage with the parties, organisations abroad and others who wish to make observations so that we can get this as right as possible. The reason for having a Cabinet sub-committee, which Ministers will attend, is to support the Minister, Deputy Heather Humphreys, in leading the presentation and implementation of an appropriate, comprehensive, sensitive and inclusive commemoration process for 2016.

In respect of the Deputy's comment on the debacle, as he called it, at the GPO, I think it was a very historic occasion indeed. It seemed to me as if he knew some of the people who were involved in the background music that was taking place when the contributions were being made by the various speakers. I am not sure whether that is true or not.

Deputy Gerry Adams: I asked the Taoiseach when the remit of the Cabinet sub-committee would be published.

The Taoiseach: I expect next week. I will send the Deputy the full details.

Deputy Michael Healy-Rae: I wish the Taoiseach and everyone a very happy new year. I wish to declare a vested interest. In regard to the importance of our post office network, I would like to ask about the communications regulation (postal services) (amendment) Bill. Will this Government work to ensure the protection of our post office network? It is of vital importance and I plead with the Taoiseach and his Government to save our post offices.

The Taoiseach: I thank Deputy Healy-Rae for his comment in regard to the new year. As the Deputy is aware, the situation in so far as post offices are concerned is now the subject of a very well-regarded business development group under the chairmanship of Bobby Kerr, who understands the retail business exceptionally well. I would say to the Deputy that the Govern-

ment has no policy of closing post offices.

(Interruptions).

The Taoiseach: The only people who can protect the future of post offices are the communities who use them. The Government has already outlined the opportunities and options open for consideration as to how post offices can be maintained. Believe me, the Government does not want to close any post office. The only community that can keep them on a sustainable path is the local community. It will not be too long before this business development group reports. Every opportunity will be given to encourage the continuation of post offices, although the situation has changed radically, as the Deputy knows.

Deputy Michael Healy-Rae: Will the Taoiseach tell the Minister for Social Protection that?

Deputy Anthony Lawlor: I would like to ask the Taoiseach about the planning and development (No. 1) Bill. Potentially, many developments on the housing side are being delayed because people will not submit applications for planning permission because they are working under the 2000 planning regulations, in particular Part V in regard to social and affordable housing. Will the Taoiseach ensure this Bill comes before the Dáil as quickly as possible?

The Taoiseach: It will be in this session.

Deputy Seamus Healy: In 2012, the Taoiseach advised the Dáil that he had made an agreement with the European Union for the retrospective recapitalisation of the Irish banks. On Monday last, the Minister for Finance raised the white flag of surrender in regard to that. Today, we find that the EU has made special financial arrangements for the big boys of Europe, in particular Italy and France. Will the Taoiseach make time for a debate on this issue in the Chamber?

The Taoiseach: It is not necessary. Our country is in a very different position from Greece. This matter has arisen because there is a general election in Greece at the moment.

Deputy Mattie McGrath: There will be one here soon.

The Taoiseach: We have exited the bailout programme and our country is able to borrow money at 0.86%, which is very much down from the bond yields of 15% a number of years ago. The situation is that the decision of June 2012 was one that was made by the European Council to clean up the enormous economic mess that was left to this Government as a legacy. What we are trying to do is in the interests of the Irish taxpayer. The options are being considered by the Government and the Minister for Finance and the Minister for Public Expenditure and Reform to see which is the best to get back the most money for the Irish taxpayer. The Minister for Finance has confirmed that he expects that every cent this Government puts into the functioning banks will be recovered over a period. We have lessened the burden of the mess left by our predecessors-----

Deputy Seamus Healy: The Taoiseach will not allow a debate in the Chamber on this very important issue.

The Taoiseach: -----by reconstructing those loans and dealing with the promissory notes, and by not having to borrow €3 billion every year in interest for Anglo Irish Bank, in respect of

which this Government did not pay one red cent.

Deputy Seamus Healy: The Taoiseach has surrendered to the EU again. It is quite simple. He has surrendered again.

Deputy Regina Doherty: When does the Taoiseach expect the Employment Equality (Amendment) (No. 2) Bill to be passed by the Dáil? It appears to be stuck on Committee Stage. We propose to hold a referendum this year on marriage equality, but employment equality is within our gift. Will the Taoiseach pay particular attention to moving it beyond Committee Stage, please?

The Taoiseach: Is that the Bill that Senator Bacik introduced in the Seanad?

Deputy Regina Doherty: Yes. It is to amend section 37(1) of the Employment Equality Act 1998.

The Taoiseach: We have to wait for it to come from the Seanad before we can see how it will be processed further.

Deputy Catherine Murphy: We heard announcements this morning of housing initiatives, some of which would be workable and are short term. There is no date for publication of the landlord and tenant law reform Bill, which is on the B list of the Government's legislative programme. If these initiatives are to be of value, it will be in the short term. Does the Taoiseach have any timeline for the publication of the Bill? Will these initiatives be positioned in this Bill?

The Taoiseach: I do not have a date for the publication of the Bill. The references made this morning are speculative. The Minister for the Environment, Community and Local Government is considering a range of areas and elements in housing, not least of which is to start the actual construction in respect of which the Government has made a substantial amount of money available for the next few years.

Deputy Dessie Ellis: The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, has made it clear that rent controls are not possible. Recent reports have suggested that new powers may be given to the Private Residential Tenancies Board, PRTB, to curtail excessive rent increases by landlords. The haemorrhage from rent supplement arrangements and the rental accommodation scheme, RAS, to homelessness continues unabated. Can the Taoiseach confirm these reports and whether legislation is required, and when and if it will be brought forward? I assume this would be the landlord and tenant law reform Bill. It is urgent because there is an avalanche at the moment.

The Taoiseach: I cannot give a date for the publication of the landlord and tenant law reform Bill. The Minister for the Environment, Community and Local Government is considering the matters the Deputy refers to, among others. He will bring his conclusions to Government and publish them in due course. I cannot confirm the implementation of the speculation I saw in the newspaper today.

Deputy Mattie McGrath: Will the Taoiseach give an explanation for, or time for a debate on, the appointment of Goldman Sachs to advise the Government on its disposal of AIB?

An Ceann Comhairle: That is not for the Order of Business.

Deputy Mattie McGrath: It is very serious. The company's record on financial matters in Greece, America and elsewhere is very damaging. This falls under the Central Bank (consolidation) Bill. The company has zero credibility and I am shocked.

Deputy Brendan Howlin: The Deputy is shocked again.

Deputy Kathleen Lynch: He is really shocked.

The Taoiseach: Deputy Mattie McGrath is speaking about Goldman Sachs doing an assessment for the Government on following through on the best option for the Irish taxpayers-----

Deputy Mattie McGrath: *Pro bono?*

The Taoiseach: -----to get back €29 billion for them, which we hope to do over some years.

Deputy Mattie McGrath: Goldman Sachs has less credibility than the Taoiseach.

Deputy Seán Kenny: When will the commencement order be signed for the Fines (Payment and Recovery) Bill 2013 to allow fines to be paid in instalments rather than as one single payment, as at present, which very often results in a person having to go to prison?

The Taoiseach: I will respond on the detail of that as soon as possible.

Deputy Mary Lou McDonald: When does the Government propose to hold a referendum on Article 41.2, the women in the home clause, of the Constitution, as recommended by the Constitutional Convention?

When will the Government act on its commitments regarding the wider availability of adrenaline auto-injectors given by the Minister for Health to Caroline Sloan, the mother of Emma Sloan, who died as a result of anaphylactic shock? I understand there is to be a HSE consultation regarding wider availability of these life-saving adrenaline auto-injectors and other medicines used in emergency situations. When will this consultation open and what will be its terms of reference? I commend Caroline Sloan, who has single-handedly brought the issue of anaphylaxis to national prominence.

The Taoiseach: I am not sure that is a matter for legislation, but I will have a response on the matter sent to the Deputy.

In respect of Article 41.2, and any other recommendations for referendums to be held or discussed arising from the Constitutional Convention or otherwise, this will be a matter for the Administration that will take up duty next year. We will hold two referendums this year and I have confirmed that that will be it.

Deputy Bernard J. Durkan: In respect of recent comments about crimes being committed by people on bail, would it be possible to nudge the bail Bill forward from its present position in the Government legislation programme under section C to a more prominent position, where it might receive early treatment?

The Taoiseach: There is a bit of a miracle here. Deputy Durkan, I think, has raised this on 50 or 60 occasions.

Deputy Peter Mathews: On 72 occasions.

15 January 2015

The Taoiseach: The heads of the Bill are expected shortly. It has not just been nudged but is actually moving.

Deputy Bernard J. Durkan: I thank the Taoiseach.

Deputy Peter Mathews: I wish the Ceann Comhairle, the Taoiseach, the leaders of the Opposition parties and my colleagues a happy new year.

There is talk that Aer Lingus is for sale and that the International Airlines Group, IAG, is making an offer. The Government should consider making it a term of any offer-----

An Ceann Comhairle: I am afraid I cannot help the Deputy on this point. It is not for the Order of Business.

Deputy Peter Mathews: Before Christmas, we had a long, extended debate in this Chamber about the Irish aviation superannuation scheme, IASS.

An Ceann Comhairle: I appreciate that and I think it is an important issue. If the Deputy puts this down as a Topical Issue matter, I will consider it.

Deputy Peter Mathews: It is an opportunity to ensure that any buyer of the company improves investment in the pension fund for those deferred members.

The Taoiseach: We are in a period of offer officially on that matter, and there are constraints on the Minister for Transport, Tourism and Sport in respect of commenting on it.

Proposed Approval by Dáil Éireann of the Terms of the Association Agreements between the European Union and Georgia, the Republic of Moldova and Ukraine: Referral to Select Committee

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): I move:

That the proposal that Dáil Éireann approves:

(i) the terms of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, signed at Brussels on 27th June, 2014,

(ii) the terms of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, signed at Brussels on 27th June, 2014, and

(iii) the terms of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, signed at Brussels on 21st March, 2014 and 27th June, 2014, copies which were laid before Dáil Éireann on 9th December, 2014,

be referred to the Select Committee on Foreign Affairs and Trade, in accordance with Standing Order 82A(3)(b), which, not later than 27th January, 2015, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall

accordingly apply.

Question put and agreed to.

Visit of French Ambassador

An Ceann Comhairle: Before proceeding with statements regarding the attack in Paris, on behalf of all Members, I welcome His Excellency the Ambassador of France, Mr. Thébault, to the Distinguished Visitors Gallery today. On behalf of all Members of Dáil Éireann, I extend our deepest sympathies to the families and colleagues of those who died so tragically in Paris exactly one week ago. The links between our two nations are strong and enduring and I would like to express our support and solidarity to the people of France at this very difficult time. The ambassador is very welcome.

Terrorist Attack in Paris: Statements

The Taoiseach: Once more today, on behalf of the Government and the people of Ireland, I extend my deepest sympathy to those grieving the loss of the 17 men and women murdered in Paris in an episode that began a week ago today. To us they are artists and police officers, men and women who lost their lives, but to those who grieve they are the sons, daughters, spouses, parents, siblings and friends who for them exist now as memory and absence - who will be forever missed and can never be replaced.

Equally, I extend again my sympathy and solidarity to President Hollande and the French nation. I extend my sympathy also to members of the Muslim and Jewish faiths. Both faiths were betrayed and their people mutilated by a philosophy that has no association with the goodness of God, whoever we believe that God to be. Last week's attacks were an assault on the people of Europe and on the basic values of freedom and democracy. Freedom of the press and freedom of expression are values we hold dear in Europe. Indeed, we sometimes take these freedoms for granted. Last week's events underscored the true value of these fundamental rights and the need for deliberate efforts to protect them. Some people might criticise what is said under freedom of speech, but it must be emphasised that regardless of our differences or disagreements, violence is not the answer. As a union of peoples, we remain resolute in our determination to counter the threat posed by global terrorism and all forms of radicalism that have at their heart the desire and intention to divide, dismantle and destroy.

For me, the rally in Paris was an important display of unity and a rejection of the use of terror in the pursuit of political or religious goals. Europe and the world stood united and without fear in opposition to terrorism. As I have said, it was a demonstration of the why of the European Union. We must remain vigilant and we must remain sanguine. The comprehensive international approach that is needed should tackle the underlying causes, prevent radicalisation, share information more effectively, deter and disrupt terrorist travel and bring the perpetrators of terrorism to justice. All approaches must be consistent with international human rights and humanitarian principles and fully respect the rule of law. It is only through working with our European and international allies that we can hope to defeat the scourge of global terrorism and defend our shared values of respect, freedom, dignity and tolerance. Those who marched in support of the French people on Sunday sent those who seek to attack our way of life and divide

our countries and citizens a resounding and clear message that they will never succeed.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The brutal murder of 17 people in Paris last week was an attack on freedom of expression and tolerance. As we know, cartoonists from the *Charlie Hebdo* magazine were among those who were killed. These innocent civilians were guilty of nothing other than availing of their freedom of expression by engaging in the long-cherished French tradition of satire. The killers also targeted French police officers who were carrying out their normal work in the line of duty. The killings left children, families, co-workers and friends in mourning for lost loved ones and colleagues. The day after the attack on the *Charlie Hebdo* offices, the Tánaiste attended the French Embassy to express her condolences on behalf of the Labour Party to the French ambassador, who is present here, and to pay tribute to the victims. We pay tribute to them again today as we make these statements. We are united across this democratic assembly in sending everyone who was affected by these events our deepest sympathy and support.

Last week's terrorist attacks represented an attack on all our freedoms and on everyone who believes in the values of human rights, free speech and, in particular, free journalism. France has a special heritage when it comes to rights. Today, the legacy of the French Revolution - the rights of man, or *les droits des hommes* - is fundamental in all modern democracies, including this one. As the great French statesman, Jacques Delors, has said, "European society has its own values that are deeply rooted in Greek democracy [and] of course, the Revolution". We have inherited those democratic traditions. That the killings took place in France carries a special significance. They constituted an attack on a country that is a beacon to the world in terms of the constitutional freedoms established there centuries ago. I refer particularly to journalistic freedoms like freedom of expression. That these attacks took place on French soil says something very profound about the motives of those who perpetrated these barbarities. The shock and horror of the barbarities wreaked on innocent people is disgraceful in itself. It is an affront to all right-thinking people. The free press is a fundamental basis for human rights and the cornerstone of democracy in Ireland, in France and everywhere.

These acts, like all acts of terror, were meant to inspire fear and horror. They were carried out in a democratic country in a gruesome way to drive home that point. Our society must reflect now, notwithstanding all the freedoms we enjoy, on how terror, with its currency of fear and loathing, can still have such purchase. It is arguable that the development of modern communications has made acts like this easier to perpetrate. We need to reflect on what that means broadly for all democratic societies. We need to think of the implications of these acts for the EU, which is a community of nations that was founded on democratic principles, particularly the principle of bringing an end to war and conflict. All European countries, to a greater or lesser extent, are countries of free movement and emigration. It appears from the brief descriptions of the perpetrators of these atrocities that they did not integrate into the true values of French society, even though they grew up in France. The ideology behind the attacks presents a real risk to the EU in so far as it is being advanced by young people who have grown up in the Union while somehow cultivating jihadi values that are alien and foreign to the values of modern Europe. The twin challenge of Europe - of inclusion and solidarity - is more relevant than ever in the wake of these outrages. Last Saturday, the Tánaiste, on behalf of the Labour Party, stood with members of the National Union of Journalists and the French ambassador in solidarity with the victims of this awful attack, conscious that an attack on journalism in one country is an attack on the free press everywhere. We in Ireland stand united with France in defence of freedom of the press and freedom of expression and against extremism and terror.

We will remain steadfast in our resolve to stand there.

Deputy Micheál Martin: Ar son Fianna Fáil agus ar son baill an phairtí, ba mhaith liom i dtús báire mo chomhbhrón a dhéanamh le muintir na Fraince agus Uachtarán na Fraince tar éis na dúnmharuithe a tharla i bPáras an tseachtain seo caite. Tá sé dochreidte go bhfuil sé ar chumas daoine áirithe dúnmharuithe den tsaghas seo a dhéanamh ar iriseoirí, ar an bpobal i gcoitinne agus ar póilíní. Táimid go léir aontaithe le chéile i gcoinne dúnmharuithe den tsaghas seo. On behalf of Fianna Fáil, I join the expression of sympathy and support for the French people at this traumatic time. The response of President Hollande and the French people to last week's brutal murders has been magnificent and inspiring. They have shown unity and a commitment to the values of free democracy. When the Taoiseach attended last Sunday's march, he was not just representing the Government, he was representing all the people of this country. We are proud of our historic and long-established relationships with France and the values we have shared over many generations. The thousands who marched in Dublin, Cork, Galway and elsewhere gave eloquent testimony to our solidarity with the people of France and the families of the victims.

There is no possible justification or mitigating factor for these brutal killings, which were the work of people who can only be described as evil. Those involved have decided they have the right to impose their fundamentalist interpretation of the world on us all. They are seeking to wipe away centuries of progress towards tolerance and respect for religious freedom and freedom of speech, not just in Europe but throughout the world. As we can see from the grotesque vision of society imposed in the areas under the control of ISIS, these people are opposed not just to freedom of speech but also to basic concepts of liberty. Let no one be in any doubt that the killers and their supporters represent no one but themselves. They have absolutely no right to claim they speak on behalf of Muslims. There are 1.8 billion Muslims in the world, nearly one quarter of the population on this planet. These extreme fundamentalists do not represent them, and the Muslim community has a right not to be judged by the actions of those who carry out such barbaric actions.

In Ireland we should understand this better than most. In very recent memory, there were those who carried out campaigns of murder and intimidation claiming to represent the people of Ireland even though they were rejected time and again by the people in free elections. We had a right to object when some tried to taint all Irish people with their actions, and the same principle applies to Muslims today. In fact, just as Irish people were the primary victims of the illegitimate campaign here, it is Muslims who continue to be the primary victims of these extremists.

The reign of terror of ISIS in Syria and Iraq and the areas of other countries under the control of different extreme fundamentalists shows frightening levels of brutality and repression on a daily basis. This extreme fundamentalism is a unique force in the modern world and democracies have a right and a duty to defend themselves against it. These fundamentalists have shown us how far they will go in trying to impose their values on us and we must be resolute in response. It is clear that security agencies are struggling with this task and we should support a more comprehensive and assertive strategy. We must do this in full co-operation with other democracies. We must also state that every citizen has a duty to help where he or she can. The role of the citizen is essential in making sure that these networks have nowhere to hide.

In doing this, we must always remember that we have core values that must not be compromised. We cannot defend freedom and democracy by undermining them in our own societies. We should note the leadership taken in Germany by President Gauck and Chancellor Merkel

15 January 2015

in fighting the attempt by some to find scapegoats and abuse tragedies for political purposes.

Reports concerning the possible use of Ireland by terrorist networks are of great concern and should be taken very seriously. The Government should make a statement in the House on what actions are being taken so that we can all ensure that the necessary resources will be provided to track and disrupt such networks.

The development of a more multicultural society is something that has enriched us and the entirety of Europe. It is the wish of the overwhelming bulk of people to live together peacefully and respectfully. This includes being willing to respect the right of others to say things with which one disagrees and to use peaceful and legal means to settle disagreements. The extremists who committed these atrocities were attacking the foundations of democratic societies. They were not just attacking *Charlie Hebdo*, the police and innocent shoppers. Their attacks were not just on France. They were on universal values that we hold as fundamental. In light of this, it is right that today we stand with the people of France and commit ourselves to standing with them and other democratic countries in tackling this scourge.

Deputy Gerry Adams: Ba mhaith liom mo chomhbhrón a dhéanamh le clanna na ndaoine a maraíodh i bPáras an tseachtain seo caite. Chuir sé déistin orm nuair a chonaic mé na himeachtaí ar an teilifís. Caithfidimid uilig seasamh go láidir in aghaidh na n-ionsaithe seo.

On behalf of Sinn Féin, I want to extend my sincerest sympathies to all the victims of last week's dreadful attacks in Paris and their families. I want to extend to the ambassador and the people of Paris and France our solidarity at this very difficult time. Cuirim fáilte mór roimh. France and Ireland enjoy a good relationship, not least in our revolutionary histories and the values we share. Irish people, like people throughout the world, watched in shock and revulsion as the brutal events in Paris unfolded. Families were robbed of loved ones - sons, daughters, spouses, colleagues, workmates, parents and siblings. This weekend saw millions of ordinary people in Paris and France as well as countless others around the world, including in Ireland, make a courageous stand against fundamentalism. They were also making a stand against those from either the extreme right or left, be they fundamentalists, bigots, racists or homophobes, who seek to impose by violence and intimidation their values on others.

But part of the tragedy of the modern world and of what happened in Paris is that many other barbaric acts are ignored by the international community, particularly the Western powers. Ionsaithe úafásacha a bhí ann a chuaigh in aghaidh na saoirse. Tá saoirse tábhachtach d'achan duine ach tá go leor daoine, iriseoirí san áireamh, ar fud na cruinne nach bhfuil saoirse acu. Caithfidimid aird a thabhairt ar na rialtais seo a diúltaíonn saoirse cainte do dhaoine.

Sadly, the mass slaughter of perhaps 2,000 men, women and children in northern Nigeria by Boko Haram attracted little mainstream media attention. The car bomb attacks last week in Sana'a in Yemen, which killed 35 people, and in Aleppo in Syria, which killed 14 people, did not attract the same level of media coverage and international condemnation. While we think of the victims in Paris, Nigeria and Syria, let us also remember the 2,000 people, mainly civilians, including 500 children, and the 13 journalists who died during the Israeli assault on Gaza last summer. The deaths of journalists, cartoonists and satirists in Paris have provoked justifiable outrage, which we share. But so, too, must the deaths of 61 journalists who were killed on duty in Ukraine, Iraq and Syria.

Something that said a lot about the spirit of the people of France was that there was a degree

of understandable scepticism about some of the condemnations of the Paris attacks by governments whose own records of defending freedom of the press, killing and imprisoning journalists or using political censorship left much to be desired. Many French opinion makers quite rightly drew attention to those leaders who could demonstrate their commitment to freedom of speech by opening the prison gates for the journalists they were holding.

Whatever the colour of our skin, our religion, our race or our gender, there can be no excuse for the actions that occurred in Paris or elsewhere in recent weeks. Wherever injustice, oppression, racism or attacks take place on religious minorities or where anti-Semitism, Islamophobia or sectarianism exists, they must be confronted and challenged. So, too, must poverty, injustice, inequality, discrimination and racism. The Taoiseach represented the people of this island. It is our responsibility to join with those citizens who courageously took to the streets in defiance of murder and threats and to make a stand. That means going beyond rhetoric. We have a duty to understand what happened and the differences that divide us. I note and commend the French President's warning that last week's horrific attacks should not be an excuse for attacks on Islam or the rights of Muslims.

We need to be alert to the dangers of fundamentalism of all kinds. This means actively working for and investing in processes of education, information and dialogue that can overcome prejudice and, in the spirit of tolerance, mutual respect and equality, get us to understand our differences.

Our sympathy and solidarity is with the families of those who died and the people of France. Ar dheis Dé go raibh a n-anam dílis.

An Leas-Cheann Comhairle: The next speaking slot is being shared by Deputies Clare Daly and Wallace.

Deputy Mick Wallace: I, too, would like to extend my sympathy to the families of those who lost their lives in such terrible circumstances in Paris. There is no excuse for the horror that was inflicted on them.

I will quote Mr. Juan Cole, an American novelist who wrote about the incident. He wrote:

The killings in Paris were an appalling offence to human life and dignity. The enormity of these crimes will shock us all for a long time.

6 o'clock

He continued:

But the suggestion that violence by self-proclaimed Jihadists is the only threat to liberty in Western societies ignores other, often more immediate and intimate, dangers. The US, the UK, and France approach statecraft in different ways, but they are allies in a certain vision of the world, and one important thing they share is an expectation of proper respect for Western secular religion. Heresies against state power are monitored and punished. People have been arrested for making anti-military or anti-police comments on social media in the UK. Mass surveillance has had a chilling effect on journalism and on the practice of the law in the US. Meanwhile, the armed forces and intelligence agencies in these countries demand, and generally receive, unwavering support from their citizens. When they commit torture or war crimes, no matter how illegal or depraved, there is little expectation of a full

15 January 2015

accounting or of the prosecution of the parties responsible.

There is talk of President Obama hosting a meeting to fight terror in the United States. However, this is the same President who killed seven people last week in a drone attack in Pakistan. He has also bombed seven predominantly Muslim countries in his time in office. That, too, is terror. The Israeli Prime Minister, Mr. Netanyahu, marched against terror with the French people in Paris last week, but he slaughtered 500 children in Gaza last summer. The attack in Paris is not the first threat there has been to free speech and democracy. The only person in prison for the CIA's abominable torture regime is the whistleblower, John Kiriakou. Edward Snowden is a hunted man after divulging information about mass surveillance. Chelsea Manning is serving a 35-year sentence for her role in the WikiLeaks revelations. They, too, are blasphemers, but they have not been universally valourised, as have the cartoonists.

Nothing could ever excuse what happened in Paris, and we will never forget what was done. However, we must examine how the world operates today. We must take stock of the fact that the militarisation of many parts of the world is horrific. The torture being inflicted on people in different locations is horrific. We need to look to and address the source of the sickness we saw last week. As part of this, we must fight any efforts by large powers to militarise the world any more than it is already.

Deputy Clare Daly: I join colleagues in condemning unreservedly the appalling murder of 17 French citizens last week, an act for which there was no justification whatsoever. It was an absolutely indefensible act. As other Deputies have noted, it was, sadly, not the only act of indefensible violence that took place last week. We also saw the slaughter in the most vicious circumstances of 2,000 African citizens by Boko Haram. Nor was it the only act of indefensible violence carried out against journalists or artists. We should recall the 12 journalists murdered by the Israeli defence forces in Gaza last year, people whom the Israeli Foreign Minister described as terrorists who hold cameras and notebooks. I do not recall any outcry or demands for the defence of free speech and democracy in those instances. In fact, I take it as quite an affront that among those who gathered on the boulevards of France last week were persons responsible for those actions and who now seek to paint themselves as being on the side of the French people and the victims of this atrocity.

If we are genuinely to mourn the victims of the horrific murders in France, we have a responsibility to respond in a balanced way. There is no point in decrying the rise of Islamic extremism while saying nothing about the circumstances that gave rise to such extremism. There is no point in ignoring the fact that the US invasion of Afghanistan was one of the key motivators for the emergence of these groups. In an interview given under a pseudonym some years ago by a United States Air Force major, he made the following observations:

[When] I was in Iraq, we routinely handled foreign fighters, who we would capture... In their eyes, they see us as not living up to the ideals that we have subscribed to. You know, we say that we represent freedom, liberty and justice. But when we torture people, we're not living up to those ideals. And it's a huge incentive for them to join al-Qaeda. You also have to kind of put this in the context of Arab culture and Muslim culture and how important shame, the role of shame is in that culture. And when we torture people, we bring a tremendous amount of shame on them. And so, it is a huge motivator for these people to join al-Qaeda...

That is how things look to the people in those countries which are on the receiving end of

the so-called war on terror.

We must be balanced and measured in our response. I believe in freedom of expression and human rights, which is why I equally condemn the use by President Obama of the Espionage Act, for example. We must be on guard against knee-jerk reactions which result in greater state powers to patrol liberty. We should bear in mind that the perpetrators of this crime were known to the surveillance forces. Surveillance of itself is no solution. In fact, what will make the world a better and safer place is non-intervention.

Minister of State at the Department of Justice and Equality (Deputy Dara Murphy): I join the Taoiseach, the Minister for Public Expenditure and Reform and other speakers in conveying my sympathies to the people of France. The horrific attacks on Paris last week touched everybody deeply in Ireland, across Europe and throughout the world. It was a trauma for the French people, Europeans collectively and everybody who values democracy and freedom. I take this opportunity, in a totally unqualified fashion, to convey my deep sympathies to the families, friends and colleagues of the victims of the attacks, the French people and the French community in Ireland.

I spoke last Wednesday to my French counterpart, the Minister for European Affairs, Harlem Désir, who was due to be in Ireland last Thursday and Friday. Of course, he instead remained in Paris for the national day of mourning. The programme we were due to conduct in Cork showed the richness of Ireland's relationship with the people of France in cultural, business and academic terms. While atrocities, unfortunately, take place all over the world, we have a special relationship with France through our membership of the European Union. As such, these events touch us in a different measure.

The French ambassador, Jean-Pierre Thébault, is here with us this evening. I acknowledge the great leadership he has shown at this difficult time for the French people living in Ireland. We will work with our European and international allies to defend our shared values of respect, freedom, dignity and tolerance to counter the scourge of global terrorism. As the Taoiseach stated, there is need for a comprehensive international approach that will tackle the underlying causes of terrorism, prevent radicalisation and ensure there is more effective sharing of information. No nation in Europe has managed to embody the shared identity of Europe and its people - the values of *liberté, égalité* and *fraternité* - as France has done. We must all stand with her people at this very sad time.

Members rose.

Registration of Lobbying Bill 2014: Order for Report Stage

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I move: "That Report Stage be taken now."

Question put and agreed to.

15 January 2015

Registration of Lobbying Bill 2014: Report Stage

An Leas-Cheann Comhairle: Amendment No. 1 is in the names of the Minister and Deputy McDonald. Amendments Nos. 1 and 64 to 67, inclusive, are related and will be discussed together.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I move amendment No. 1:

In page 5, line 14, to delete “Registration” and substitute “Regulation”.

I presume Deputy McDonald, who is not yet present, is gathering her papers. Following consideration of an amendment she tabled on Committee Stage, I agreed to revert to the original Title, Regulation of Lobbying Bill 2014. At that time, the Deputy indicated that this would be a better Title. The Long Title sets out that the purpose of the legislation is “to provide for establishing and maintaining a register of persons who carry on lobbying activities [this is done in Part 2]; to provide for a code of conduct relating to carrying on lobbying activities; to impose restrictions on involvement in lobbying by certain former designated public officials”. The change of Title to the Regulation of Lobbying Bill 2014 is, therefore, appropriate. Amendments Nos. 64 to 67, inclusive, carry through this change of Title in section 26. The intent of amendment No. 1, in my name and that of Deputy McDonald, is captured by the others in my name.

Deputy Gerry Adams: Teachta McDonald will be here presently. She is just outside washing her hands.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 2 to 15, inclusive, 17, 18, 20, 21 and 58 are related and will be discussed together.

Deputy Sean Fleming: I move amendment No. 2:

In page 6, between lines 29 and 30, to insert the following:

“(a) makes, manages or directs the making of any relevant communications to any member of Government in relation to appointments to State Boards,”.

There are 19 amendments in this group, most of which are in my name and deal with what should be captured under the legislation. I will not be excessively repetitive when speaking on each of the amendments, because most of them deal with the same point. Following the Minister’s response to what I will now say, I understand I will have two minutes to reply, or just over six seconds per amendment. I am sure even the Minister will agree that this is somewhat farcical.

Deputy Brendan Howlin: I am sure the Leas-Cheann Comhairle will be flexible.

Deputy Sean Fleming: This is a matter for Dáil reform, and perhaps the Leas-Cheann Comhairle will take it on board.

An Leas-Cheann Comhairle: The Minister was that soldier previously.

Deputy Brendan Howlin: And I was often flexible.

Deputy Sean Fleming: It is unsatisfactory that I, as an Opposition spokesperson, will have mere seconds per amendment to respond to what the Minister is going to say. I think everyone will agree that is-----

Deputy Brendan Howlin: The Deputy will have a third opportunity to comment, in respect of which the time available to him will not be limited.

An Leas-Cheann Comhairle: That is correct.

Deputy Sean Fleming: In any event, I will deal with the amendments. I intend to dwell primarily on amendment No. 2, which suggests that the following be inserted into the Bill: “makes, manages or directs the making of any relevant communications to any member of Government in relation to appointments to State Boards”. Any person who is involved in any such communications should be included under what will, following the acceptance of amendment No. 1, be henceforth referred to as the Regulation of Lobbying Bill 2014.

I wish to reiterate the point I made on Committee Stage regarding the appointment of John McNulty to the board of the Irish Museum of Modern Art in a botched attempt to have him elected to the Seanad. In recent weeks the Government Chief Whip referred to what was done in this instance as “underhand”. The public believe this was the case. I do not believe that any person of honesty or integrity could state that what was done was anything other than underhand. The majority of members of the public will accept that this is the case. If any politician stated that what was done constituted a proper way to do business, I am of the view that he or she would do damage to the political system. Amendment No. 2 suggests that the Bill should make provision in respect of any person who “makes, manages or directs the making of any relevant communications to any member of Government in relation to appointments to State Boards”. In other words, the actions of anyone who lobbies a Minister in respect of an appointment to a State board should be contemplated under the legislation. If the Bill does not make provision in respect of such appointments, then I am of the view that there will be a major gap in it.

This is a very good item of legislation in many respects, and I said as much on Second Stage. The Committee Stage debate proved quite fruitful and a number of amendments have subsequently been tabled in respect of voluntary organisations, etc. Those amendments will be extremely helpful and Members on all sides will agree that the legislation will be improved by them. However, lobbying in respect of appointments to State boards continues to be excluded from the Bill. That does not do anyone any good and it will diminish public confidence in the legislation. During the Christmas recess, I stated that the acid test in respect of the Bill would be whether it captured this basic issue. If it does so, then it will be good legislation. If it cannot do so, however, it will contain a fundamental weakness. The Minister will state that the legislation - in terms of its operation - will be reviewed 12 months after it has been enacted. Perhaps he will exclude the matter to which I refer from that review.

Deputy Brendan Howlin: That is not what I said on Committee Stage.

Deputy Sean Fleming: I beg the Minister’s pardon.

Deputy Brendan Howlin: I will keep my powder dry for the moment.

Deputy Sean Fleming: I hope the matter in question will form part of that review.

15 January 2015

I will now deal with the other 18 amendments in the group. The Minister provided a list of the people who, in the context of lobbying, will be contemplated under the legislation. These include Ministers of the Government and Ministers of State, Deputies and Senators, MEPs, members and CEOs of local authorities, special advisers and Secretaries General of Departments. Directors of services of local authorities will also come under the legislation, by order, in due course. The Minister said he might, after the review, include officials of non-public service entities - such as commercial semi-state bodies - under the terms of the legislation. I ask that they be included at this early stage rather than waiting for an annual review 12 months after the legislation has been put into operation. The standard practice for establishing an organisation has not been to put the full system in place on day one but to put it partly into place to see how it goes. It will be like the freedom of information legislation; it will probably take ten years before all the bodies that should be included in this legislation are eventually added. There is no good reason some of them could not be included on day one.

Those who lobby Waterways Ireland should be included. The organisation is significant in terms of the work it does throughout the country.

Importantly, “people who lobby a consultant employed to carry out work for or on behalf of a public body or Government Department” should be included. This is a very important issue. The Minister for Finance is approving Goldman Sachs as the body to put a valuation on the Government’s stake in AIB, which is 99% in State ownership. If one lobbies the Minister on that issue, one must be included under the legislation, but if one lobbies Goldman Sachs, which is where the action will be, and if Goldman Sachs is the body to which one wants to express one’s views, one does not have to be included under it. Anybody who wants to get his view reflected in the ultimate report will lobby Goldman Sachs if he has a brain in his head at all. Goldman Sachs is not necessarily based in the country. Even if it were wholly based in the country, one would be outside the legislation if one lobbied it in its capacity as a consultant employed to carry out work on behalf of a public body or Department, in this case the Minister for Finance.

I have mentioned previously the consultants involved in respect of the licence for the national lottery. If anybody wanted to have an input, it would have been far more intelligent to lobby the consultants preparing the report for the Minister than to lobby the Minister directly. One can lobby the people who do the work, put the document together and compile the consultant’s report for the Minister or Cabinet without being captured by the legislation. That is a tremendous omission. I am just citing an example that has arisen in the past 48 hours.

I also wish to include the lobbying of bodies whose funding is “made up of in excess of 50 per cent of voted expenditure”. Many organisations, particularly in the health sector, including organisations operating under section 38 and section 39 agreements, fall into this category. In this Dáil, we have seen that some of the large charitable organisations that are operating under section 38 agreements often get 80% to 90% of their total funding from State bodies. Yet they are not being captured in this legislation.

We got a briefing note at a meeting of the finance committee subsequent to Committee Stage in which the Minister said he might include some bodies at the end of the annual review. I believe they should be included now. The legislation would be better if this were the case, but I will wait to hear what the Minister says.

Irish Rail should be captured for the principal reason that it is a State monopoly. There is no commercial or other reason, including in respect of financial sensitivity, it should be excluded.

In all our discussions on various topics so far, the Minister has accepted that State monopolies are different from State companies in competition with companies in the private sector. Irish Rail is the only railway company operating and it has a monopoly.

The HSE has a budget of approximately €11 billion or €12 billion. While I am not sure, and I will not get into the question of how big the budget is before or after Supplementary Estimates, I believe it is of that nature. To exclude the HSE is a major omission.

Voted expenditure through the Oireachtas each year is in the order of €40 billion. Approximately €10 billion goes through the Central Fund. There are payments to the European Union, payments for politicians and judges, payments for election expenses and referendums, and the cost of financing the State debt, which is the biggest item covered in the legislation. We have spoken about that issue before. However, the funding for the HSE is well in excess of the funding in this regard. One can lobby the HSE on a multitude of matters but not be captured by this legislation. This represents a significant gap. The Minister gets the point I am making.

We have discussed Irish Water, a new commercial entity, several times. It is a State monopoly, which is why I have singled it out here. People who lobby it for various purposes to obtain contracts or financial benefits for an organisation or client should be required to register under this legislation. It was announced in the Government's Order Paper issued today that further legislation on Irish Water is coming up to deal with the non-payment of rates to local authorities and the distinguishing of assets and liabilities. Considerable lobbying might occur behind the scenes in this regard with Irish Water, but it would be excluded from the legislation.

Lobbying of the education and training boards should also be considered. These are very big organisations now. There is significant scope for lobbying them and they should be included.

I also include An Post, which is essentially a monopoly in the area of mail distribution. On the parcel side of the business, there is quite a lot of competition, but on the mail side, by and large, An Post has a monopoly in terms of its having the sorting offices and the ability to deliver. That could change but, as of now, An Post has a monopoly on the delivery of mail for domestic purposes.

Another organisation that many people around the country believe should be included is EirGrid. Again, it is another State monopoly. It looks after the electricity transmission system throughout the country, which is a matter of great public interest. Some 38,000 people made submissions on the Grid Link project from Cork through east Munster and up through Leinster towards the Dublin region. I understand the people who made a submission to EirGrid could have all their details accessed under freedom of information legislation. That is fine and welcome, and the process is open and transparent. In other words, when John Citizen or Joan Citizen wants to make a submission to EirGrid, the submission is subject to freedom of information legislation, but companies will be able to lobby EirGrid by way of another process of their choice and in an informal manner on why something should go here or there, or on whether a project should involve wind energy, renewable energy or otherwise, without being captured by the legislation. EirGrid employs many consultants to carry out work for it. So too does the National Roads Authority. One can lobby the consultants to have one's point of view expressed to EirGrid and not be included under the legislation.

The same applies to the Commission for Energy Regulation. It has a role in this area and people should know who is lobbying it. The National Transport Authority should be included.

15 January 2015

I made a point on the National Roads Authority. Again, it is a State monopoly. The Private Security Authority should also be included. These are organisations set up by the State to regulate various industries. There are people in the industries with vested interests. It is important that those with vested interests who are lobbying the regulatory and registration authorities be subject to a mechanism ensuring public transparency.

Tourism Ireland should be included, as reflected in amendment No. 15. The examples are clear-cut. Large hotel groups might want to lobby Tourism Ireland for particular benefits for their section of the industry, as might representatives of certain regions or people with particular ideas. If they are lobbying Tourism Ireland, which is essentially operating with funds voted from this House, there should be a requirement to register.

Amendment No. 17 is in the name of Deputy Mary Lou McDonald, who has yet to speak. I will speak now on amendment No. 18, in the name of the Minister, because I will not get a second chance.

Deputy Brendan Howlin: The Deputy will get one, and a third.

Deputy Sean Fleming: A very short second chance. Amendment No. 18 is in the name of the Minister.

It is probably unusual that the Opposition is speaking on the Minister's amendment before the Minister gets to speak on it-----

Deputy Brendan Howlin: A little odd.

Deputy Sean Fleming: -----but, because it has been grouped with amendments that were initially in my name earlier on in the legislative process, it has come in under the group. I must respond in the dark, not knowing precisely what the Minister will say. However, on the face of it, this looks like a good amendment. It captures a lot of what we spoke about at Committee Stage. Essentially, we spoke about voluntary organisations. I mentioned some of the large organisations in the country that have volunteers working on a daily or weekly basis as local officers. In particular, we mentioned the farming organisations. There would probably be some of the trade union organisations as well, and some of the charitable organisations. Many of these organisations' members, local officers and local chairman who are busy fundraising - rattling the money boxes on Saturdays and Sundays - want to get their organisations and the work they do recognised, and there is no conceivable way any organisation could be expected to capture all of that particular work. We had asked that volunteers not be included in the Bill, and this is what I note the Minister proposes to do here. I think everybody will recognise that this amendment is a good day's work. It is probably one of the most important amendments we will have here today, because there was a concern in this regard. The Bill as drafted was well-intentioned, but it could have been a little overarching, and maybe over-prescriptive, or there was the possibility for somebody to be over-prescriptive in its implementation. I note that the Department conducted pilot surveys with different organisations to get feedback. That, obviously, has fed into this as well. We heard from other organisations. I do not have the correspondence with me here, but it dealt with an organisation in the retail sector. I forget the particular organisation, but all members of the committee, including the Minister, will have received that correspondence about how a shopkeeper might be part of a large retail group - I do not think it was RGDATA - when a Minister goes into a local shop to get his newspaper and the shopkeeper says something to him. The shopkeeper is only a member of an organisation and should not have to be captured

in lobbying a Minister. However, if the national organisation chooses to formally lobby the Minister, by all means, that should be captured. People understand and accept the principle behind that. It will make life simpler.

People are worried about over-regulation. It will be included in the legislation that the body makes a relevant communication where lobbying is done by an employee of the body centrally - that is a good idea, as they are the ones who work on a day-to-day basis - or where it is done by a person who holds, in the body, any office that is a remunerated position - one might not be a full-time employee but there might be a formal mechanism for one to be remunerated in the post that one holds, in a region or nationally, in the organisation - whose functions relate to the body on whose behalf one is lobbying. If one is remunerated - if one is a person who holds a position in those bodies - one should be included. However, other ordinary persons who are merely volunteers in the organisation should not be so captured by the Bill. That is the essence of amendment No. 18. I welcome that and I think everybody will welcome it as well.

My amendment, No. 20, deals with the issue of the size of an organisation. It refers to “communications by or on behalf of an employer, other than a registered person, with not more than 10 employees and less than €10 million of an annual turnover”. On Committee Stage, I had a figure of €5 million. The Minister stated that the audit figure for some companies was at a higher threshold than that, and I came back with a revised threshold to bring it to over €10 million. I have no difficulty with that. The essence of what I am getting at in amendment No. 20 is that one could have a large organisation - almost a shelf company, with few or no employees - with a much higher level of turnover, at €10 million or €20 million. I cited several examples. Even a company that gets a contract to build a major school, which could be over worth €10 million, might be merely a holding company within a group, and there might be no employees, but the ultimate turnover in that group could be well over €10 million. That is why limiting the provision to include the number of employees only could result in the omission of many holding companies or companies within a corporate structure that do not have employees but have significant turnover and influence, and maybe have only two part-time directors. That is why I have asked that employers whose organisations have a turnover of over €10 million be included.

Amendment No. 21 is in the name of the Minister.

Amendment No. 58 deals with the central point on which I spoke earlier. It states:

In page 14, between lines 23 and 24, to insert the following:

“(9) This section shall not apply to unpaid volunteers of an organisation that is otherwise a registered person for the purposes of this Act.”.

That is the essence of what the Minister has taken on board. He is saying that an employee in a remunerated position in the organisation that is lobbying must be included under the Bill, but the spirit of what I asked for here is that the work of unpaid volunteers of such an organisation should not have to be included under the Bill, for the reasons I outlined. It would be far too cumbersome. The Minister has accepted the principle of that in his amendment.

That is a brief explanation of these 19 important amendments, 16 of which are in my name. I would like to see all of these included in the Bill, now rather than in 12 months' time.

It is our job to recognise that this is a good Bill. By European standards, even though it is

15 January 2015

only our first stab at it in Ireland, it would be considered a good Bill. I am here trying to make it that little bit better.

Deputy Mary Lou McDonald: My amendment, No. 17, harks back to an issue that we debated on Committee Stage. It revolves around a concern I had with the Bill's proposal to exclude lobbying by groups with ten or fewer employees. If memory serves me, on Committee Stage the Minister set out his concerns about having an onerous administrative burden on small businesses. Be that as it may, I remain of the view that this provision in the Bill creates a dangerous loophole for those firms or partnerships which would prefer to hide their lobbying activities rather than comply. I put it to the Minister that if the registration and reporting process is available online, if it comes with clear instructions and is not otherwise onerous, it should not pose an insurmountable problem for those smaller organisations.

The Minister countered this amendment on Committee Stage with concerns about an onerous burden. I do not believe that is necessarily the case. On the balance of consideration, it is more important to ensure that there is not such an obvious loophole to be potentially exploited within the Bill. It will be a matter of good practice to ensure that the registration and compliance procedures are accessible and administratively friendly for all organisations.

While I am on my feet, I might raise a concern I have about amendment No. 18, which Deputy Sean Fleming lauded as a protection for volunteers. We would need to consider this quite carefully. Although we would not wish to overly burden any organisation, or certainly a volunteer organisation, with excessive red tape or bureaucracy, the amendment appears to have the effect of exempting from the registration requirement any communications made by volunteers or unpaid officials. That is the gist of it. This could constitute another loophole that might be exploited by the unscrupulous to avoid registering. We need to weigh this up. Arguably, a commercial venture or any entity could acquire the services *pro bono* of A. N. Other, or, *mar dhea*, volunteers, and engage in lobbying through that mechanism. I have only recently been acquainted with the concept of astroturfing. Has the Minister heard the term?

Deputy Brendan Howlin: No.

Deputy Mary Lou McDonald: I am advised that it is a scenario in which fake-----

Deputy Brendan Howlin: Does it have anything to do with football?

Deputy Mary Lou McDonald: It has nothing to do with football, hurling or any other sporting endeavour. It is a scenario where fake grassroot entities emerge to lobby in a voluntary capacity on behalf of corporate or other interests. In fact, there have been some headline cases-----

Deputy Brendan Howlin: I heard of some political interests using that approach as well.

Deputy Mary Lou McDonald: -----for instance, in the United States. I raise it as a serious point because, although one does not want to penalise voluntary effort or smother people with administrative burdens, the objective is to create and codify a system whereby lobbying is fully transparent and regulated. Deputy Sean Fleming has given an unqualified welcome to amendment No. 18, but I have deep reservations about it and I would like the Minister to address them when he gets to his feet.

In respect of Deputy Sean Fleming's amendment No. 58, which would exempt lobbying

done on behalf of registered representative or advocacy organisations by volunteers, I support and understand the intent of the amendment but it carries with it the same danger of creating a loophole that would be potentially exploited for the purpose of avoiding the very system of regulation that the legislation envisages.

Deputy Paul Murphy: A number of the amendments – Nos. 2 to 15, inclusive, and Nos. 17 and 18 - depend on whether we are to have a broad or narrow approach to the registration and regulation of lobbyists. At the moment, unfortunately, the Government's approach is to take quite a narrow view of who can be lobbied and who can do the lobbying. It will not capture in any way the real lobbying that goes on and the myriad different tactics and types of lobbying that take place.

Lobbying is central to how our capitalist democracy works. It is how the rich and the powerful communicate their interests, primarily to the established political parties, and get their interests eventually transferred into legislation or whatever they want. Lobbying is a huge business involving billions of euro across Europe. I will give one instance at EU level. When I was an MEP, traffic light coding of food labels was an issue. The intention was to make it simple for consumers by having the fat and salt contents of food, for example, denoted in a simple green, orange or red colour scheme. The food industry across Europe, including from Ireland, spent €1 billion lobbying to stop the proposal from going through the European Parliament. At least 30,000 people were employed on the issue, at Brussels level, in lobbying on behalf of various interests.

Those who know how lobbying happens know that some of it is done by lobbying companies acting on behalf of industries or individuals, which arrange meetings in order to make representations on behalf of a company or industry. There is a simple meeting that is clearly for the purpose of lobbying. I presume such organisations would be captured by the narrow definition put forward by the Government, as they should be. There should be a register of lobbying interests and the lobbying that takes place. However, lobbying is a much broader phenomenon that is based on informal contact - a revolving door. The relationships between a small political caste in this country and a small big-business elite are the basis for much of the effective lobbying that takes place. The danger in terms of what is proposed is that it will not capture such activity. In particular, I echo the point made by Deputy McDonald about astroturfing, with reference to amendment No. 18. It is not just an American phenomenon. My experience indicates that astroturfing - false grassroots campaigns driven by big business interests and involving, in some cases, duped volunteers - is a tactic used at European level. One sets up a false campaign and covers one's interest with a veil of public interest, and one mobilises people on that basis. Such people would not be captured by the amendment, even though this is a form of lobbying. Any loophole that exists will be exploited by big business and other interests in order to have their interests reflected in the corridors of power. For that reason, I oppose amendment No. 18 and support Deputy McDonald's amendment No. 17.

It is obvious that amendments Nos. 2 to 15 should be supported. The various semi-state bodies that operate with taxpayers' money should be brought within the remit of the Bill, and lobbying representations to those organisations should be covered. The most current example is Irish Water. It is obvious that significant money could potentially be made by various contractors that have an eye to full privatisation at a later stage but that for now want to get contracts to design, build and operate various elements of the water services infrastructure. Much money is to be made from those valuable contracts. The same is true of the outsourcing of work by the HSE and various other bodies mentioned. There is a lot of money to be made, and that

requires much representation, which should be covered by the legislation.

Deputy Brendan Howlin: The bodies are covered by the freedom of information provisions. I thank the Deputies opposite for their contributions and amendments. This is an important range of amendments, on which we had a very useful discussion on Committee Stage. I have been reflecting very carefully on all that was said in order to deal with this as fairly as I can. It will be difficult to please all of the Opposition Members, since not all the views on the other side of the House are in sync. However, I wish to make one general point first.

Deputy Paul Murphy was not involved in the Committee Stage debate. That is not by way of criticism. We had a very good debate at the time. I do not regard lobbying as a bad thing. Lobbying is an essential part of a functioning democracy. Every citizen is entitled to lobby me, Deputy Paul Murphy and every other Member. Every local community organisation is entitled to lobby, as are bodies such as the IFA, IBEC or the trade union movement, and to put their point of view to us. What we are doing in this legislation is not based on the perspective that lobbying is intrinsically bad and needs to be controlled. Lobbying is the lifeblood of our democratic system but for too long people have peddled influence, whether it was in the Galway tent or other places, with those in power in a less-than-transparent way. While in opposition I produced legislation on the registration of lobbyists and, latterly, I have done so in government. It is part of a suite of measures which often overlap and interlink.

With regard to the points Deputy Paul Murphy made about people looking for contracts with Irish Water, the company is subject to FOI provisions. All documentation and any communication in that regard is subject to FOI. That is the reason this suite of transparency measures are interlocked. The Registration of Lobbying Bill is not a *sui generis* piece of work; it is linked into and intermeshed with other ethics legislation and freedom of information legislation that this House has enacted in recent times.

I wish to try to do justice to the quite different points that have been made in the amendments tabled by the Deputies opposite. If I may, I wish to treat them individually and sequentially. I will deal first with amendment No. 2, in the name of Deputy Sean Fleming. It is different from the rest of the amendments. I feel very strongly about it because - perhaps I have not explained it well enough - my intentions on the matter are fundamentally misunderstood by the Deputy. The changed environment that I propose, which has been accepted in terms of the model of appointments to State boards, is designed to be as open as possible. In my judgment, with all due respect, I think Deputy Fleming's amendment misses the point. He says that nobody should lobby for a place on a State board; I want everybody to lobby to go on a State board, or to be free to lobby to go on a State board. For instance, a local community organisation might decide that Deputy Mary Lou McDonald would be a great person to be on a State board, and its members could decide to write to the Public Appointments Service or to the Minister to ask for her to be considered. Organisations promoting women or people with disabilities, which might decide there are not sufficient numbers of women or disabled people or people from ethnic minorities on State boards, should be entitled to ask that they be considered - to put the case that they are people with unique qualifications and should be considered for appointments to State boards. My view on appointments to State boards is that people should be encouraged to lobby, in that sense - to promote themselves, to advance themselves. Once they submit their applications to the PAS, there will be a transparent selection system and the list of candidates will be put to the Minister or to the decision makers at the time, be that the Government or whoever. This is important, in my view, particularly in a generic way, if it means the inclusion of more women or more rural people or urban people, depending on the issue. People should not be debarred from

doing so, and I hope that point is understood by Deputy Fleming. I do not think he is opposed to that because I think he is referring to the old-fashioned notion of people making a phone call and asking to be put on a board. That should not be allowed, but the new transparent system does not allow for that in any event.

The scope of amendments Nos. 3 and 5 to 15 is very wide, seeking to bring all communication within these bodies within the scope of what constitutes lobbying activities in the definition. This is a much broader approach that applies to other public service bodies within the scope of the Bill. I understand the Deputy's concern that the framework of the Bill should be as comprehensive and as robust as possible. This is a view I share. I wish to reassure Deputy Fleming that it will be possible, as I indicated subsequent to our discussions on Committee Stage, under section 6(1)(f) and (g), to prescribe that public servants, or other office-holders or persons, be designated as public officials under the Bill.

It is just a matter of approach. Neither of us believes that from the beginning we will capture everybody who will ultimately be subject to this legislation. Whether the list is broadened from the beginning and we decide to start with this list, or we decide that the Minister will have the capacity to add categories to the list with a formal review as the Bill progresses, is just a matter of difference of approach. I think my approach is more open and more inclusive and will allow for more discernment, because there might be categories of people who might be lower down in the totem pole of public administration but actually have more relevance to the Bill when we see how it works in practice. I hope that is understood.

The North-South implementation bodies established under the British-Irish Agreement Act 1999 carry out their functions on an all-island basis and are responsible - as I have said many times with regard to other legislation - to Ministers in both jurisdictions. Further consultation will be required in relation to these bodies. I do not think they should be excluded, but how they are included is a matter for discussion on a North-South basis.

As I mentioned previously, it is my intention to extend the scope of this legislation on a phased basis. It will be difficult to get this embedded. At the outset, when I looked at the suite of legislation I was trying to drive through on the reform side, such as freedom of information, registration of lobbyists and all the other bits we have dealt with, I thought this would be simpler than it has proven to be. With regard to the concerns of organisations and people, we have had more interaction than most with bodies and heard the concerns expressed about how this legislation will work. At the outset we had a very open forum at Farmleigh - which Deputies opposite may have attended - during which we had a very good debate.

Section 6(3) requires the Minister to have regard to any recommendations that may be made in a review of the legislation. On foot of suggestions from the Deputies opposite, this is set out in section 2: there is a compulsory mandatory review and the Minister must have regard to the outcomes of that review in deciding whether to designate persons, as well as having regard to the public interest. In the event that the designation of certain persons within the bodies listed in Deputy Fleming's amendments is in the public interest, it then will be possible for the Minister to use the existing powers once this Bill is enacted to extend the cover and capture those. I hope Deputy Fleming will accept that this is a reasonable way to proceed.

On amendment No. 4, categories of person other than public servants can of course be designated as the lobbied under section 6(1)(g). As I outlined, it is my intention to extend the scope of this legislation on a phased basis, beginning with senior civil servants and senior-level staff

in local authorities. We both agreed it will be a shock to some of them to know that they will be involved in this legislation and they may need some training when it comes to that. This matter will be monitored in the first 12 months of the operation of the legislation, in the context of the required review. Section 6(3) specifically requires the Minister to have regard to any recommendations made in such a review in deciding whether to designate persons under section 6(1) (g), as well as always having regard to the greater public interest. I refer to the point strongly argued by Deputy Fleming. In the event that the designation of certain consultancies is in the public interest, it will be possible to bring those under the scope of the Bill. However, given the real variety of consultancies in the public service - Deputy Fleming instanced one which would have a significant resonance with the public - many consultancies would be at a much lower level, and whether it would be appropriate to include a broad provision along the lines that Deputy Fleming suggested, which will capture them all, or to have a more focused amendment is something we can debate as this feeds out in practical use over the coming 12 months.

Turning to amendments Nos. 17 and 20, proposed by Deputies McDonald and Fleming, respectively, both deal with the same issue. One of the concerns expressed by Deputies on Second Stage and Committee Stage was that there should be clarity. Most Members who contributed on Second Stage reflected the number of messages they were receiving from the general public and from organisations, which was that there should be clarity around who is in and who is out when it comes to registration and the requirement to register under this legislation. This has been a recurring theme raised by all the stakeholders during the extensive consultation process we have undertaken over nearly two years. My primary focus, therefore, is to put in place a registration framework from the very beginning that will be easily understood and in which there will be clarity and simplicity around who is required to register. There should be no ambiguity about that.

Moveable factors such as annual turnover, whether the annual turnover should be changed because of a contract, whether a person is suddenly included or excluded, or whether a person should have been included previously are genuine concerns that have been expressed to us. I think we have settled on a point from the beginning that is a reasonable point of inclusion. I accept both Deputies' points that it is open to debate whether the cut-off point of ten full-time employees is the right pitch. I do not have a closed mind on this point.

7 o'clock

Is eight any better than ten? The public interest objective of the Bill should be the prime aspect on which we focus. It may be that in time, when we have practical experience of the implementation of the Act, once it becomes an Act, we may move to a more sophisticated mechanism rather than a simple numbers mechanism, but I assure Deputies that this is what is required in the beginning for people to have confidence that we will do this in a way that works from the start. If we were to go down to one paid employee, we would be capturing the normal work of Deputies, for example, and making them lobbyists under the Bill. We should have regard to this.

I envisage revisiting this issue once the first review is finished after 12 months. I have no difficulty with this, and whether it is me or somebody else sitting in this seat, I do not suppose my successor would have any difficulty in giving a practical report on how it has worked after 12 months and stating whether a different definition would be more appropriate. I hope Deputies will accept my bona fides in this regard.

With regard to amendment No. 18, which I have tabled, it is my best effort to capture what I thought was the consensus view of the Opposition - although I hear it is less than a consensus view now - with regard to the treatment of volunteers. On Committee Stage, based on a coherent and logical argument made by Deputies opposite, I agreed to further consider an amendment tabled by Deputy Fleming on the exclusion of unpaid volunteers from the requirement to register under the Bill. It has always been my policy that unpaid volunteers would not be captured by the requirements of the Bill. This was signalled when I published the Bill and, if I am not mistaken, in my Second Stage speech. This is primarily to ensure the Bill is practically workable.

During the consultation process, stakeholders made it clear that very often they do not have information on what communications their volunteers are conducting, particularly in large and dispersed organisations such as the Irish Farmers' Association. Every farmer in the country is probably a member of some farming organisation. If such a farmer, who has no paid function but is a volunteer activist in the IFA, were to have words in the local shop with a local Deputy about an issue, the IFA's national headquarters would have to know and register the farmer as a lobbyist. That is one example of how it is not practical. It is a strong case made to me by such organisations with a very large cohort of volunteers. Although we might be purist in saying we need to get to the heart of this by ensuring every organisation and every volunteer is captured by it - I hear what Deputies Mary Lou McDonald and Paul Murphy stated in this regard - we cannot enact legislation that is brought into disrepute by the burden it places on organisations from the very start.

The concern of the organisation that spoke to us was centred on the administrative burden of capturing such information, and a genuine and honest concern that inadvertent non-compliance was likely given the dispersed nature of such organisations. From a policy point of view, I am happy that much of the communication made by local volunteers would not be of a sufficiently important volume or complexity to warrant registering, having regard to the public interest. An occurrence in which a local farmer talks to a Deputy or somebody in the local pub or mart is probably not of sufficient merit to require it to be registered and logged in the public interest.

I propose this amendment to clarify that a representative or advocacy body which exists primarily to take up particular issues will only be required to register a relevant communication where it is made by an employee of a body or by a remunerated officer whose function relates to the activities of the body as a whole. This is important with regard to the point made by Deputies McDonald and Murphy. The communication of a remunerated paid official will be captured, but where the communication is made by an employee of a body who is not a paid official it will not be.

Section 5 sets out the meaning of carrying out lobbying activities. It states that for the purposes of the Act a person carries on lobbying activities if the person makes, manages or directs the making of any relevant communication in any of the circumstances to which section 5(2) applies. Section 5(3) determines what is a relevant communication. It states that relevant communications "means communications (whether oral or written and however made), other than excepted communications, made personally (directly or indirectly) to a designated public official in relation to a relevant matter." This might address or allay the fears of Deputy McDonald.

We are dealing with a broad range of amendments, and I apologise for taking some time but I hope the House will bear with me. The second of these amendments that I have tabled is amendment No. 21. At present, this subsection exempts from registration requirements re-

15 January 2015

quests from a public service body for factual information to be submitted. It is not lobbying, as it is a request for data and factual information. It is proposed to include an amendment to ensure this exemption also covers requests for factual information directed to a public service body. For example, if a journalist acting on behalf of a newspaper, which is the employer, contacts a designated public official to seek factual information on public policy, this would not require registration, as the person is simply looking for details and facts which would be on the public record in any event.

I will briefly deal with amendment No. 58, tabled by Deputy Fleming, who wants to remove unpaid volunteers from the scope of the Bill. I hope amendment No. 18, about which I have spoken, addresses the concerns raised by Deputy Fleming about the exclusion of unpaid volunteers, and I hope he will not pursue the amendment.

Deputy Sean Fleming: Is the Minister accepting the amendment?

Deputy Brendan Howlin: I want to be comprehensive in my response.

An Ceann Comhairle: Deputy Fleming has two minutes. The screens are not working, for some unknown reason, but the Clerk is keeping watch.

Deputy Sean Fleming: We will not fall out. The Minister has spoken about amendment No. 18, and other Deputies have highlighted other issues. The principle of it is good. I accept that if the Minister tried to get everything absolutely perfect we could be tying it down from here to infinity. The Minister is concerned that it might not fully work, and of course every piece of legislation is always subject to attempts at abuse. I take it that the gist of what the Minister said is that the other 19 amendments in this group will not be accepted-----

Deputy Brendan Howlin: Correct.

Deputy Sean Fleming: -----although he is not actually saying so. This is what I am trying to establish.

Deputy Brendan Howlin: I thought that was implicit in what I said.

Deputy Sean Fleming: I got that impression. I wish to have a few points clarified. The Minister stated that some information is covered by freedom of information legislation and can be obtained in that way. This is limited, and commercial sensitivity probably excludes most of what we are speaking about. The Minister also stated that I do not appreciate the system he has put in place with regard to the Commission for Public Service Appointments and people lobbying for positions on State boards. I never suggested that people should not lobby for such positions; I just stated that it should be covered by the legislation. We are *ad idem* on everything the Minister is including in his system by way of guidelines. I suggest taking it a step further and making it statutory. I do not contradict anything the Minister has done and I am not stating that people should not try to make contact. There is a process and I am all for it. I am just saying that people contacting Ministers should be included in the legislation.

Deputy Brendan Howlin: Would that not be a disincentive for them to seek such positions?

Deputy Sean Fleming: But under the system the Minister is establishing, which is on a voluntary basis, they will have to go through the other system anyway.

Deputy Brendan Howlin: No. I am saying that having to register as lobbyists would be a

disincentive for people to seek such positions.

Deputy Sean Fleming: Well, I think the Minister gets the point. All I am saying is that I would prefer if the new system being put in place was on a statutory footing rather than using the Minister's approach, which is based on guidelines, because guidelines are voluntary.

An Ceann Comhairle: The two minutes are up.

Deputy Sean Fleming: Will I have another opportunity to speak?

An Ceann Comhairle: Yes.

Deputy Brendan Howlin: An open-ended one.

Deputy Mary Lou McDonald: I do not disagree with the Minister's concern to ensure he does not cause a logjam or a completely unreasonable set of burdens, particularly for voluntary organisations. I take his point about, for example, the IFA and the farmer who is a member of that organisation making a representation. I think that is fair enough.

However, I hope the Minister recognises the counterpoint to that which is the possibility of some using this practice of AstroTurfing to sidestep the legislation in a bogus way. The Minister has made the point well. This is new legislation introducing a new regime and a new level of transparency. I have no doubt there will be some resistance and kickback from some quarters and in others perhaps valiant attempts to sidestep the legislation.

I know the Minister will not accept the amendment at this stage, but I hope he takes the point that has been made as a serious point to be to the forefront and to have some capacity to review whether that has happened. The Minister should give some consideration to that.

I remain unconvinced by the Minister's arguments against my amendment No. 17. Far be it from any of us to impose onerous burdens on anyone, but we are not asking anyone to split the atom here. It is a process of registration and then registering communications. It is not rocket science. If the system itself is efficient and lean that should relieve any concerns over onerous administrative burdens.

Deputy Sean Fleming: I covered the issue about the guidelines versus legislation for State boards. It is not the substance; it is the mechanism of how it should be captured. I am taking it one step further.

The Minister has acknowledged that the inclusion of amendments Nos. 3 to 15, inclusive, would have very wide implications. Deputy Catherine Murphy asked whether we were introducing narrow or broad-based legislation. The consensus is that the Minister is trying to make the legislation simple and clear-cut but could expand it in time.

Deputy Brendan Howlin: I will.

Deputy Sean Fleming: Neither the Minister nor I know if any of us will be here or there when the first annual review is completed because it will take place after the next general election. While I am not saying I do not have confidence in the Minister, I certainly cannot offer confidence in whoever might be the next Minister.

Deputy Brendan Howlin: It might be the Deputy, himself.

15 January 2015

Deputy Sean Fleming: It might be me or God knows who will be there. I am just trying to tie down the incoming legislation by making it as broad as possible at the early stage. That was the essence of listing all those bodies. As the Minister knows, many of them are public bodies, including regulators. There is no commercial issue involved in any of those.

I wish to clarify a point. I spoke about an organisation that had been in contact with members of the committee. Since Committee Stage we received e-mails from the Convenience Stores & Newsagents Association, CSNA, asking about the volunteer issue, storeowners and whatever. I might have mentioned some other organisation. I want to make clear that is the particular organisation. I thank its representatives for the trouble they went to - I think they sent e-mails the morning after Committee Stage was held.

I am delighted to note that somebody out there was watching it - I was also impressed by that aspect of it. I know the Oireachtas proceedings are carried on television to quite an extent, but the Committee Stage can get utterly lost down in the committee rooms. It is heartening to note that people who have an interest were watching closely and were able to follow the minutiae. Other organisations also contacted us and that is appreciated. At least people were aware of what we were discussing.

Amendment No. 4 refers to “a consultant employed to carry out work for or on behalf of a public body”. I mentioned Goldman Sachs, which is just this week’s example. There will be other examples next week and NAMA or some other body will appoint people to do something the following week. The Minister said the inclusion of the word “consultant” was too broad. A consultant could be brought into some public body just to do a bit of word processing - it could be as small as that. It could be also a massive situation. I accept the word “consultant” is broad. What one person might call a consultant the next person might call a contractor or a subcontractor - I understand that. However, I think the Minister understands the essence of what I was saying.

I know the Minister has said they could be brought in under the annual review under section 6. Section 6 is probably the section that will be of most interest to people. This relates to the bodies that can be brought in at a later date. Section 6(g) refers to “any other prescribed office holders or description of persons.” They can be included by the Minister in due course after the annual review. It could include people who are carrying out designated work on behalf of a public body.

The Minister will share my concern that this leaves it quite open. I know he wants to get it on the Statute Book. However, in his effort to get a simple workable piece of legislation on the Statute Book, there is a compromise between simple and workable, and broad ranging and perhaps bureaucratic. I am concerned that he has not achieved the appropriate balance. The Minister is resisting entirely anything he feels is broadening it. I had hoped he would have been a little more open-minded on those issues.

On amendment No. 58, I just mentioned an organisation that referred to the issue of volunteers. I accept what the Deputies alongside are saying. Is it not good that all Opposition Members are not *ad idem* on everything because it would be a boring old place if there were only two points of view - those of the Government and those of the-----

Deputy Brendan Howlin: There could be an alternative government if that were the case.

Deputy Sean Fleming: I have no idea about that. There is nothing wrong and it is quite

good that there would be differences of emphasis and approach among those on the Opposition side because we are elected individually and separately under different mandates and we have a different mandate. Of course, we agree with each other on occasions and sometimes we agree with the Government. I believe we had a vote in the week before Christmas where my colleagues in opposition voted with the Government against the Opposition. That is a reflection of how the Chamber operates and there is nothing wrong with that.

I was thinking of an organisation such as Society of St. Vincent de Paul. There are local chapters everywhere and one chairman might talk about a specific matter. They ask for a change in a budget and we have to do something. This is what is happening to us and this is what we are finding. It should not be lobbying if the local chairman is coming out at 7 o'clock of a night to visit houses and arranges to meet a Deputy in the run-up to a budget.

Most of these organisations prepare pre-budget submissions in any event if they are large organisations. Members of the Oireachtas Joint Committee on Finance, Public Expenditure and Reform certainly met representatives of at least 30 organisations to discuss their pre-budget submissions. Many of the organisations with volunteers that we are talking about capturing here would be making national submissions. By and large what a local volunteer would talk about would be consistent with the one that is captured under the legislation through the national organisation in any event. That is not to say we should not be eternally vigilant.

That is the essence of what I have to say on my group of amendments - approximately 20 of them. I think the Minister gets my point but he is not going along with it fully at this stage. I would have liked to have had these amendments included in the legislation, but the Minister has indicated he is not for turning on it at this stage.

Amendment put and declared lost.

Amendments Nos. 3 to 5, inclusive, not moved.

Deputy Sean Fleming: I move amendment No. 6:

In page 6, between lines 29 and 30, to insert the following:

“(a) lobbies Irish Rail and such person shall be required to be a registered person pursuant to *section 8*.”

Amendment put and declared lost.

Deputy Sean Fleming: I move amendment No. 7:

In page 6, between lines 29 and 30, to insert the following:

(a) lobbies the Health Service Executive and such person shall be required to be a registered person pursuant to *section 8*.”

Amendment put and declared lost.

Deputy Sean Fleming: I move amendment No. 8:

In page 6, between lines 29 and 30, to insert the following:

“(a) lobbies Irish Water and such person shall be required to be a registered person

15 January 2015

pursuant to *section 8*,”.

Amendment put and declared lost.

Deputy Sean Fleming: I move amendment No. 9:

In page 6, between lines 29 and 30, to insert the following:

(a) lobbies Education and Training Boards and such person shall be required to be a registered person pursuant to *section 8*,”.

Amendment put and declared lost.

Deputy Sean Fleming: I move amendment No. 10:

In page 6, between lines 29 and 30, to insert the following:

(a) lobbies An Post and such person shall be required to be a registered person pursuant to *section 8*,”.

Amendment put and declared lost.

Deputy Sean Fleming: I move amendment No. 11:

In page 6, between lines 29 and 30, to insert the following:

(a) lobbies EirGrid Plc and such person shall be required to be a registered person pursuant to *section 8*,”.

Amendment put and declared lost.

Deputy Sean Fleming: I move amendment No. 12:

In page 6, between lines 29 and 30, to insert the following:

(a) lobbies the Commission for Energy Regulation and such person shall be required to be a registered person pursuant to *section 8*,”.

Amendment put and declared lost.

Deputy Sean Fleming: I move amendment No. 13:

In page 6, between lines 29 and 30, to insert the following:

(a) lobbies the National Transport Authority and such person shall be required to be a registered person pursuant to *section 8*,”.

Amendment put and declared lost.

Deputy Sean Fleming: I move amendment No. 14:

In page 6, between lines 29 and 30, to insert the following:

(a) lobbies the Private Security Authority and such person shall be required to be a registered person pursuant to *section 8*,”.

Amendment put and declared lost.

Deputy Sean Fleming: I move amendment No. 15:

In page 6, between lines 29 and 30, to insert the following:

(a) lobbies Tourism Ireland and such person shall be required to be a registered person pursuant to *section 8*.”

Amendment put and declared lost.

Deputy Mary Lou McDonald: I move amendment No. 16:

In page 6, between lines 36 and 37, to insert the following:

“(2) Such a person under *section 5(1)(b)*, where the employer has been issued a CHY number by the Revenue Commissioners, provided that the relevant communications relate to relevant matters that concern the advocacy or other advancement of the employer’s main charitable purpose, such activity shall be considered to constitute ‘advocacy activities’ and therefore will have no adverse consequence for the employer’s charitable status.”

I want to refer to amendments No. 16, 41, 53, 54 and 57, which are grouped together.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Mary Lou McDonald: This set of amendments was submitted with the intention of permitting charitable organisations to participate and open their advocacy activities to scrutiny without unnecessary and unfair penalty. The Minister is aware that charitable organisations have been most anxious to be captured within this Bill. They see it not least as part of rebuilding public confidence in charitable organisations.

As the Minister knows, the sector had initially received advice from the Revenue Commissioners to the effect that if they or their staff register, as appeared to be the intent of the Bill, by law, in the absence of a disclaimer or any other clause indicating a distinction or other express authorisation, this could be considered lobbying activity and would jeopardise their charitable status. We discussed the matter in some detail on Committee Stage.

I want to advise the Minister that I will be withdrawing all of these amendments in light of advice received by the Minister which was shared with members of the Select Sub-Committee on Public Expenditure and Reform subsequent to the Committee Stage debate. The legal advice received by the Minister and his officials is that this Bill in its provisions as they stand will not have an adverse effect on the status of the charities. The sector is more than satisfied with that clarification, and I thank the Minister for it. I will be withdrawing the amendments.

Amendment, by leave, withdrawn.

Deputy Mary Lou McDonald: I move amendment No. 17:

In page 7, to delete lines 1 and 2 and substitute the following:

(a) the person has one or more full-time employees and the relevant communications are made primarily to represent the interests of the employer.”

Amendment put and declared lost.

Deputy Brendan Howlin: I move amendment No. 18:

In page 7, between lines 8 and 9, to insert the following:

(3) For the purposes of the operation of *subsection (1)(b)* in relation to a body in circumstances in which *paragraph (b)* or *(c)* of *subsection (2)* applies to the body, the body “makes” a relevant communication only—

(a) where it is made by an employee of the body, or

(b) where it is made by a person who holds, in the body, any office—

(i) in respect of which remuneration is payable, and

(ii) the functions of which relate to the affairs of the body as a whole, in his or her capacity as such.”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 19 and 31 are related and may be discussed together.

Deputy Mary Lou McDonald: I move amendment No. 19:

In page 7, lines 15 and 16, to delete “apart from the individual’s principal private residence”.

This is an issue I have raised with the Minister. It proposes to exclude an individual’s principal private residence in respect of lobbying activities. We have had a discussion on this, but I am a bit like a dog with a bone on this particular issue, not least because we have had such a history of corrupt and corrupting actions in respect of planning in this jurisdiction. We are all too familiar with that. I want to see if I can get somewhere with this.

The issue at stake in the Bill is communication with a designated public official, which is defined in the Bill. The communication has to be in respect of relevant matters, which are, again, defined. Changes in public policy laws, regulations, awards of grants, loans, contracts, licences or other authorisation involving public funds are defined in section 5. Given that the Minister has two sets of definitions, qualifications and limitations, I do not see any reason to exclude the principal private residence. It would be most unusual that a person would be in touch with a public official in respect of public policy laws, regulations, awards of grants, etc., in respect of his or her principal private residence, but should it happen it ought to be captured in the Bill. I am at a loss as to why this exemption has been made. The Minister may confound me and give a different explanation as to why he has stuck to this.

Deputy Brendan Howlin: I thank the Deputy. I understand that, not only on this issue but others, she quite often pursues things vigorously. That is to her great credit. One of the main aims in the course of the development of the Bill was, as I have said repeatedly, to preserve the normal and proper communication and interaction between citizens and their local representatives. I want to ensure that, as far as possible, there is no impact on these exchanges as a result of the enactment of the Bill. Therefore, the private affairs of individuals have been specifically excluded from the registration requirements of the Bill under section 5(4)(a) so as not to capture

those normal communications between private citizens, including those regarding their principal private residences.

The old English adage is that one's home is one's castle. It comes with the precept of private affairs, and that is why I do not propose to accept the amendments, as I have indicated. The Deputy rightly said that whether issues to do with a person's private residence would have implications for what we want to deal with in regard to this Bill is a long shot, but the general provision of preserving that degree of personal privacy is something that would be appreciated by the general public.

Amendment put and declared lost.

Debate adjourned.

Hospital Services: Motion [Private Members]

Deputy Billy Kelleher: I move:

That Dáil Éireann:

noting:

— the deplorable overcrowding being experienced in hospital emergency departments;

— the record number of patients waiting on trolleys;

— the further delays in scheduled hospital treatments that will result from such overcrowding; and

— the failure of the Government and the Health Service Executive (HSE) to adequately prepare for a situation they fully expected to happen;

agreeing that:

— the overcrowding crisis is causing an intolerable risk and danger to patients;

— patient dignity is being compromised;

— there are insufficient beds and front-line medical staff to treat the increased number of patients needing admission; and

— the crisis is being exacerbated by the number of patients clinically discharged who cannot leave hospital because the Government and the HSE is not providing sufficient nursing home beds or home care support; and

calls on the Government and the HSE to:

— immediately provide beds and increased frontline staff so that the overcrowding can be eased; and

— restore the number of beds funded under the Nursing Homes Support Scheme to

15 January 2015

at least the level supported in 2013.

The purpose of this motion is to highlight again the difficulties arising from the inevitable crisis we see every January with the number of people waiting on trolleys in accident and emergency departments. This year, by any stretch of the imagination, has seen an extraordinary increase in the number of people waiting on trolleys in our accident and emergency departments throughout the country. There were 601 such people last week. The difficulty is that we as a society have almost accepted this as a *fait accompli*, politically and, dare I say it, systematically. We owe it to people who present at accident and emergency departments who are genuinely sick and who are very often frail or elderly to have better services than they have received to date.

We tabled this motion to highlight the issue. I will read from an e-mail I received, although I will not mention names in the interests of privacy. It states:

My 76-year-old father was sent by our GP to an accident and emergency department in St. Vincent's Hospital on New Year's Eve. He spent over 50 hours there on a trolley and we had to supply him with pillows and blankets. He did not receive any hot food for the period endured. There was bread and yoghurt for breakfast, a sandwich for lunch and another sandwich for tea every day. Try to survive on that when you are well. I sat on the floor by his trolley. Barely able to breathe, he had to queue for the one available toilet and there were no washing facilities or privacy. There were insufficient numbers of doctors and nurses as we continue to export our expensively trained Irish doctors and nurses to Australia. Meanwhile, seriously ill people are scattered all over our inadequate emergency departments.

When he was admitted, service improved slightly. Sleep was an optional extra. My family spent over €100 on parking over the eight days he was there. As there are not any chairs available, visitors and others had to stand or sit by the patients on trolleys. I am appalled. Sick people must be treated better. Statistics mean little until it is you or your family being treated with such disrespect. This Government's time hand-wringing and blaming the situation on others is no longer acceptable. If a fraction of the money that has been wasted on Irish Water and other white elephants had been invested in primary care facilities and nursing homes, this well-flagged problem could have been eradicated.

The father of this person in Terenure was admitted to St. Vincent's Hospital on New Year's Eve and spent more than 50 hours on a trolley there. He is 76 years old. This motion is meant to highlight the crisis that evolves every January in our accident and emergency departments throughout the country.

The difficulty is we know this will happen so should we accept it as an inevitability or try to put measures in place that would address the underlying problems? The Minister has claimed that he has tried to secure an extra €25 million to deal with delayed discharges and to increase the number of fair deal nursing home beds by 300. By any credible stretch of the imagination, that is insufficient for many reasons. There will be 1,400 fewer fair deal beds this year than there were in 2013. The population is getting older year on year, with the number of people over 80 increasing by 3.5% to 4% every year. The pressure is consistently building because of the demographics of our society.

It is now time for us to park this nonsense on the trolley issue that happens year in, year out and that has gone on for years. We must deal with the issue in a meaningful way. The Min-

ister has made a couple of interventions and although we would all wish a new Minister well, he cannot pretend he is a passive observer, a spectator or an analyst of the health services. He is the person ultimately in charge and he must roll up his sleeves to get involved in ensuring we have systems in place that will prevent an escalation in the number of people waiting on trolleys every January. This is not just about people waiting on trolleys as there is the issue of patient health being compromised, as has been highlighted time and again by front-line service providers such as the doctors and nurses working in our accident and emergency departments. They inevitably work in an environment that is compromising patient safety. Even today, the Taoiseach admitted this environment is not as safe as it should be.

There was a problem from last year that we saw evolving in the health service. When he took up his new post, the Minister was informed of the number of delayed discharges in acute hospital settings and was advised that this would create difficulty with regard to the capacity of accident and emergency departments in dealing with increased throughputs, particularly in the winter months. Nothing was done. Last November, we saw some spin in claims that the Minister had secured a major increase in funding to deal with delayed discharges. The bottom line is that when we work through the figures, we are still worse off than in 2013 with regard to the number of fair deal beds. Everybody accepts that we should not have cases of acute hospital beds being tied up by a patient who does not want to be there and should not be there. Such patients must be moved to a step-down facility or afforded a home care package or a fair deal nursing home bed.

We tabled a motion last November about the fair deal scheme, as people are now waiting 15 weeks to be approved for it. This time last year, the approval time was six weeks, which means that in 12 months, the wait has gone from six to 15 weeks. This is not about statistics as this affects real people who deserve and should expect respect from the health services and this Government. Resources must be provided to ensure an adequate amount of capacity in accident and emergency departments or acute care hospitals to deal with throughput. The motion is important for that and a number of other reasons. It will highlight the issue and put pressure on to ensure that appropriate resources can be put in place. The Minister has said time and again it is not necessarily about resources and that there are other issues. Of course, there are other issues. There are issues in regard to how we manage elective surgeries and the changeover of staff, including non-consultant hospital doctors, etc., every January and July. There is a spike because of that, with new people coming into a new department and maybe unsure of the work practices and the rostering and all that flows from that. However, the bottom line is that we are aware of it. There is this idea that the Minister can sit passively by and establish an emergency department task force, which did very little as far as I can see. It met prior to Christmas and only for the fact it was dragged kicking and screaming to a table, it would not have met yet. There is this idea that we can accept 300 or 400 people on trolleys as the norm. It is not the norm. These are 300 or 400 people week in, week out whose lives and whose health is being compromised by the fact that the system cannot manage itself. The reason it cannot manage itself is obvious in the sense that delays in discharging patients is a critical issue. We just do not have enough front line staff in our emergency departments. They are two key issues. Management and the rostering of elective surgeries and the changeover of non-consultant hospital doctors at certain times are clearly creating huge difficulties also. Those issues must be addressed.

If it were about just changing the management structures and sending out a few memorandums from Hawkins House, I am quite sure the issues would have been resolved already. The Minister said he can issue an edict from the ministerial office but that it is not always imple-

15 January 2015

mented. However, the bottom line is that should be implemented. If the Minister sends out an edict or an instruction that something should be done, it should be done. If it is not done, there are a number of reasons for that. Either the Minister is sending out edicts that cannot be implemented because of a lack of resources or people simply do not believe the Minister has the solutions to the problems. For whatever reason, they are not always implemented and that will have to be looked at as a matter of urgency.

I looked back over statements made by the Taoiseach and the previous Minister for Health when in opposition and even when in government. They clearly show they are not dealing with the difficulties the health service is facing on a continuous basis with the urgency and importance they deserve because the funding provided to the health services in recent years has consistently undermined the system in terms of being able to deliver health care. We instanced the whole issue of the fair deal scheme.

The other key area, which everyone in this House agrees should be implemented to ensure we address the problems in our emergency departments and in our acute hospitals, is the whole issue of the primary carer strategy. It is a wonderful strategy which has been bought into by every stakeholder. The difficulty is that it has not been implemented. We are very slow to roll out the whole process of funding primary care. We have said previously in this Chamber that primary care is in crisis. There is a difficulty there and we cannot dismiss it. There are major problems in GP practices throughout the country. Many of them are financially below the waterline and are incapable of providing the services they want to provide and which their clients and patients need. That, in itself, is a key area that must be addressed.

If the Government was in office for only a matter of months or a year, we could accept that it takes time to find its feet and bed down but it is now going into its fifth year in office. It is no longer in its infancy; we are well into the latter years of the lifetime of this Government. It must accept it has some responsibility and it is time it shouldered that in a meaningful way.

The Minister highlighted last year's budget as a major increase in funding but when one goes through the figures, no matter what way one tries to dress it up, our health service is starting from a very challenged position in 2015. The Minister is hoping, in terms of the figures, that there will be a major drop in the number of people who will qualify for medical cards on the income guidelines to make up the shortfall that will invariably come about. That is for what the Minister is hoping. That is the gamble but it has not paid off to date in terms of making up false savings that have been presented to this House by the previous Minister. We had almost fraudulent, bogus budgets which were signed off on by the Taoiseach and the Cabinet, of which the Minister was a member. It is time the Government not only rolled up its sleeves but actually showed commitment to our health service to give people dignity when they present at emergency departments so they do not have to lie on trolleys for more than 50 hours like the 76-year-old man in the emergency department of St. Vincent's Hospital on new year's eve. He was given a yogurt for breakfast, a sandwich for lunch and a sandwich in the evening and he had to queue for the one toilet. That is what is happening in our emergency departments. The Minister knows that well from his previous profession. He saw that at first-hand and now he has an opportunity to do something about it.

I urge the Minister to at least accept that the budget, which was presented to this House in November of last year, is simply not sufficient and that these once-off savings and these additional income streams will not provide a sound and sustainable funding model so that the health service can plan ahead and achieve its targets and outcomes but, more important, can treat pa-

tients with dignity and respect in a safe environment. That is what has to be done.

One of the issues put forward as a solution to the problem was the cancellation of elective surgery. That is just shifting one problem to another area. How many people have been geared up, ready to go into hospital for a procedure, for surgery or for some diagnostic procedure to be told at short notice that it has been cancelled? That is no way to run a health service. The difficulties in reassessing that person and re-entering him or her into the system continually grinds to a halt the waiting list system, which is already increasing exponentially. The idea that one of the great solutions is the cancellation of elective surgery as a means to address the crisis in our emergency departments is not good enough. It is something that has to be addressed quickly to ensure we do not consistently end up delaying elective surgeries and elective diagnostics to deal with the issue of trolleys in our emergency departments.

If the emergency department task force is the solution to the problems, I fear for the people working in our health service who must continually, under huge pressure and in unsafe work practice environments, deliver health care in this country. They are the people who are being let down and denied the opportunity to fulfil their professional mandates and to honour their commitments in terms of their professions, whether as a doctor, a nurse or another allied medical professional. They are the ones who want to help people but this Government has tied their hands behind their backs in terms of a lack of funding.

I commend this motion to the House. It highlights the difficulties but also asks Government to at least accept that the funding provided is not sufficient to deal with the crisis.

Deputy Michael P. Kitt: I welcome the opportunity to speak on this motion and I commend Deputy Billy Kelleher on tabling it. The most important point in the motion is the need to immediately provide beds and increase the number of front line staff to deal with overcrowding in our hospital emergency departments. The point has been made over and over that the Government and the HSE expected that this deplorable overcrowding would happen. We have to ask why there was not adequate preparation for this.

I would like to talk about Galway where the HSE itself talked about the unacceptable and growing concern about University Hospital Galway. The Irish Nurses and Midwives Organisation announced that its members are to be balloted on possible industrial action. We met the nurses outside the House today and they talked about the excessive workloads at the city's public hospitals. It made that statement after the INMO reported a record 563 people on trolleys in hospitals across the country. According to the INMO trolley watch survey, last week there was the record high figure of 601 people on trolleys. I know there has been some dispute as to how these figures are arrived at but I am sure we all agree the figures are far too high. The INMO has stated very clearly that the conditions for staff and patients have reached an "intolerable and grossly unsafe" level. One of the spokespersons said "It is no longer possible to provide professional and high standards of care to vulnerable patients in such unsafe, under-staffed and immoral conditions". Nurses say they thought long about serving notice of industrial action in Beaumont Hospital and hospitals in Drogheda, Naas, Mullingar and Limerick. We should be very concerned about that.

Beds have been lost in Galway and Roscommon hospitals, principally through the closure of the accident and emergency department in Roscommon, which is putting further pressure on Portiuncula Hospital in Ballinasloe and University College Hospital, Galway. People still talk about the car parking situation in Galway because of the new building projects. There is talk

15 January 2015

of building a new unit with 50 psychiatric beds. It seems very wrong for all the development to take place in one hospital. A total of 22 psychiatric beds have been closed at St. Brigid's Hospital in Ballinasloe. One of the first things to be done in Galway is to build a new car park because of the difficulties people have in accessing a parking place.

Last November we spoke about the shortage of nursing home beds and the fair deal scheme which was approving only a few people every week. That improved a little. The HSE is saying that an additional 7,600 beds will be required for long-term residential care between now and the end of 2021. There is a need for careful planning, for people to sit down and examine the situation. When nurses tell us, as they did today outside Leinster House, that patients are being examined in corridors in hospitals and dignity, as one said, has gone out the door we have to start asking serious questions. They say there is no privacy. There is not even a pillow, a basic comfort.

I hope the Minister is listening to what has been said. Local radio and newspapers indicate what is happening on the ground. There was a headline in last week's *Connacht Tribune* asking how the emergency department crisis hit this new low. It reported that a patient was left parked in an ambulance for 90 minutes because there was no trolley and that a pensioner was discharged to get the bus home in her nightdress. The *Tuam Herald* gave more detail. It transpired that the woman, who had been in the hospital from 9.45 p.m. the previous evening, was not seen until the next morning and had to get a taxi to Eyre Square then a bus home. When one sees those situations one knows how serious and important it is that we get action in our emergency departments.

Deputy Dara Calleary: I thank my colleague, Deputy Kelleher, for giving us the opportunity to raise this issue this evening. We should not be debating this here because it should not have happened. There was notice, as there has been for many years, that January would be difficult. I am prepared to accept that the Minister took the necessary steps but that they were not implemented. That is a big problem, if the plans he put in place were not implemented. We are entitled to answers and the 600 people who last Monday week found themselves on trolleys are entitled to know why the Minister's wishes were not implemented by either the HSE or by the Department.

The management of the HSE must answer why it is presiding over this situation, and seems relatively comfortable to do so, in the hope that we will move on to another debate and that if waiting lists or some other issue comes up it will deal with that. We will be here again in January 2016 and further Dáiléanna will be here in 2017 and 2018 discussing this problem because of the time of year, unless there are fundamental changes in the attitude and ethos of HSE management on this issue. It has to stand up and take responsibility, as do senior officials within the Department. They must take responsibility and stop leaving the present Minister, or any future Minister, hanging out to dry for their failings and lack of willingness to implement policies.

We must have a proper system of primary care. General practitioners, GPs, are at the base of any proper system of primary care. They have never been under as much pressure as they are now. There is the lure of foreign climes, to which the Minister has referred, and the lure of more regimented health systems offering much more money. Young GPs are seriously tempted by that.

There is the difficulty of getting GPs to attend in rural areas. The notion that the rural practice allowance seems to be a bonus that the HSE will offer, depending on the candidate for the

job, rather than being a standard offering for a rural practice is typical of the HSE's attitude to GPs. If we are to have a proper primary care system which will allow us to avoid many of the incidents Deputy Kitt referred to and that have happened in hospitals over the past two weeks, GPs must be at the core of that system but the administration within the health system must give them the proper respect and resources. A properly resourced GP facility can do many things so that people do not need to go to emergency rooms. Proposals have been made for some time for them to deal with a range of conditions, such as haemochromatosis. Pharmacists are also an under-utilised resource on everybody's main street that can work and get involved in primary care, with proper facilities, which would save people having to go to the emergency room at any time of the year but particularly now.

We must examine the administration practices of consultants and hospitals that allow hospitals to have the same work practices as other workplaces and shut down for two weeks. Everybody is entitled to their holidays and should be allowed to take holidays. Monday a week ago was the return to work day and many releases from hospitals that had not been signed off were suddenly signed off and the problems improved considerably throughout that week. That is ridiculous. People working in hotels would not be allowed to take leave over Christmas because it is one of the pressure points in the year. If administration and leave policies are playing a role in this problem they too need to be changed for next year and we cannot have those allowances in the system. We are not dealing with manufacturing an inanimate object but with people in a very distressed state. We have all seen cases like those referred to by Deputy Kitt. They are real people whose families are very distressed at what is happening.

I support Deputy Kitt's remarks about the policy which has continued for some time of forcing services out of small hospitals into regional hospitals. Galway is an example. The nursing staff in Galway are phenomenal, as are all the nurses. They spoke today of the frustration at services being withdrawn from small hospitals from Letterkenny to Limerick and everything being put into the regional hospital in Galway whose campus is too small to deal with it all. That too results in the kind of problems that happened last week.

The problem in Mayo General Hospital was exacerbated by several issues but at one stage last week four ambulances were stalled outside the accident and emergency department with patients in them because there was no room in the accident and emergency department or the hospital for those four patients. The already poor ambulance service was hit by having the four ambulances parked up. Patients received some initial consultations in the ambulances. There needs to be a different approach to this problem. The notion that the emergency planning force for this did not meet, even though everyone knew the problem would arise, is like having a guard dog that cannot bark.

8 o'clock

We need to have a properly resourced emergency planning force. I welcome the interesting decision to appoint Liam Doran as co-chairman of the task force. He has laid out that his solution to this problem involves extra staff and extra beds. I wonder whether his appointment by the Minister represents a somewhat tacit endorsement of that policy. I know there are many other issues in this area. The central involvement of Mr. Doran in this process must represent some sort of endorsement by the Government of the appointment of extra nurses and the opening of extra beds as part of the solution. Where will the budget for that come from during 2015?

Last year, the lack of funding for the fair deal scheme resulted in a reduction of more than

15 January 2015

1,000 in the number of people receiving fair deal packages. We discussed the delays in getting approval for the fair deal scheme on Private Members' business well before Christmas. As a result of these delays, people who do not necessarily need to be in our main hospitals are unable to get into nursing homes. I understand extra money was allocated in the budget, but is that money being spent? What is the timescale for reducing the delays in processing fair deal applications in order to ensure there is space within the system at the beginning of February, when admissions tend to spike, or in the event of a flu outbreak? If there are 600 people on trolleys, it will be more difficult to deal with a major outbreak of some sort of winter disease.

I would like to make similar point about community care packages, which were the subject of a ministerial intervention before Christmas. Why do Deputies, Senators and other public representatives seem to have to go to war with local health officials to get community care packages and home help hours in place? After the need for such services has been signed off on by general practitioners and other professionals, the system seems to make people wait. It forces patients to stay in hospitals instead of giving them the supports they need. Very few people want to be in hospital. When they face a choice between being in hospital and being at home, they want to be at home. As I said at the outset, unless we are serious about primary care, such people will not have an opportunity to be at home.

I think the system has many questions to answer. Many plans that may or may not have been put in place were not acted on. This serious situation needs to be resolved. As a result of this ignorance and unwillingness to act, more than 600 people were treated in an undignified fashion last Monday week. It is totally unfair on our nursing staff, doctors and consultants, who are doing their level best in incredibly difficult situations, to have to face this problem every January. It seems that when we present this problem to them every January, it is debated in the news and it sucks up the attention of programmes like "Liveline" before the media coverage moves on. It comes again the following January. We should resolve to do something different this January so that we will not be discussing major waiting lists in emergency rooms throughout the country in January 2016.

Deputy Sean Fleming: I welcome the opportunity to speak on this Private Members' motion. I thank my colleague, Deputy Kelleher, for tabling this motion, which is very timely in view of the difficulties that are happening on a daily basis. The public at large is aware of the difficulties people experience when they have to interact with hospital services because it sees them on television screens and hears about them from family members, friends, neighbours and relations.

Our motion is very clearcut and direct. It is not long-winded. It is concise and to the point. It notes "the deplorable overcrowding being experienced in hospital emergency departments". We all know that the number of people waiting on trolleys exceeded 600 last week. The most depressing aspect of this matter is that these problems were foreseeable, as the Minister has admitted. He took some action in advance to make sure we would not have this crisis. His predecessor as Minister for Health, Deputy Reilly, said that any Minister who had more than 550 people waiting on trolleys would be facing a crisis. That is what we have today. We have had it for the last number of weeks. There might be some change from week to week, but the essence of the problem is still there. We need to talk about the underlying issues that are not being dealt with.

When I think about the number of people waiting on trolleys, the most depressing aspect of it is that many people cannot get from ambulances into accident and emergency departments

because those departments are chock-a-block. Some Deputies have already spoken about this. Both sides of hospital corridors are full of trolleys that are being laid head-to-head or head-to-toe. Many people have had to wait in ambulances because of a lack of room. On some occasions, the ambulance trolleys on which people were brought in from ambulances by emergency technicians were left in hospitals because ambulance staff were not able to get those trolleys back when they were called out after their ambulances received subsequent emergency calls. Now they are holding on to the patient in the ambulance in the car park, rather than letting go of the actual trolley. That is a Third World way of doing business, if not a fourth or fifth world way of doing business. People must ask themselves if this is what we have actually come to.

The most important aspect of all of this relates to the many people who had scheduled hospital appointments. I can think of many elderly people who had appointments cancelled last October or November. In the wind-up towards the end of the year, hospitals that had reached their annual quotas for orthopaedic operations, for example, by September or October scaled down their levels of activity. Many surgeons were not fully occupied because sufficient resources were not available to provide additional nursing care in post-operative situations. The operations that were not being carried out were delayed until the new year. Many people are now finding in January, having got psyched up and ready for their operations, that their procedures are not going to proceed because elective surgery has been suspended in many cases. That is unnecessarily causing further distress and anxiety to older people. As a result, hospital treatments are increasing.

I was concerned to read at the weekend that some consultants are not willing to take on new patients because their waiting lists are full and those on the lists are having to wait for excessive periods of time. They believe it would be unsafe to add anyone else to the end of those lists because they would not be seen within a reasonable time. People who need to be taken onto consultants' waiting lists are not getting onto those lists. This is another element of what is not being counted in the health service. I suggest that the Minister and all his officials do not yet have a proper handle on the number of people who are waiting for outpatients' appointments and elective surgery. Some of those who are waiting are not being taken onto consultants' waiting lists even though they need to be seen. They are somewhere in limbo in the system.

The clinical risk to patients is a very serious issue. The Taoiseach said here in the Dáil today that "accident and emergency departments were not as safe as they ought to have been". Even though he did not say it in so many words, it is clear he was saying that accident and emergency units are not up to the acceptable standards that HIQA would want in such units. The Taoiseach acknowledged that here today. That is no recommendation to be giving the hospital service and the HSE in how they conduct their business. It is due to a lack of funding. Why is there a lack of funding for the HSE? The Government chose not to give adequate funding to the health services. It decided to use its resources in other ways. I will come to that in a few minutes.

I would like to speak briefly about the question of dignity on trolleys. I have seen elderly people - in their 70s and 80s and even older - being treated head to toe along the side of a corridor. I have seen young children in the corridor waiting to get into the same accident and emergency department. There is sometimes no dignity in the manner in which they are treated. There is no privacy when nurses come to them to check their blood pressure and see how they are doing, or when doctors come to do various tests at the side of a corridor. It is enormously upsetting for elderly people. They ask whether this is what they have come to at the end of their days. They ask whether this is really happening to them, having reared their families and worked for many years.

15 January 2015

I mentioned in this House two months ago that I saw this happening in Naas General Hospital when I happened to be there on a few occasions in November of last year. On one particular day, the nurses took to the street at lunchtime to protest against the queues in the accident and emergency department. I stress that they did this on their own time. They wanted to highlight difficulties with patient safety. A further aspect of this issue was evident outside Leinster House today when we were met by nurses on our first day back in the Dáil. They were not speaking for themselves. They were not out looking for pay rises, roster changes or improvements in terms and conditions. They were speaking up for their patients. The families of patients are probably afraid to upset the doctors and nurses who are struggling to the best of their ability in accident and emergency departments. Families can be slow to speak up in such situations.

Accident and emergency staff have a tremendous responsibility, but many are overstretched and are being put in an impossible situation. We must ask ourselves why. The reason is simple: we have 2,000 fewer beds in the system. One cannot remove 2,000 beds over a number of years and expect the system to function as normal. This has led to the inevitable consequence of there being a backlog in accident and emergency departments. As has been stated, there are also delays in the fair deal scheme. It is extraordinary that the Minister keeps referring to the cap on its budget as if someone somewhere capped it. He is the Minister. He capped the budget. He cannot blame the Minister for Public Expenditure and Reform, Deputy Howlin, or the rest of the Government.

Deputy Leo Varadkar: Actually, the Oireachtas capped the budget.

Deputy Sean Fleming: Yes, but the Oireachtas-----

Deputy Billy Kelleher: The Minister should not absolve himself, please.

Deputy Sean Fleming: The Government could raise the cap. The Estimates have been published and will appear before the health committee in the coming weeks. I hope that the Minister will make a case to the Minister for Public Expenditure and Reform for lifting the cap.

Fewer public beds are available in what are called community hospitals. It would be remiss of me to speak on this issue without mentioning the farcical situation of Abbeyleix hospital and St. Brigid's Hospital in Shaen, Portlaoise, both of which are community hospitals. Abbeyleix hospital could have up to 50 patients, yet the Government, including the Minister's predecessor, Deputy Reilly, announced its closure. It is still not closed, but no one is being admitted to it other than on a respite basis. An attempt has been made to close the hospital but, for a modest amount of money, it could be brought up to the Health Information and Quality Authority, HIQA's standards. The choice has been made to outsource care of the elderly. The same is the case in St. Brigid's Hospital. For the umpteenth time in the Chamber, I ask the Minister to make a decision and announce once and for all that he will upgrade both hospitals. It would be a scandalous waste of resources not to utilise their facilities.

Let us not move away from my question on why we are in this situation. It is because of Government budgetary choices. It is ironic that this debate is occurring at the beginning of January when the Government made its choices in the middle of October. The Government could have provided more money for hospital beds or crowded accident and emergency departments, but instead chose to give tax cuts to the wealthy, those on the top tax rate. The Government could have decided to provide more money for outpatient appointments, putting people on consultants' waiting lists, reducing elective surgery waiting times or lifting the cap on the

fair deal scheme, but instead chose to look after the most well-off in society by giving a tax cut of 1% to those earning more than €70,000. People earning that much benefitted more from the recent budget than anyone else. They are receiving their tax cuts in their pay packets today. Meanwhile, hundreds of people are lying on accident and emergency trolleys.

Minister for Health (Deputy Leo Varadkar): I move amendment No. 1:

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

“acknowledges:

— the difficulties which overcrowding in hospital emergency departments (EDs) causes for patients, their families and the staff who are doing their utmost to provide safe, quality care in very challenging circumstances;

— that the Government regards trolley waits of over nine hours as unacceptable and that optimum patient care and patient safety at all times remain a Government priority;

— the wide-ranging set of actions which are being put in place by the Health Service Executive (HSE) to achieve improvements in the delivery of emergency care; and

— the targeted, integrated approach being adopted by the HSE in relation to the needs of elderly patients who no longer require acute care;

notes, in particular:

— that all hospitals have escalation plans to manage not only patient flow but also patient safety in a responsive, controlled and planned way that supports and ensures the delivery of optimum patient care;

— actions being taken to address ED overcrowding, including the opening of additional overflow areas, the reopening of closed beds, the provision of additional diagnostic scans and consultants doing additional ward rounds to improve the appropriate flow of patients through the hospital system;

— other actions being taken, including the provision of additional home care packages, additional transition beds in nursing homes, 300 additional Nursing Homes Support Scheme places and an extension in Community Intervention Teams;

— that the Minister for Health convened the Emergency Department Taskforce to find long-term solutions to overcrowding by providing additional focus and momentum in dealing with the challenges presented by the current trolley waits; following an initial meeting last December, the HSE is working on an action plan to be finalised by the end of January to specifically address ED issues with a view to a significant reduction in trolley waits over the course of 2015;

— that the Government has made provision for a welcome increase in the total financial resources available to the HSE in 2015; this increase in funding, which is comprised of additional Exchequer funding of €305 million, increased projected once off revenues of €330 million, and minimum savings of €130 million in areas

15 January 2015

such as procurement, and drug and agency costs, is part of a two year programme to stabilise and improve health funding after seven years of significant retrenchment as a direct consequence of the emergency financial situation the Irish State has had to address;

— that in 2015 the budget for the Nursing Homes Support Scheme is €949 million and this is supporting over 22,300 people in residential care; the budget for community services is €315 million and this is providing home help and home care package services to some 56,000 people at any one time;

— that the Government provided additional funding of €3 million last December and €25 million in 2015 to address delayed discharges; this funding is being targeted at hospital and community services which can demonstrate initiatives to address specific needs of delayed discharge patients most positively and therefore improve timelines for admission from EDs and waiting lists; this has reduced the waiting time for approved applicants from over 14 weeks to 11 weeks currently;

— that the Review of the Nursing Homes Support Scheme which is currently underway will consider the future funding and sustainability of the Scheme as well as how

community and residential services are balanced; this Review will be completed shortly, following which the Government will be considering how best to meet the needs of older people in the future; and

— that the long-term solution to the problem involves a shift from worsening ill-health in our population to greater well-being through societal change supported by Healthy Ireland initiatives on obesity, smoking, alcohol misuse and greater physical activity; and

supports the Minister for Health in his continued determination to bring about improvements in urgent and emergency care services.

I thank the Fianna Fáil Party for giving me another opportunity to report on emergency department overcrowding and to outline the actions that are being taken by hospitals, social care, the HSE and the Government to alleviate the current situation in the short term and resolve it in the medium term.

The Government acknowledges that the problem of overcrowding is serious, real and cannot continue. We discussed it at Cabinet this week and last. It was on the Cabinet sub-committee agenda in December and will be again this month. I attended the second meeting of the emergency department task force today, but I assure the House that much more than task force meetings is happening. There have been daily, twice daily or, on one occasion, thrice daily conference calls among senior national and regional-level staff since the new year. I took part in one of these over the weekend.

This issue is a priority for me and the Government. Emergency department overcrowding is a blight on our health service, which is otherwise good in so many ways. I cannot accept the suggestion from some Members opposite that we have a Third World health service. That does a disservice, not just to our country, but also to the people who work in and use our service.

Deputy Billy Kelleher: The Minister should take responsibility for it himself, so.

Deputy Leo Varadkar: In fact, our health service is rated 14th out of 31 by the European Health Consumer Index, ECHI, and mortality and survival rates are above the OECD average and going in the right direction. Life expectancy is increasing, too. This would not be the case if we had the Third World health service the Members opposite seem to believe we have.

Emergency department overcrowding is a chronic problem that has beset us for at least 15 years and turns into a crisis whenever there is a surge of patients or a significant delay in discharges. It is not an emergency department problem *per se*, but a systemic one that manifests itself in the emergency department. As Deputies will know, I have worked in three emergency departments as a doctor, was on-call senior house officer to three more and have visited three since my appointment as Minister for Health, including two in the past week. I know the territory.

The Leader of the Opposition, Deputy Martin, also knows the territory. He was Minister for Health for four years between 2000 and 2004. During that time, the Fianna Fáil-led Government, supported by Independents, promised to end waiting lists permanently within two years and ensure full bed capacity in hospitals. That was in 2002 and was another case of “A lot promised, little done”. That Government remained in power for a further nine years. This Government has been in power for four years. During that time, matters have consistently improved year on year until they started to deteriorate again in the summer, culminating in a spike last week. Comparing like with like, either using the special delivery unit, SDU, or nurses’ union trolley watch numbers, the situation has still not reached the levels experienced under Fianna Fáil. It was bad this new year, but was nowhere near as bad as in the 2003-04 period when Deputy Colm Keaveney, who helped propose this motion, attacked Fianna Fáil and Deputy Martin for creating a so-called nightmare in our health service.

All the time there were horror stories in the newspapers, not just in January, but almost every single day. There was the story of the 85 year old woman in May 2003 who was sent home after spending 75 hours on a trolley. Later that same month, a 79 year old grandmother died in Tallaght hospital after spending five days on a trolley. There were stories of patients having to be treated in the car park because there was no room for them inside and other stories of patients sharing trolleys, taking shifts to sleep. I would be happy to share some of the press cuttings from that period with the Deputy opposite.

According to the *Irish Independent* in 2003, ambulances had to wait for up to three hours at Beaumont hospital’s chronically overcrowded accident and emergency department one weekend and their trolleys were used to treat patients. One would swear from the comments of the Members’ opposite that this was something new. A headline in *The Irish Times* read: “Patient dies after five-day trolley wait”. The article continued, “Tallaght Hospital has said it is treating seriously a complaint from a Dublin family, whose 79-year-old mother died yesterday after spending five days on a trolley in the hospital’s accident and emergency (A&E) unit.” In 2000, a 90 year old woman fell off a hospital trolley after she had been left unattended, broke her leg and subsequently died, an inquest was told. Dr. Ciaran McLoughlin, the west Galway coroner, stated that he had no doubt the fall contributed to the death. There was another story of a woman who spent 75 hours on a trolley before being sent home and yet another of a County Galway boy who waited six years for necessary surgery. The latter was particularly condemned at the time by a Galway county councillor, Deputy Keaveney, who went on to say that, if all of the studies commissioned by Deputy Martin were stacked together, one could probably have

15 January 2015

built an extension to the hospital. The response of Deputy Martin, the then Minister, was a very simple one: it was not a “crisis”, the term was being used with “gay abandon” - he did not like the term at all - and, of course, the situation was not his “fault”.

How did he address the crisis? Did he stand up and take responsibility? Did he take steps to address it? No, he did not. In May, he insisted in the House that he did not like the word “crisis”, complained that it was being used with “gay abandon” and that none of it was his “fault”. No wonder Dr. Maurice Neligan, writing in *The Irish Times*, wondered if “you were right there, Micheál” and criticised the Minister’s “capacity for self-delusion”. Later, it was revealed that €400 million in new health facilities and hospital wards had remained unopened. Some 147 reports were commissioned, costing €1 million, and €2 million was spent on public relations. Thirty thousand people marched on the streets to protest.

Deputy Martin had four years as Minister, with a budget and staffing levels that increased exponentially each year. Despite having every opportunity, all of the tools and plenty of time, he achieved little. Now he wants to be Taoiseach. It seems to me, however, that he was the greatest innocent bystander in history, as the health service lurched from crisis to crisis and wild promises were made and then ignored. With such a legacy behind him, I am grateful for his advice. Any Minister for Health could learn a lot from his mistakes and poor leadership. His is a poor example to follow and I do not intend to do so. He suggested recently that I should stop acting like a “commentator and some sort of analyst”. Perhaps he is concerned that I actually can analyse the problems, that I am not afraid to comment on them and face up to them. He seems worried that I am actually prepared to take responsibility for solving them, when he would not. He fears being shown up and people being reminded of what he failed to do as Minister for Health and the appalling damage he did to the economy as a member of the previous Government.

I have also listened to the views put forward by Sinn Féin commentators over the past week. For the benefit of the House, I will refer briefly to some of the news from Northern Ireland, as reported in the *Belfast Telegraph*. We are told that the Belfast Health Trust stopped all non-urgent elective surgery up to and including 11 January, leaving many people back on waiting lists. Joanne Gibson from Fintona in County Tyrone spoke to a reporter about how she was admitted to the emergency department at Enniskillen hospital at 11.30 a.m. and was still there at 8.30 p.m. She was finally moved to the surgical ward more than a day later, at 1.30 a.m. The *Belfast Telegraph* article includes the following statement by Dr. George O’Neill:

I have people who wait up to a year to be seen, to be diagnosed, and then they are put on a waiting list to have a procedure carried out. We are now getting back to where it was four, five, six, seven years ago.

I could go on but I will not. The point is that emergency department overcrowding is not a new problem and it is not unique to Ireland. There is, for example, a major issue in this regard in England at the moment. It is a sad reflection on our health service and our politics - on all of us - that we have been debating and discussing this for 15 years or more. It really is a case of Groundhog Day at this time of year every year. Why not use this opportunity to do something different? Let us all acknowledge the realities and spend a few hours in this Chamber today and tomorrow and in committee doing what the public actually wants us to do, namely, coming up with ideas and solutions. Let us make this a debate worth having. That is what I would like to do.

Getting on top of this matter once and for all will require sustained attention over the coming months. I am committed to giving it the attention and political priority it deserves but I am loath to make promises. It is clear that this is not going to be an easy issue to resolve. It is not just a matter either of delayed discharges, staffing levels, skill levels, whether staff have a temporary or permanent contract, hospital avoidance, patient flow, management or advance planning. In fact, it is about all these things and more. The health service is like a delicate musical instrument which must constantly be retuned and fine-tuned if it is to work well.

The number of patients on trolleys in our emergency departments reached 525 last Tuesday morning. When one compares like with like, either using the special delivery unit's Trolley GAR measure or the Irish Nurses and Midwives Organisation's trolley watch, this was the highest figure in four years. Today, comparing like with like and time of year with time of year, the number is the lowest in seven years. However, I am not here to talk about statistics but about people. An individual on a trolley does not really care whether he or she is number 300 or 400. He or she just wants a bed and to receive the necessary treatment. While surges will occur from time to time, patients on trolleys should not be a year-round phenomenon in the way they are in some hospitals, and no patient should ever have to spend more than nine hours on a trolley waiting for a bed. Aside from the discomfort, loss of privacy and dignity, it is a patient safety risk, particularly for the frail elderly.

As of 2 p.m. today, there were 217 patients on trolleys in our emergency departments, with 131 in that position for more than nine hours. Most of these patients will be in beds before tonight but, of course, more patients will come in behind them. The situation varies from hospital to hospital and the reasons for this discrepancy also vary. Some hospitals have a problem with delayed discharges and put the on-trolley numbers down to that. Others have very few delayed discharges but still have patients on trolleys, which they put down to other reasons such as difficulty recruiting and retaining senior medical staff. Even though the situation is much improved, we are not out of the woods yet. Looking back to previous years, we have seen peaks in trolleys and overcrowding at various points in a given year, including in February 2011, March 2012 and May 2013. It is clear that a sustained focus will be required throughout the winter and into the summer. There is, moreover, always the risk of a winter vomiting virus, severe respiratory illness or influenza.

A range of measures is being taken to ease the situation. Non-urgent elective surgery has been cancelled, with the extent of and criteria for such cancellations varying from hospital to hospital, depending on the extent of overcrowding. Some less congested hospitals, for instance, have managed to do some elective surgery this week. Elective surgeries for life-threatening conditions like cancer cannot, however, be postponed for more than a few days. That is why I do not agree with calls for a blanket ban on all elective surgery, as put forward by some union groups. Closed wards have been reopened. Additional home care packages are being provided and, as of last weekend, no patient ready to be discharged is awaiting a home care package.

Transition beds in nursing homes are being funded while the paperwork required under the fair deal scheme is being worked out. In addition, 300 extra nursing home places are being funded under the scheme. There has been a delay in getting some patients into nursing homes, but this issue is progressing. It has been claimed that there are 1,200 nursing home spaces out there and there may well be, but they are not necessarily where they are needed. It is not possible to send people from Beaumont or Drogheda, for example, to a nursing home in Kerry and expect their relatives to visit them there. It might be the type of thing the NHS can do, but it would never be acceptable in this country.

15 January 2015

To speed up patient flow, additional diagnostic scans are being made available and consultants are being asked to do ward rounds twice a day to speed up discharge. Community intervention teams are being extended, thereby allowing more patients to go home or stay at home or in their nursing home, where they will be visited by a nurse to give them their IV medicines or change their drip. Planning is under way to extend this measure to Drogheda, Naas and Waterford. It will also need to be available at weekends.

Extra beds or trolleys on wards reduce overcrowding in emergency departments, relieve pressure on department staff and offer a much safer solution for patients. This is done in other countries and is known as the “full capacity protocol” in the United States. Crucially, it breaks down silos and ensures overcrowding becomes a problem for the whole hospital rather than solely a problem for the emergency department, thus encouraging medical and other staff to expedite interventions and investigations and secure earlier discharge. However, extra beds on wards should never be seen as normal and it is appropriate that they should be counted. Whatever the methodology used, we should always be accurate in describing and interpreting our statistics and only ever compare like with like.

It is clear that an unprecedented number of delayed discharges is contributing to the problem of emergency department overcrowding, but there is more to it than that. The delayed discharges numbers peaked at 850 in early December and are now falling because of the measures that have been put in place. They now stand at 751. In Beaumont, for example, there are 81 delayed discharges, down from 100, and 23 patients on trolleys. In St. James’s Hospital, there are 100 delayed discharges but very few patients on trolleys. In Letterkenny, there are no delayed discharges but there are four people on trolleys. In Cavan, there are 17 delayed discharges and no patient on a trolley. I am offering these examples to show there is no direct correlation between delayed discharges and emergency department overcrowding.

The actions we are taking to address overcrowding will help to deal with the surge we are experiencing at present and, we hope, get us through the winter. However, this does not represent a long-term solution. The long-term solution involves a shift from worsening ill health in our population to greater well-being through societal change supported by the Healthy Ireland programme and initiatives on obesity, smoking, alcohol misuse and greater physical activity. Without an improvement in population health, we will always be running up an escalator, working harder and employing more resources merely to match increasing demand. To make progress on the health and well-being agenda in 2015, we will carry out and publish the first survey of the health of the nation since the SLÁN report in 2007. We will then repeat it annually to see what progress we are making. Other measures will include new policies on obesity, the physical activity plan and the public health (alcohol) Bill, the heads of which I hope to publish within the next few weeks.

We also need to invest more in better primary care and social care. Better primary care will ensure people do not end up in hospital in the first place or at least not as frequently. This will require better management in the community of chronic diseases like asthma, chronic obstructive pulmonary disease and diabetes and better management and care of the frail elderly. I expect this approach to be at the centre of the new GP contract. I anticipate negotiations on that contract will begin later in the year once the talks on the provision of free GP care to under sixes are concluded. Deputy Calleary may be interested to know that the primary care service plan for this year includes provision for a minor surgery pilot programme under which 30 GPs will perform minor surgeries on GMS patients. There is also provision for access to ultrasound facilities, particularly for GPs in the southern part of the country, as well as a pilot programme

to allow GPs to provide venesection for haemochromatosis. We also need much better social care in order that patients fit for discharge can get home or into a nursing home much sooner.

None of these things can be done quickly or without additional costs, at least initially. However, I will do my best to drive them forward. Ireland should be a country in which one can grow old with dignity. Today, unfortunately, that is not always the case.

Deputy Calleary asked if I accept that additional nurses and beds might form part of the solution. I do accept this, and that is why additional beds have been opened. I expect that these will remain open for months. We need to recruit additional nurses, and discussions are under way regarding a campaign in this regard. I am absolutely sure, however, that extra beds and nurses do not constitute the entire solution. One of the great successes in recent years has been the reduction in average lengths of stay. The average patient used to spend nine days in hospital, but this has been reduced to 6.7, which means that a great deal more work can be done. Even though budgets have remained flat, the number of surgeries carried out last year was 13% higher than the number carried out in 2010. The latter is due to greater efficiencies and increased use of day surgery in particular.

I look forward to listening to Members' contributions to this debate. I will provide the Joint Committee on Health and Children with a further update on this matter tomorrow. I will attend that meeting in the company of my senior officials and the director general of the Health Service Executive, Mr. Tony O'Brien. I take this opportunity to reject the Fianna Fáil motion before the House.

Deputy Helen McEntee: I take this opportunity to thank and acknowledge the contribution of front-line medical staff both in and outside our hospitals for the work they have done in the past two weeks and also that which they do on a daily basis. It has been an extremely difficult and challenging time for everybody working in our health service and also for those seeking to access that service, namely, patients.

It is never acceptable to have people waiting on trolleys in corridors or wherever, or sitting in waiting rooms for three or four - not to mention nine - hours. It is especially not acceptable for elderly or very young people to be obliged to wait. Last week, parents with very young infants were obliged to wait to be seen at Our Lady of Lourdes Hospital in Drogheda. My constituents in Meath East, along with the Minister and I, know this is not acceptable. However, it is not something that just happened in the past few weeks or in recent years. This problem has obtained for some time and it was caused by mismanagement of both the health system and the funding relating thereto over a period of many years by a previous Fianna Fáil Government. Between 2000 and 2004, one of the Ministers in that Government who had responsibility for health spent €14.7 million on reports both identifying the problems that existed and suggesting methods of solving them. However, as the current Minister indicated, we know that none of the reports in question were ever implemented because they were unworkable. Fianna Fáil is now presenting that former Minister as the alternative Taoiseach.

We know that throwing money at the problem is not the only solution. After all, we still had a substandard health system at the height of the boom. The providers of health services need to work together as a team. Change will not happen unless all interested parties, in both the health system and communities, work together. I visited the accident and emergency department of Our Lady's Hospital, Navan, last week, and the staff explained to me how they are managing at present. One of them informed me that they had received a great deal of help from the commu-

15 January 2015

nity. I refer here to simple things such as family members driving loved ones to or picking them up from hospital, thereby negating the need for ambulances to be used, and people attending their local GPs instead of visiting the accident and emergency department. This has helped to ameliorate matters. It is extremely important that those to whom I refer should work together. When the necessary plans were put in place last week, the numbers waiting in accident and emergency departments dropped. This week, the numbers are well below those that obtained at the same time last year.

Unfortunately, there is only so much that members of the community can do to help doctors and nurses. In addition, front-line staff can only be stretched so far. There is a need for further step-down care places to be provided, and I acknowledge what the Minister said in this regard. A number of such places were recently made available at Kilmainhamwood nursing home in north Meath. However, more of these places are required in the area. In addition, we must ensure that the Fair Deal scheme is funded in a comprehensive manner. While numbers have been kept quite low at Our Lady's Hospital, Navan - the Minister acknowledged this during a conversation I had with him earlier in the week - Our Lady of Lourdes Hospital in Drogheda is at breaking point. The latter facility has always been at the top of the list in terms of the number of people obliged to wait to be seen. There is a need for further staff to be recruited. When I spoke to staff and management at the hospital last week, I was informed that staffing levels are a problem. While recruitment has taken place, the numbers taken on have been limited. There is a shortage of doctors and nurses at the hospital, and this has led to staff feeling quite pressured.

Drogheda is not situated in my constituency but it is quite close by. I have been sent to Our Lady of Lourdes Hospital on a number of occasions and many of my constituents have also presented there. When the Minister is working with the task force he established in December - a move I very much welcome - will he consider Our Lady of Lourdes Hospital in Drogheda in conjunction with Our Lady's Hospital, Navan? I ask that the position of both facilities be further analysed and that a plan in respect of them be put in place. While the population of the north east has grown, the services available have not grown with it. That is not just the case with regard to health, although I accept that the latter is the issue on which we are focused this evening.

Most people would agree that there is no quick solution to this problem. Ireland has a growing and an aging population and this is going to give rise to difficulties as time progresses. I welcome the wide range of actions being put in place by the HSE and the Minister to improve matters both in general and in the context of emergency care. I also welcome the €25 million that has been allocated in respect of delayed discharges, as well as €3 million in additional funding that was provided at Christmas. We know that the position with regard to accident and emergency departments is unpredictable. There could be two people waiting to be seen at a given time and five minutes later there could be 15 people there. It is impossible to predict what is going to happen in an accident and emergency department. However, both the Government and the Minister are focused on finding a solution. I thank the Minister for his statement tonight on the many factors we are dealing with and the many measures that have been taken. I also thank him for the work he has done in the past two weeks. The figures do not lie. The numbers of people waiting in accident and emergency departments were reduced within the space of a week as a result of everyone working together.

On a slightly separate note, I take this opportunity to urge the Irish Nursing and Midwifery Board to find a solution to the current problem with regard to retention fees. The board is meeting tomorrow and I plead with its members to identify a solution as soon as possible, because

we do not want to find ourselves in a situation whereby thousands of nurses might be struck off the register.

Deputy Paul J. Connaughton: I welcome the opportunity to contribute to the debate on this extremely serious issue, which has been topical both in the past two weeks and for the past 15 years or so. I have no wish to present myself as an expert in identifying solutions to all the problems that exist. From what has been said during the past fortnight, it appears that no two experts have the same answer to this problem. People seem to list four or five different priorities in the context of how they feel it should be solved. One of the reasons this problem has continued for so many years is that although many people have identified certain parts of the health system as being the cause of difficulties, we have never actually brought everyone together in the interests of finding an overall resolution.

I would certainly not be doing my job as a public representative if I did not highlight some of the issues that arose for my constituents in the past couple of weeks. I refer, for example, to a very frail 84-year-old gentleman who underwent heart surgery last April and who was brought by ambulance to the accident and emergency department of Portiuncula Hospital in Ballinasloe at 5.30 p.m. on Friday, 2 January last. He was not seen until 4 a.m. on 3 January, at which point he was X-rayed twice. He had become quite weak by that point and was placed in a wheelchair. On Monday 5 January last, he was discharged from the hospital with pneumonia. I was contacted by his son on the Friday night and I rang the hospital immediately after to discover the position. I immediately recognised the level of stress and concern in the voice of the nurse with whom I was dealing, who clearly outlined the pressure under which the staff were operating. She informed me that they were being obliged to categorise those presenting at the accident and emergency department on the basis of the seriousness of their medical conditions. Anyone whose loved one is obliged to visit an accident and emergency department will be of the view that his or her condition is serious. Hospital staff operate under a great deal of pressure and it is simply not acceptable that only one doctor was on duty on the night of Friday, 2 January at the accident and emergency department of Portiuncula Hospital. This is, perhaps, a resource issue to which we must give proper consideration.

I was obliged to attend the accident and emergency department in Portiuncula Hospital on two occasions in the past year, once on my own behalf and once with my daughter during the summer. It was only by pure chance that we were seen immediately on both occasions. It is almost a question of good luck and timing as to how long it will take to be seen. On occasion, one can walk into an accident and emergency department and there will be very few people present. My daughter and I attended Portiuncula Hospital during the summer months, which is probably the time when fewest people present in accident and emergency departments. Overcrowding in such departments always occurs in December and January, not just here but also in Northern Ireland and across the UK.

What are the solutions in this regard? It is very easy to identify what is wrong and to recount anecdotal evidence. However, we must try to identify long-term solutions to the problem that exists. I welcome the changes the Minister has made and also the additional funding that has been allocated in respect of delayed discharges. The latter will certainly be of assistance in some, but not all, hospitals. It is important that the task force he has established should put forward some really sustainable solutions that can be implemented. In the past, reports were compiled, problems were identified and solutions were recommended, but absolutely no action was taken. We cannot allow that to be the case on this occasion. I am of the view that the Minister will, within the budgetary constraints that exist, implement the recommendations the

15 January 2015

task force puts forward in order that 12 months from now there will not be a recurrence of what happened in recent weeks.

I acknowledge we are not even out of the woods in respect of the current problem and that it may spike in a couple of weeks.

A possible solution, mentioned by the Minister, involves the role of general practitioners and primary care. We realise we need to have more primary care units rolled out and built and give more resources to general practitioners. I am convinced that a percentage of people arriving in accident and emergency units do not need to be there and are simply taking up space. While the percentage may be small, reducing it, by any amount, can only do good. That is a long-term solution but we also need short-term ones. I acknowledge the trends are in the right direction but, as Minister of State Deputy Kathleen Lynch said yesterday on the radio, one person waiting more than nine hours is one too many. We must get this under control. The one phenomenon we do not want is fear on the part of people who legitimately need to attend an accident and emergency department.

We have an issue with our ambulances. This has been highlighted, particularly from a rural perspective. Ambulances arriving at accident and emergency departments simply cannot get patients in quickly enough, thereby causing concern and upset.

When researching this matter this evening, I came across a media article that very clearly spells out the current problems. It states:

It hasn't gone away you know. Turn on any radio or TV news programme, or open up any newspaper last week and 'accident and emergency trolley crisis' headlines were in your face...

Whatever the Government might say about the huge amount of funding invested in the health service in recent years, the fact remains that there is underinvestment in key areas, such as in adequate community facilities for the elderly once they have completed their acute care, and in adequate numbers of acute beds to carry out non-emergency work. There is also a need for investment in the expansion of primary care to allow it to take on more work that is currently carried out in hospital...

So the 'accident and emergency crisis' is not simply a matter of how many patients are crowded into accident departments at any given time; it is largely a crisis relating to the capacity our healthcare system has to meet patient demands. It remains to be seen whether Mary Harney's new action plan will address the capacity problem, particularly as she has said there will be little additional funding provided for the health service next year. A short-term action plan can only achieve so much; there is also a need for structural and attitudinal change.

This was written in October 2004 and it is now 2015. At times when we had a lot of money to spend, this was not addressed, or addressed correctly. It is time for people to put their heads together and finally find a solution to this problem.

Deputy Caoimhghín Ó Caoláin: A cháirde, cuireann sé an-díomá orm mar urlabhraí Shinn Féin maidir le cursaí sláinte go bhfuil an cheist seo á phlé againn arís. Theip ar gach aon dream a bhí sa Rialtas le deich mbliana anuas aghaidh a thabhairt air nó aon réiteach a fháil. Tá ag teip ar an Aire, Teachta Varadkar, chomh maith.

Last week saw the highest number on trolleys ever recorded, with the number reaching as high as 601 at the start of the week. Beaumont Hospital and Our Lady of Lourdes Hospital in Drogheda were among the worst affected. While the figures have decreased somewhat this week, the system still has to deal with the 359 persons who are on trolleys today. Hospitals could be put under further significant pressure by weather conditions or an increase in seasonal illness. Were we to see icy conditions across the country, I fear accidents might swamp our already understaffed and under-resourced accident and emergency network.

The Minister, Deputy Varadkar, was nowhere to be seen, let alone heard, while the crisis developed. We eventually learned – some of his colleagues did not offer the explanation – that he had been on holiday. This is his due but, following his return, he attempted to wash his hands of the situation, saying he could not magically press a button in the Department to fix the crisis. As Minister, he must take responsibility. If there is resistance to change, the onus is on him to tackle it. We need to know that solutions are being applied and what they are. We do not want to hear why the Minister believes certain things cannot be done. It was not very long ago that the Taoiseach admonished the Minister for this.

The rate of presentation at accident and emergency departments has increased. We know that health systems experience high demand during the winter, and also that some people choose to attend their local emergency department instead of their general practitioner for the treatment of minor illnesses, but we have an increasing population and our health staff are seeing many more older and sicker patients. This was foreseeable. In fact, the Minister told us that he foresaw it but, despite this prescience, he was unable or unwilling to do anything to deal with the problem before it developed.

The numbers on trolleys increased this year for several reasons. Reduced numbers of step-down beds and poor provision for elderly patients fit to be discharged to alternative settings were chief among them. There are upwards of 800 patients whose acute care is finished but who have not been discharged into more appropriate step-down care settings. There are a shocking 2,135 people on the national placement list awaiting funding, with an average waiting time of 15 weeks.

There is a lack of capacity both in acute hospitals and step-down facilities and also across the long-term residential care sector. There is a crisis in staffing. There are currently 265 nursing post vacancies. The HSE is finding it difficult to recruit staff due to a lack of permanent contracts, the lack of certainty and the strain on nursing and medical staff in accident and emergency settings. Since the Minister refuses to ensure adequate staff, we will see a further exodus of staff from this section of the health service. This is a vicious circle.

A further problem is that many medical staff are non-senior, leaving accident and emergency departments lacking in senior decision-makers. The €25 million the HSE secured in the budget to address delayed discharges was a quarter of what it had requested. The Minister has convened emergency department task force meetings. When he was asked why the emergency department task force had not worked, he said, “I don’t know”. This is not good enough. As Minister, he cannot simply say he does not know and hope the problem will go away.

Other jurisdictions have also been under pressure in accident and emergency departments. The problem is not unique to us and many have experienced increased waiting times. We must remember, however, that in the neighbouring part of our island, the Six Counties, the target is four hours – a target that would be fanciful thinking regarding many accident and emergency

departments in this State.

Earlier today, I commended nurses for their brave stand against the Minister's lack of action on the hospital overcrowding crisis. The Irish Nurses and Midwives Organisation organised a protest outside the Dáil today in a further effort to force the Minister to act.

It is an indictment of the current Minister's failure to deal with the crisis that nurses felt compelled to take to the streets. Through his cavalier attitude he has been grossly insensitive to all patients who have suffered the indignity and danger of long waits on trolleys. However, it is not only to him that I level such an accusation. We also saw Deputy Martin attend the protest today, so bold as to have forgotten his own role as Minister for Health and Children when he failed to address this problem, and the role of his party in the economic ruin of this country, with the cutbacks that followed leading, in part, to the current crisis.

I support all the hardworking and conscientious nurses who protested in the cold today and also their hardworking colleagues in hospitals across the country. They are demanding action and we in Sinn Féin support this demand.

It has been suggested by some commentators that Sinn Féin have said that this crisis was caused by austerity alone. I wish to dismiss that outright; it is not the case. We understand this has been a perennial problem, one that occurred even when the health system was relatively awash with money. It has, however, been magnified by staff redundancies and ward closures that have been visited on our hospital sites. What can be done? There are a number of measures that need to be taken and solutions that need to be applied but, sadly, the Minister appears to refuse to examine most of them. The HSE had sought €106.5 million to free up hospital beds and reduce overcrowding, of which only €25 million was granted. Despite record numbers awaiting appropriate placements, the Minister has not requested additional funds to deal with the problem. Additional funds are needed to support an adequate number of home care packages and for the re-commissioning of wards and the provision of the required additional step-down beds to assist in discharging the some 800 elderly patients in pre-discharge beds.

We need an attractive recruitment campaign to bring nurses back to Ireland to alleviate under-staffing. We also need to plan for the significant challenges of an ageing population, including long-term residential care requirements. The emergency department task force should meet regularly until this crisis is successfully addressed, and it must also ensure that a system is in place to meet the problem head-on before it reoccurs.

Consultants, the senior decision makers, must ensure that they are present to help ease admission, fast-track treatment and discharge when appropriate. I welcome the fact that Mr. Liam Doran has been appointed co-chair of the emergency department task force. The task force's scope must be wide enough to examine structural reform to avoid the problem in the future.

Delays in funding house adaptations, lack of sufficient home-help packages and home-help cuts of 2.3 million hours since 2008 all have added further pressure on the entry points to the acute hospitals. Irish Nurses and Midwives Organisation, INMO, members at Naas General Hospital, Limerick University Hospital, Ennis, Nenagh and Croom all have voted for action. We must remember that they will continue to provide clinical care and all possible supports for patients. Their decisions are in the vein of trying to make the Minister pay heed to their concerns as front-line professionals.

The Joint Committee on Health and Children is to receive the Minister, Deputy Varadkar,

tomorrow and I hope he will be able to tell us that the number on trolleys is again decreasing. If this turns out to be the case-----

Deputy Leo Varadkar: It is 167 now.

Deputy Caoimhghín Ó Caoláin: And is it decreasing?

Deputy Leo Varadkar: No.

Deputy Caoimhghín Ó Caoláin: We will see. If, as I hope, this turns out to be the case, it will have little to do with the sluggish response of the Government. Fine Gael and Labour have failed to address the root of the problem. I have heard nothing that convinces me that this will not reoccur next year, and sooner, if circumstances present.

Solutions are now needed. The Minister must address this crisis with the measures I outlined, but also commence reform of the organisation of the health services, including primary care, to ensure there is a refocusing of reliance in the first instance on general practice and prevention, rather than flooding the bottlenecks of the accident and emergency departments.

Deputy Sandra McLellan: It is undisputable that the cuts implemented by the Government as part of its austerity programme are compounding the current overcrowding levels greatly. However, it is also important to take note of other issues at play here.

There has been a 9.4% decrease in nursing staff since March 2011 under the current Fine Gael-Labour Government. This does not take into account the cuts made under Fianna Fáil previously.

As a result of the current crisis, some of those who have been waiting for many months, or indeed years, for surgery have now had their hopes dashed and their procedures cancelled. These patients must also be remembered and everything must be done to ensure they are catered for as soon as possible.

There are massive waiting lists, which will only be extended due to the current situation. The reality is that one in every eight patients on a hospital waiting list is in a queue for over a year and some people are waiting up to four years to see a consultant. Nearly 50,000 patients, including 2,891 children, are waiting more than a year on lists, despite the Government's previous commitments that nobody would be on a waiting list for more than 12 months. There is a 400% increase in the numbers on outpatient lists since January, according to HSE performance indicators that were published last November.

Dr. Stephen Thomas of Trinity College's centre for health policy and management recently stated in response to the November HSE performance indicators that this country has seen "the biggest proportionate drop in healthcare across Europe" and that "We've lost almost 20% of our health funding, and certainly about 11-12% of our staff".

Sinn Féin has long proposed a lifting of the recruitment embargo. We would initially prioritise the recruitment of front-line workers and allocate an additional €6.67 million to increase emergency ambulance cover. Providing two additional ambulances, including personnel for each of the four regions, would ease some of the pressure on the ambulance service and, in turn, on the accident and emergency departments.

Acting Chairman (Deputy Liam Twomey): I call Deputies Seamus Healy and Thomas

Pringle. They have five minutes to share.

Deputy Seamus Healy: Accident and emergency and hospital overcrowding is unacceptable in any circumstances and the health services, as the Minister will be well aware, have been devastated by cuts. Hospital and health staff are overwhelmed by the situation. They are under severe pressure and they are working above and beyond the call of duty every hour of every day. Despite their best efforts, they are struggling to provide a safe service.

The austerity budgets of the past number of years and the cuts by the Government and the previous Fianna Fáil-Green Government have devastated the service. Those cuts include €3.5 billion taken out of the budget, 11,000 staff taken out, 2,000 beds closed and 2.3 million home-help hours lost. The fair deal scheme has been devastated. There are now 2,000 people waiting 15 weeks for that service. This time 12 months ago there were 523 at six weeks. Inpatient and outpatient waiting lists have ballooned and the elderly are waiting months on end for simple appliances, such as walkers and geriatric chairs.

The effect of these cuts in hospitals is reflected in my local hospital, South Tipperary General Hospital, where the budget has been cut by 25%, or over €13 million, and it has lost over 100 staff. Despite that, the hospital has put in a huge effort and activity levels have increased every year. The hospital is now operating at 120% capacity every day.

This overcrowding in accident and emergency has gone on for ten to 15 years and we know the solutions. It is time to stop the short-term temporary solutions that we have heard again here from the Minister tonight. We need permanent solutions to ensure this does not happen in future.

Measures such as the provision of medical assessment units, the use of discharge lounges, rapid access to outpatient departments, direct admission by GPs in some cases and community intervention teams all are ones that need to be put in place in all hospitals. These are helpful and worthwhile but of themselves will not solve the overcrowding crisis in the accident and emergency departments.

The Minister must now take permanent decisions on long-term solutions. He must open the closed beds. He must put in place additional step-down facilities. He must employ additional nursing and support staff. The fair deal scheme must be put back on an even keel, at least to the same level as it was last year. Community services, primary care and particularly home help and home care assistance must be brought back to at least what they were when the Government took office, and appliances must be made available for the elderly. If these measures are not put in place then we will be dealing with this issue next year and the year after, and the year after that. It is time for the Minister to bite the bullet and put these in place to ensure this is solved once and for all.

Deputy Thomas Pringle: I welcome the opportunity to contribute to this Private Members' debate on the crisis in the emergency departments in hospitals.

Today, in Letterkenny General Hospital there are 11 patients on trolleys. Yesterday, there were 31. This is not a new situation for Letterkenny General Hospital. Indeed, the citizens of Donegal and the staff of the hospital are all too familiar with it.

Looking back, taking one random day in a number of months last year, in March 2014, 19 patients were on trolleys in Letterkenny General Hospital, in May 2014, 22 patients were on

trolleys and in September 2014, 12 patients were on trolleys within the hospital.

9 o'clock

That is the ongoing situation. While there might be a spike right now because of the winter conditions and the increase in respiratory complaints among the elderly and other patients, this situation has been ongoing for years at Letterkenny General Hospital. The cause of the problem is that over the past six years, this Government and its predecessor took more than €3 billion out of the public health system. It is not possible to run a health service with that level of cuts. The only way to work within those budgets is by maintaining queues, whether they comprise people on waiting lists to see consultants and access treatment or queues of patients on trolleys in emergency departments. That is the only way the budgets can be controlled and it is the system over which the Minister is presiding.

The only way to solve this problem is by way of long-term investment. The only way to make savings is by taking a long-term view. The Minister needs to invest in the health service now. He must invest in the provision of additional beds in hospitals to ensure patients can be accommodated. He must invest in long-term care in the community facilities in order that patients can be moved out of hospitals. However, the nub of the matter is that if the Minister does provide extra beds in community hospitals and nursing homes, he will not save any money. By freeing up beds in hospitals, new patients will be moved in straight away, which will cost money. That is the reality within the health services. It is the reason we have these delays and people sitting on trolleys. To control budgets, the Department of Health and the HSE are controlling access to hospitals.

Debate adjourned.

The Dáil adjourned at 9.05 p.m. until 9.30 a.m. on Thursday, 15 January 2015.