



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 19 Meán Fómhair 2018*

*Wednesday, 19 September 2018*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

*Paidir.*

*Prayer.*

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## Ceisteanna - Questions

### Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

#### Rail Services

1. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the considerable disruption and inconvenience that has been caused to commuters by changes to the Irish Rail timetables; and the steps he will take to address this. [38002/18]

**Deputy Robert Troy:** I ask the Minister for Transport, Tourism and Sport if his attention has been drawn to the considerable disruption and inconvenience caused to commuters on the Maynooth line, M3 Parkway line, northern commuter line, Newbridge and Hazelhatch line, Heuston commuter line, my own line from Mullingar and the Longford and Sligo line as a result of the introduction of the new Irish Rail timetable on 9 September. Could he advise the House what measures his Department will take to address the long delays?

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank the Deputy for his topical question. As Minister for Transport, Tourism and Sport, I have responsibility for policy and overall funding in relation to public transport. I am not involved in the day-to-day operations of public transport. As the Deputy is aware, the operation of Iarnród Éireann services, including the new timetables on the DART, is a matter for the company with oversight by the National Transport Authority, NTA.

One of the features of Dublin's future transport infrastructure that is proposed in the NTA's

transport strategy for the greater Dublin area 2016-2035 is implementation of the full DART expansion programme. The DART expansion programme is a series of projects that will create a full metropolitan area DART network for Dublin, with all the lines linked and connected. While interlinked, the projects will also have benefits as stand-alone projects. The National Development Plan, NDP, 2018-2027 includes delivery of the priority elements of the overall DART expansion programme.

Also, by optimising the delivery of both passenger and network benefits through a large NDP capital investment that builds first on optimising the existing rail infrastructure, there should also be better value for money for the taxpayer.

As part of the DART expansion programme and the move to a ten-minute frequency for DART services, Iarnród Éireann introduced a new timetable on Sunday, 9 September to provide for enhanced DART frequency. Iarnród Éireann has stated that the new timetable provides for a 28% increase in overall DART capacity and moves from 156 services per day to 195 services per day. The company also indicated that the more frequent off-peak DART was introduced as a direct response to market research which showed greater demand for off-peak services.

As sometimes occurs when new timetables are introduced, some teething issues arise that need to be reviewed and adjusted in order to ensure that the new arrangements reasonably address customers' needs. I understand that while the vast majority of this new timetable has provided a much enhanced service to DART commuters now and enables the provision of additional off-peak commuter services from December of this year, some capacity issues have arisen. I am assured that Iarnród Éireann is working with the NTA to iron out those problems.

The main issue that has arisen is around capacity on the northside of Dublin, and Iarnród Éireann has responded swiftly to customer concerns by scheduling additional morning peak services from Portmarnock and Clongriffin.

From Monday, 17 September there has been a 7.29 a.m. service from Portmarnock station to Pearse station and a service from Portmarnock to Bray. Clongriffin has had an additional service provided by Iarnród Éireann at 7.45 a.m. which runs from Clongriffin to Bray.

In summary, with these further services now added by Iarnród Éireann, Portmarnock now has the same number of peak morning services as it had before the timetable change and Clongriffin has one extra.

Iarnród Éireann has stated that it believes that these changes will address the frequency concerns from passengers from Portmarnock and Clongriffin and the capacity issues that have arisen particularly at DART stations such as Harmonstown and Killester.

**Deputy Robert Troy:** I am hardly surprised the Minister is not taking responsibility because that is a general trend of his. He Minister described teething problems. Charlie Weston tweeted this morning that he takes the train every morning and it has not been on time since 9 September. The Minister alluded to DART frequency, with trains now arriving every ten minutes, but there are shorter trains so there is no increase in capacity. This is at a time when, as a country, we are failing to meet our emission targets and are trying to encourage people to migrate from their cars to public transport.

Can I ask the Minister's opinion on the example of a commuter from Mullingar? The person said they used to get the former 7.31 a.m. train from Mullingar, which got them into work

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for 9 a.m., but which now leaves 15 minutes earlier and is scheduled to arrive five minutes sooner than the current train. The train for the person's return journey leaves at 5.10 p.m. and arrives in Mullingar ten minutes later. We have a situation where the busiest train in the morning is leaving 15 minutes earlier to arrive five minutes sooner while in the evening, it takes ten minutes longer to get home. That is an extra 20 minutes a day for a commuter who pays €3,600 per annum for the benefit of that service.

When was the last time Irish Rail purchased rolling stock and when will that rolling stock be delivered? I heard the Minister on "This Week" at the weekend talking about his budget priorities and I was surprised he did not mention a priority for an increase in spending on public transport. The Minister's responsibility is to ensure the funding to Irish Rail is returned to what it was in 2008-09.

**Deputy Shane Ross:** I thank Deputy Troy. I do not believe the Deputy would expect me to intervene specifically in relation to the Mullingar route. Indeed, he might be the first to criticise me if I did so. If the Deputy has a particular problem with that route, and it appears he has, the appropriate place to go is elsewhere, and he knows that. It would be wrong for me to step in and say that Deputy Troy has made representations and that I want to ensure his particular area is looked after in that way.

Having said that, I sympathise if the passengers in his area are being discommoded by these changes. It would be reasonable for the Deputy to go to the NTA or to Iarnród Éireann to make that case and I hope he has already done so.

As the Deputy can see, the changes that have taken place have not been universally successful in certain areas and further changes have had to be made as a result of what has happened. One of the features of this change in the DART expansion is that the NTA and Iarnród Éireann have been extremely flexible. One of the qualities of a good transport service is that when measures of this sort are introduced, as for example with the Luas, one is prepared to be flexible in the face of passenger movements and changes, and this is what has happened.

My guess is that in the case of Mullingar, which the Deputy mentioned, it will come under the same sort of criteria and scrutiny and will get similar responses to the one regarding Clongriffin and Portmarnock.

**Deputy Robert Troy:** I used Mullingar as an example and at the outset I listed every commuter line that is experiencing serious disruption. The reason we are experiencing serious disruption is that quite simply we do not have sufficient rolling stock in our ownership to expand our services. That is a fact. I asked the Minister a specific question about the last time Irish Rail ordered new rolling stock. When can we expect the delivery of new rolling stock?

In regard to the Minister's interview on the "This Week" programme this week, I asked about his budget priorities for public transport. He seemed to go through many different areas but failed to acknowledge the responsibility he has for public transport, and with which he is fortunate to be charged. What can we expect in terms of an increased budget so the person I used as an example, who is paying €3,600 a year, is not going to be left with a journey time of 20 minutes longer a day, as a result of the changes in Irish Rail? Would the Minister take public transport if it meant that he was going to be 20 minutes longer a day getting to work? I seriously doubt it.

**Deputy Shane Ross:** The Deputy is aware that despite his prognosis and prophecies of

doom passenger journeys on Irish Rail increased by 6% in 2017. The DART and commuter rail services, to which he referred, carried almost 33 million passengers in the Dublin region in 2017, which is also an increase of 6%. It is booming.

In answer to the Deputy's question about procurement, the procurement process for additional DART fleet is expected to commence this year, with a contract for approximately 300 new rail carriages expected to be awarded in the second half of 2019. Some 28 refurbished carriages are to re-enter service in 2019. This will add capacity to a number of services. Iarnród Éireann and the NTA are currently assessing the availability of additional fleet that could be introduced to passenger services on the rail network across Ireland in the short term. The Deputy need not tell me that these agencies are not considering these issues. We will have 300 carriages and we have 28 carriages being refurbished.

**Deputy Robert Troy:** When are they going to be delivered?

**Deputy Shane Ross:** The Deputy asked me about when they are being ordered and the procurement-----

**Deputy Robert Troy:** I asked about when they are being ordered and delivered.

**Deputy Shane Ross:** I will answer the Deputy's other question about public transport priorities. There is an Estimates process going on, which the Deputy may not be aware of. I will be making my public transport requirements quite clear during that Estimates process. The question I was asked about at the weekend was in a completely different capacity and the Deputy knows this perfectly well.

## **Road Network**

2. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport the reason the port access northern cross route is not included in Project Ireland 2040 or the National Development Plan 2018-2027 (details supplied); and if he will make a statement on the matter. [37889/18]

**Deputy Imelda Munster:** Why is the port access northern cross route not included in Project Ireland 2040 or, indeed, in the national development plan? Will the Minister make a statement on the matter?

**Deputy Shane Ross:** I thank Deputy Munster for this question, which is very important in her area. The improvement and maintenance of regional and local roads is the statutory responsibility of the relevant county or city council, in accordance with the provisions of section 13 of the Roads Act 1993. Works on those roads are funded from the council's own resources, supplemented by State road grants. The initial selection and prioritisation of works to be funded is also a matter for the council.

Prior to the financial crisis, applications for funding for road improvement projects would have been considered as part of the specific improvement, strategic, regional and local road grant schemes. However, the extent of the cutbacks in grant funding during the crisis meant that these grant schemes had to be curtailed after 2013 because expenditure on maintenance and renewal was falling well short of what was required to adequately maintain the regional and local road network.

The national development plan provides for the gradual build up in funding for the road network but it will take some years yet to reach the level required for the adequate maintenance and renewal of the network. For this reason, there is limited scope at present for funding projects under the specific and strategic grant programmes.

Any projects proposed by local authorities for consideration under the specific and strategic grant programmes are assessed by the Department on a case-by-case basis. All projects put forward by local authorities for consideration must comply with the requirements of the public spending code and my Department's capital appraisal framework, and it is important for local authorities to prioritise projects within their overall area of responsibility with these requirements in mind.

Under the capital project appraisal process a preliminary appraisal has to be submitted in relation to each proposed project. Once an appraisal is received, it is assessed taking into account other competing projects, and the overall roads budget. To date, no application has been received by my Department from Louth County Council in relation to the port access northern cross road. It is of course open to the local authority to bring forward a proposal subject to the public spending code and capital appraisal framework. It would then be considered in conjunction with other proposals, taking account of limited resources.

**Deputy Imelda Munster:** I have raised this issue with the Minister on several occasions, as he is aware, and each time the response has been the same. The previous responses the Minister has given were that given the cutbacks in State funding for regional and local roads since the financial crisis it has been necessary to curtail the grant programme for major new, regional and local road schemes and for major realignment schemes in order to protect the funding available for the maintenance of the existing network. The Minister has regurgitated that reply each time I have submitted a question to him. The Minister stated "curtail" but that is a little bit of an understatement. The opportunities to apply for grants have been literally non-existent.

As I stated, I have raised this with the Minister before and I want to explain what the northern environs programme is. It is a plan to build three neighbourhoods consisting of more than 7,000 houses. This will mean an increase in population of more than 20,000 people in the town of Drogheda. To say that the port access northern cross route is a vital piece of infrastructure is an understatement. It was a dismal failure of the Minister and the Government, although no surprise, that this route was not included in the Project Ireland 2040 plan. There is not even a reference to it. Drogheda receives just third tier status.

The CEO of Louth County Council has also stated that due to the reduction in funding from the Minister's Department there were few, or no, real opportunities to apply for this grant.

**An Leas-Cheann Comhairle:** Go raibh maith agat. I call on the Minister. He has one minute.

**Deputy Shane Ross:** I understand Deputy Munster's need for this road and she has in fact made a very good case for it. It does seem strange to me that no application was received by my Department from Louth County Council with regard to port access on the northern cross road. It is odd as it would have been logical for this to have been one of their priorities and it should have come to my desk at the earliest opportunity. The council has, no doubt, more important roads but I would have thought that the first port of call for Deputy Munster would have been to go to the local authority and ask it to put in an application for this. It is very difficult for me

to respond to this if the local authority has not itself put forward a case for this road. Deputy Munster has herself put forward a very good case for it.

**Deputy Imelda Munster:** As I said, the CEO of Louth County Council said there were no real opportunities to apply for funding, given all of the cutbacks in the Department. I have some good news for the Minister, however. Louth County Council is working on a project submission for urban renewal and regeneration funding under the Project Ireland 2040 plan and the northern cross route will be part of that. Will the Minister give a commitment to grant the application the necessary funding for this vital piece of infrastructure? Given the magnitude of the development and the necessity for this port access crossroad, and given that Drogheda is in gridlock as it stands, without trying to accommodate 20,000 people - planning permission has already been granted for 5,000 of these houses - will the Minister give a commitment here and now that he will release the funding once he receives the application, and that this will also be included in the Project Ireland 2040 plan? He mentioned that he has not received an application but I hope he will do so when he does.

**An Leas-Cheann Comhairle:** A final response from the Minister.

**Deputy Shane Ross:** I do not think that this application will come to me so I am afraid that I cannot give this commitment. The urban regeneration and redevelopment fund is under the aegis of the Department of Housing, Planning and Local Government. This fund was launched as part of Project Ireland 2040 to support the regeneration of five cities and large towns and will operate on a competitive bid and Exchequer grant basis, with matching 25% funding from other public and private sector sources. The closing date for applications is next week, 28 September, and a further call is anticipated for mid-2019. I am very glad that Louth County Council has now made this application but as far as I know it will not be coming to my desk-----

**Deputy Imelda Munster:** It should be coming to the Minister's desk.

**Deputy Shane Ross:** It will not come to my desk. It will be going to the Minister for Housing, Planning and Local Government-----

**Deputy Imelda Munster:** Should there be funds in the Minister's Department?

**Deputy Shane Ross:** -----so perhaps then, it should make that application to him. My Department understands that Louth County Council submitted an application under the local infrastructure housing activation fund, LIHAF, and that the estimated cost of the project was of the order of €7 million with proposed funding of €5.4 million. We understand that the northern cross route was not among the projects selected for that application either.

### **Driver Licence Applications**

3. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport his views on whether asylum seekers should be able to obtain driver licences in view of the recent decision to award the right to work to asylum seekers. [37874/18]

**Deputy Robert Troy:** What is the Minister's view on whether asylum seekers should be able to obtain driving licences, in view of the recent decision to award asylum seekers the right to work?

**An Leas-Cheann Comhairle:** The Minister has two minutes and I ask him to observe it.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** As the Deputy will be aware, historically Ireland has not issued driving licences to asylum seekers.

The court ruling earlier this year stating that asylum seekers may work while awaiting the outcome of their asylum applications has little or no direct relevance to driver licensing law. The two issues are legally quite distinct, and the court ruling does not change the position.

I have however asked my officials to re-examine the question of whether we should issue driving licences to asylum seekers, as I know some EU member states do. The matters at issue in the case of driver licences for asylum seekers are matters of both EU and national driver licensing law. I understand, based on legal advice, that it would be possible to issue asylum seekers with driving licences and I would be happy to consider that once other matters are resolved.

The other matters relate to the integrity of the driver licensing system. Driving licences allow people to drive but they are also widely used as proof of identity in other circumstances. It is a core component of the driver licensing system that the identity of applicants has to be verified. The Government's policy is that identity for applicants for licences should be verified to what is called the Standard Authentication Framework Environment, SAFE 2 standard. It would not be acceptable to issue driving licences to some people only if they meet this standard of ID verification while allowing others to receive a licence without meeting this standard. I appreciate that some asylum seekers will not be able to verify their ID to this level.

Finally, we have to consider what will happen if an asylum seeker receives a driving licence and is subsequently turned down for asylum. It will be necessary to have a mechanism in place so that the Road Safety Authority, RSA, as the national driver licensing authority, can be notified immediately and can cancel the licence.

I have written to my colleague, the Minister for Justice and Equality, regarding these issues. When the issues concerned have been resolved, I will be happy to consider issuing driving licences to asylum seekers. I shall consider the situation further when these matters have been addressed.

**An Leas-Cheann Comhairle:** Deputy Troy has two minutes.

**Deputy Robert Troy:** The Minister referred to the decision made by the Supreme Court in May of last year to strike down as unconstitutional the absolute ban on asylum seekers working. This has forced the Government finally to address the need to reform the direct provision system. The Minister is right - historically asylum seekers could not work. Because of the Supreme Court decision, however, they now have a right to gain access to work. Some asylum seekers live in areas without readily available access to public transport and if we are serious about helping them into the workforce then one essential requirement is that they be able to obtain a driving licence, buy a car and travel to work. I welcome the Minister's confirmation today that he is reviewing this matter. There are a number of potential difficulties that he must overcome. I ask that we put a tight timeline on this. When can we expect the Minister to come back to the Dáil with an answer on this? When can asylum seekers reasonably expect to be in a position to apply for a driving licence?

**Deputy Shane Ross:** I do not want to give the Deputy a very firm date because this is quite a complicated legal issue. Identity verification is difficult. I am as enthusiastic as he is to re-



solve this problem and see that there will be no overriding obstacle to asylum seekers getting driving licences. The key difficulty in issuing driving licences to asylum seekers, however, is identity verification. Ireland has determined that the appropriate level of ID verification is the standard referred to as the Standard Authentication Framework Environment, SAFE, level 2. Asylum seekers come to the jurisdiction with a variety of documentation or, potentially, in some cases with no documentation at all. Verification of ID to SAFE 2 level may be, practically speaking, impossible in some cases. If we are considering issuing driving licences to asylum seekers then it would be possible to take one of the three positions. It would make sense to issue licences only to asylum seekers whose ID would be verified to SAFE 2 standard.

There is obviously also the problem of the post-refusal of asylum. In cases where a person was refused asylum he or she would no longer have a right to remain in the jurisdiction. It is surely arguable in such cases that the individual is no longer normally resident - one of the qualifications - and therefore no longer eligible to be issued with a licence. A decision would then have to be made as to whether a driving licence issued to an asylum seeker should be cancelled if his or her application for asylum is rejected.

**An Leas-Cheann Comhairle:** We will move on. I ask all Members to co-operate with me, because we will be embarrassed again today if we only answer a few questions. The clocks are very obvious. I call Deputy Troy.

**Deputy Robert Troy:** The Minister has already himself confirmed that asylum seekers in other EU states have access to a driving licence. The challenges, therefore, are not insurmountable.

The Minister needs to set a tight timeframe so that we have something to work towards. If he does not set such a timeframe, this problem will have the potential to go on and on. People who come to my clinic and I am sure other clinics want to work and are eligible to work, but they cannot get to work because they live in areas where they do not have access to public transport to bring them to work. The Minister spoke about the continued eligibility of someone who has been refused the right to remain. I remind him that people lose their driving licences every day of the week. It is not an insurmountable problem. I ask the Minister to put in place a tight timeframe we can work towards to ensure people who want to go out to work can access motor cars to enable them to do so.

*11 o'clock*

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

**Deputy Shane Ross:** I am very eager to expedite this. I have responded to the Department of Justice and Equality on this issue. It recognises that it is an issue. I acknowledge that other countries do not necessarily have the same problems and have already granted this particular avenue. I will ask my officials to engage urgently with the Department of Justice and Equality on this matter with a view to resolving the problem that has rightly been identified by the Deputy. There is a need to look at it not only as it applies to normal residency, but also as it applies after asylum has been refused. In addition, the problems of identification are thorny and difficult ones. As the Deputy will be aware, the legislative process is slow but there are ways for us to hurry it up. Obviously, our approach will be subject to the advice of the Office of the Attorney General, which has the potential to look very thoroughly at an issue of this sort. Although we might want to hurry up the legislative process, we need to ensure the law that is introduced is robust.

## **Airport Policy**

4. **Deputy Michael Harty** asked the Minister for Transport, Tourism and Sport the reason Shannon Airport continues to be under the regulation of the Commission for Aviation Regulation for the purposes of airport charges in view of the fact that Shannon Airport is an independent airport and has passenger numbers at the threshold for participation in the regional airports programme. [37888/18]

**Deputy Michael Harty:** I ask the Minister to explain why Shannon Airport continues to be under the regulation of the Commission for Aviation Regulation for the purposes of airport charges, given that it is an independent airport with passenger numbers at the threshold for participation in the regional airports programme.

**Deputy Shane Ross:** I thank Deputy Harty for his question. Shannon Airport is subject to very limited regulation by the Commission for Aviation Regulation, which sets charges for access to certain terminal facilities in compliance with an EU directive on ground-handling services. Unlike Dublin Airport, it is not subject to economic regulation. In the case of Dublin Airport, the regulator sets the maximum passenger charge that can be levied on airlines for the use of airport facilities and services due to its dominance in the market. Ireland's regional airports programme is intended to support necessary safety and security investments and activities by the smaller regional airports at Donegal, Knock, Kerry and Waterford to enable them to continue to contribute to enhanced regional connectivity. Under this programme, Exchequer funding is allocated through a number of schemes to cover capital and operational expenditure at those airports. Passenger numbers at these small airports are less than 1 million per annum. The support that is provided helps them to comply with international safety and security regulatory obligations. There are no plans to extend this programme to other airports.

Shannon Airport is a business within Shannon Group, which was established in 2014 following a Government decision to combine the airport with a restructured Shannon Development. The purpose of the group is to promote and facilitate air transport and aviation services in and around Shannon Airport and to optimise the return on its land and property and on its shareholdings in subsidiary companies. Shannon Group and its board, management and staff are to be commended for its achievements since then. For example, it increased its passenger numbers by approximately 25% to 1.75 million in 2017. It has increased its services and routes, successfully delivered the first phase of an investment programme in new and upgraded property solutions and increased its aviation cluster from approximately 40 companies with approximately 1,400 employees to approximately 60 companies with approximately 2,600 employees. It has restructured its Shannon Heritage business, invested in its various sites, improved its product for tourists and won contracts for the management of other sites, including the GPO visitor centre and Newbridge House. As Shannon Airport is a State-owned enterprise with a fully commercial mandate, it is not considered appropriate or necessary to bring it within the framework of the regional airports programme. It is a matter for Shannon Airport to ensure it operates within its mandate as efficiently and effectively as possible so it can cover its capital investments and operational expenditure.

**Deputy Michael Harty:** I thank the Minister. It is good to be discussing matters relating to the future of Shannon Airport on the floor of the Dáil. The future of the airport is inextricably linked with the need for balanced regional development in the mid-west region and along the Atlantic economic corridor. Shannon Airport is a key economic driver in the region. Foreign

direct investment companies see Shannon Airport as a critical piece of infrastructure that is central to the economic success of the region. EU rules allow capital expenditure supports to be provided to airports that are used by fewer than 3 million passengers per annum. The Government gives no financial support to Shannon Airport, which is used by 1.7 million passengers per annum, but it provides support to smaller privately-owned regional airports for capital investment and operational matters, such as security requirements. A policy change is needed to treat all airports outside Dublin on an equal basis. If the Minister is sincere about the Project Ireland 2040 ambition to drive effective balanced regional development, he needs to make the case for policy change to ensure Shannon Airport receives equitable support. In that regard, in 2017 the EU amended the general block exemption regulation, which allows airports of fewer than 3 million passengers to receive aid to be used for investment in safety and security. I ask the Minister to consider looking at that regulation and implementing policy change.

**Deputy Shane Ross:** The Deputy is right when he says that this aid is restricted to safety and security. My understanding - the Deputy can correct me if I am wrong - is that the real problem at Shannon Airport is that concerns have been identified about capital expenditure which is required for the mandatory upgrading of equipment to comply with the revised hold baggage screening standards. This expenditure, which has not been accounted for in Shannon Group's financial forecasts, is likely to be approximately €10 million and will present significant difficulties for the group. The new hold baggage screening requirements are mandatory for all airports. Shannon Airport will have to overcome the difficulty it is facing in this regard. My officials are engaging with the Shannon Group to get a better understanding of all the elements relating to this issue. Even if Shannon Airport were to be included in the regional airports funding programme, I am not sure whether funding for safety and security would really fulfil the current needs of the airport. Shannon Airport is a different creature from the regional airports. It has competitors but it does not have an economic regulator.

**Deputy Michael Harty:** The ability of Shannon Airport to increase its passenger numbers and be a successful airport is a related issue. There needs to be a policy change to support the connectivity and the traffic numbers coming through Shannon Airport. In the last five years, 95% of all passenger growth has been in Dublin Airport. Project Ireland 2040 sets out a vision for attracting jobs to the regions and ensuring economic growth is distributed fairly. IDA Ireland has regional targets for foreign direct investment. I think Tourism Ireland should also have regional targets to ensure there is a fair distribution of visitors to Ireland through airports other than Dublin Airport, including Shannon Airport. In 2016, some €12.6 million was invested in marketing Ireland. Approximately 95% of growth has occurred in the Dublin region, which gets 87% of the incoming traffic. It would appear that the vast majority of the money is being spent in the Dublin region and not in the other regions. I think there should be an examination of how the money being invested in marketing is dispersed across the other airports. In my view, Shannon Airport is not getting a fair proportion of that funding. I have two questions for the Minister. How much money has been spent on marketing airports outside Dublin? Will the Minister implement policies to attract more traffic to our regional airports in order to reverse the total dominance of Dublin Airport?

**Deputy Shane Ross:** The problem here is that Shannon Airport is a different creature from Dublin Airport, which has a monopoly. The latter must have a regulator for that reason. The Commission for Aviation Regulation regulates all elements of the activities at Dublin Airport very strictly. The regulation in Shannon Airport is much restricted, as I said in my opening remarks, to terminals and other groups. The difficulty here is that the airport is a business within

the Shannon Group, which was established in 2014, and a State-owned enterprise with a fully commercial mandate. It is not considered appropriate or necessary to bring Shannon Airport within the framework of the regional airports programme. The regional airports are nakedly and openly subsidised but Shannon Airport is not considered suitable for a clear subsidy because it has a commercial mandate and competitors. It is not regulated by the CAR except in very limited circumstances.

### **Cycling Facilities Funding**

5. **Deputy Róisín Shortall** asked the Minister for Transport, Tourism and Sport his plans to significantly improve the share of transport funding to allow for the construction of cycle lanes that are separated from general traffic and for other safety improvements in view of the increase in the number of persons commuting by bicycle in recent years and the ongoing dangers posed to cyclists by the lack of safe cycling infrastructure; and if he will make a statement on the matter. [38027/18]

**Deputy Róisín Shortall:** In view of the significant increase in the number of people commuting by bicycle and the ongoing dangers posed to cyclists by the lack of safe cycling facilities, particularly the lack of cycle lanes segregated from general traffic, will the Minister outline his plans to significantly increase the funding to provide segregated cycling lanes and other safety measures which are so urgently needed?

**Deputy Shane Ross:** I thank the Deputy for the very topical and important question.

Over recent years, data published from various sources show an increase in the number of people commuting by bicycle. Recent data published by Dublin City Council and the National Transport Authority, NTA, in the annual canal cordon report show an upward trend of cyclists crossing the canal which continued between 2016 and 2017, with numbers increasing by 3%. There has been a steady year-on-year growth in the number of cyclists crossing the cordon since 2010. In 2017, almost 12,500 cyclists crossed the cordon in the morning peak period. This represents an increase of more than 150% when compared with 2006 and an increase of more than 57% in the past five years. The Central Statistics Office has also published statistical information on cycling, including the national travel survey which illustrates the prevalence of cycling and the upward trends in cycling numbers.

Cycling numbers have shown a steady increase in recent years, which is one of the reasons I worked to secure a substantial multi-annual funding allocation for this area as part of budget 2018. The increase I secured has allowed more than €110 million of capital funding to be directly allocated to develop cycling and walking infrastructure in the greater Dublin area, Galway, Limerick, Cork and Waterford in the period from 2018 to 2021. The programme will provide safe alternative active travel routes that will help alleviate congestion by providing viable alternatives and connectivity with existing public transport infrastructure. Details of individual projects are managed by the NTA.

Over the same period, a further €135 million capital funding is allocated for investment in sustainable urban transport projects. These will include projects that will provide either direct or indirect improvements for urban cycling. This programme builds on investment to date to deliver improvements in public and sustainable transport infrastructure in the regional cities and the greater Dublin area. It includes traffic management, bus priority and other smarter

travel projects, which will allow transport infrastructure to function more effectively and will help relieve traffic congestion and therefore improve safety for cyclists.

*Additional information not provided on the floor of the House*

In addition to both these allocations, the considerable investment of approximately €750 million for BusConnects that aims to reconfigure the bus network and infrastructure over the coming years will deliver the construction of significant new cycling facilities alongside bus routes. The NTA calculates that BusConnects for Dublin will deliver more than 200 km of cycle lanes on the key radial routes into Dublin city centre. This will provide safe cycling arrangements along these corridors, largely segregated from other traffic.

In addition to funding for the provision of infrastructure, my Department continues to be very active in promoting behavioural change to encourage more people to take up cycling and cycle safely. As well as funding national initiatives such as Bike Week, my Department also provides funding to the NTA on an annual basis for the delivery of behavioural change programmes such as workplace and campus travel programmes and the green schools programmes. My Department also engaged Cycling Ireland to develop a new national cycle training standard, Cycle Right, which was rolled out in January 2017 to approximately 15,000 primary school students. My Department also supports the great work that is being done by the Road Safety Authority in the promotion of safe roads for all road users, including more vulnerable users such as cyclists and pedestrians.

**Deputy Róisín Shortall:** While we all recognise there has been a substantial increase in the number of people commuting by bicycle, cyclists only account for 3% of commuters. Among children commuting to school the figure is even lower at 2%. There is potential for more people to cycle. It is a very laudable objective and one the Government should be clearly behind because of its impact on personal health and activity levels, reducing congestion, CO2 emissions and so on. There is much to benefit society by encouraging and supporting more people to cycle.

It all boils down to funding and unfortunately funding levels have been incredibly low in recent years. In a recent reply to me, the Minister stated that the amount provided for cycling was only 2.2% of the overall road transport budget last year. Clearly there is a huge amount of ground to make up. It is a matter of setting very clear targets. Does the Minister accept the safer we make cycling, the more people will start commuting by bicycle? The lack of safety and segregation of cycle lanes is a big barrier to people deciding to cycle to work, school or college. Will the Minister indicate what percentage of the road transport budget he believes needs to be dedicated to cycling?

**Deputy Shane Ross:** I accept what the Deputy says. It is indisputably true that the safer the roads are for cyclists, the more cyclists there will be. Perhaps because I did not finish my first reply, I did not spell out some of the other intentions we have for cycling and the commitments we have made. The €110 million is a trebling of the amount to be spent on walking and cycling. The Deputy is correct that we did not allocate enough to cycling and we have a great deal of catching up to do. We are well behind many countries. I also acknowledge all the benefits of cycling she mentioned. I said earlier to Deputy Troy that I have bought in to cycling. It is something we have to spend money on and commit to for all sorts of reasons, not only the obvious ones but also for health reasons.

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BusConnects, which is coming through in Dublin and which we will debate later this evening, will deliver more than 200 km of cycle lanes on the key radial routes into Dublin city centre. These will provide for safe cycling arrangements and will be largely segregated, which is what the Deputy seeks. They will not be completely segregated but, wherever practical, they will be largely segregated. That is a major commitment, not only to cyclists but also to cyclists' safety. We are spending approximately €750 million on BusConnects, of which cycling is a large and important ingredient.

We are also spending a large amount of money on greenways. We have made a capital allocation of more than €55 million to greenways, which will obviously be a commitment to cyclists. A further €135 million in capital funding has been allocated to sustainable transport for the period ahead.

**An Leas-Cheann Comhairle:** All my suggestions are falling on deaf ears. Deputy Shortall may ask a final supplementary question.

**Deputy Róisín Shortall:** *Cyclist.ie* has called for 10% of the overall transport budget to be allocated to improving cycling facilities. Does the Minister accept that figure? He has said he is committed to improving facilities for cyclists. What target is he working towards in terms of the percentage of transport funding that he will allocate to improving cycling facilities? Does he accept that setting a clear target is the only way of making progress in this area? The Minister spoke about BusConnects. What percentage of the BusConnects budget will be allocated to cycling? While the greenways are very popular and a great help in improving tourist numbers, my concern is with commuting in Dublin in particular and also in the other cities. What is the Minister's target for the percentage of the transport budget that will be allocated towards cycling? What timescale does he have in mind to reach that target?

**Deputy Shane Ross:** I will respond to that in as far as I can. I cannot and will not give the Deputy a percentage commitment for the allocation to cycling but I will give her the figure of €110 million, which is a trebling of what we had before. It is a very large and significant step change in a commitment to cycling which was not there in recent years. I fully concede that this is necessary. We must educate people, provide facilities and reassure them that cycling is safe.

**Deputy Róisín Shortall:** It is not.

**Deputy Shane Ross:** There is a current narrative to the effect that cycling has not been safe. That has some justification. It has certainly got some support, and it has got a little bit of movement and traction. I want to reassure people by providing these segregated cycling lanes, particularly in the cities to which the Deputy refers, and by introducing other measures. Safety is the most important element in the whole transport portfolio. By introducing other measures, upon which I will be making other announcements shortly, I will ensure that cyclist safety is a top priority.

## Ceisteanna Eile - Other Questions

## **Rail Services Provision**

6. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport the action taken by him to address the fact that Iarnród Éireann's new timetable has reduced the service to commuters in Portmarnock. [37718/18]

53. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the considerable issues that are presented by the recent review of Irish Rail timetables; the steps he will take to address these issues; and if he will make a statement on the matter. [37872/18]

**Deputy Clare Daly:** I am shocked that we are only concluding priority questions now, at 11.20 a.m. I assure the Minister that I will be sticking to the allotted time and I hope he does too.

Like other Deputies in my constituency, I had to spend the summer, especially the last two weeks, dealing with very irate Portmarnock train users who were the victims of a so-called improvement in Iarnród Éireann DART services to the north side of Dublin and beyond. It came at the expense of Portmarnock residents. I wonder if the Minister is aware of it. Has he done anything about it?

**Deputy Shane Ross:** I propose to take Questions Nos. 6 and 53 together.

As Minister for Transport, Tourism and Sport I have responsibility for policy and overall funding relating to public transport. I am not involved in the day-to-day operations of public transport. The operation of Iarnród Éireann services, including the new DART timetables, is a matter for the company with oversight by the National Transport Authority, NTA.

The DART and commuter rail services carried almost 33 million passenger journeys in the Dublin region in 2017, an increase of 6% compared with 2016. The DART had a growth rate of 29% in the period from 2013 to 2017.

**Deputy Robert Troy:** That refers to the people using the service.

**Deputy Shane Ross:** As I mentioned in my response to Deputy Troy, the DART expansion programme is a key feature of Dublin's future transport infrastructure that is proposed in the NTA's transport strategy for the greater Dublin area for 2016 to 2035. The DART expansion programme is a series of projects that will create a full metropolitan area DART network for Dublin with all the lines linked and connected. The estimated cost of the DART expansion programme is €2 billion. The NTA and Iarnród Éireann are in the process of defining an overall integrated schedule for the DART expansion programme with numerous projects to be completed by 2027.

As I mentioned, as part of the DART expansion programme and the move to a ten-minute frequency for DART services, Iarnród Éireann introduced a new timetable on Sunday, 9 September to provide for enhanced DART frequency. The new DART timetable involves increasing services between Bray and Howth Junction and Donaghmede from a 15 minute frequency to a ten-minute frequency, with the Howth Junction and Donaghmede to Howth and Malahide segments of the network improving from a 30 minute DART service to a 20 minute service. The DART service from Greystones to Bray remains at a 30 minute frequency.

Frequently, the introduction of new timetables gives rise to some teething issues that need to be addressed to improve the service for customers. As I indicated in my response to the Deputy's earlier priority question, the main issue that has arisen with this timetable change relates to capacity on the north side of Dublin. I am assured that Iarnród Éireann is working with the NTA to iron out those problems, and I am aware that as a direct response to customer feedback, Iarnród Éireann has introduced additional services which will particularly benefit those commuters in Portmarnock.

In summary, with the two additional services now added by Iarnród Éireann, Portmarnock now has the same number of peak morning services as it had before the timetable change and Clongriffin has one extra. Iarnród Éireann has stated that it believes that these changes will address the frequency concerns from customers from Portmarnock and Clongriffin and the capacity issues that have arisen, especially at DART stations such as Harmonstown and Killester.

**Deputy Clare Daly:** As the Minister says, Portmarnock now has the same numbers. I put it to him that this is as a result of the outcry from commuters, which had to be articulated by public representatives, and the week or ten days of nightmare they had to endure. He might also note the fact that the evening service has not been restored and is not up to par. No one expects the Minister to micromanage Iarnród Éireann and he was not asked to do that. Presumably, however, as he is responsible for Iarnród Éireann, the Minister has a role to play in commenting on situations where the health and safety of passengers is endangered. Presumably he has a view on a situation where public representatives must contact Iarnród Éireann seeking information on why Portmarnock was selected for a reduced service supposedly to enhance the service in other areas. When we ask how that decision was reached and what passenger data were used to say that Portmarnock, an area with 1,000 new houses coming on stream, should be the service that would be hit, presumably the Minister has a view and a role to play. He could step in and do something to correct those bad practices.

**Deputy Shane Ross:** I am glad that the Deputy acknowledges that I am not expected to micromanage every railway route in the country, which is something I cannot do. I think it is the first such acknowledgement I have had in this House from anybody. What I can do, and I obviously do, is monitor new projects of this sort very closely when they are introduced to see if they are successful, and to see if passengers are being discommoded generally or in specific places.

In the cases raised by Deputy Troy and by Deputy Clare Daly, I have been struck by the fact that the NTA has reacted very positively and very quickly to the inevitable difficulties. We have seen difficulties in north Dublin with the DART expansion scheme, which is inevitable when a large scheme of this sort happens. We have seen similar difficulties with the Luas in south Dublin. These instances have been marked by the fact that where there were difficulties, the trains were switched back and restored. In fact, the overcrowding which Deputy Clare Daly has addressed has in fact been sorted. That is what a good train or bus operator should do. It should be prepared to make radical changes, and when it has miscalculated - it is not an exact science - it should adjust accordingly. I suggest that is what it has done in Portmarnock.

**Deputy Clare Daly:** I would suggest that it did not. I can tell the Minister that it was not very fast for the people who were on the front line dealing with this issue solidly for the past week or indeed for the passengers who had to endure it. I have never said that the Minister should micromanage the service, but presumably as the Minister for Transport, Tourism and Sport he has a role when the national rail operator puts forward an improvement in the service,



bringing more DARTs but fewer carriages and more frequency but less space for people. He agrees that there is a problem, as he said in his introduction. There is a problem with capacity, not on the south side of Dublin but on the north side. What is he doing to address that problem more expediently?

This is the area where we expect growth. Taking Portmarnock as an example, 1,000 new houses are due in the next year alone. Many more thousands are planned in the immediate future. These are the people the Taoiseach loves, the people who get up in the morning to stand in Portmarnock DART station as the trains go by them, or to be mashed in, with pregnant women and children standing the whole way into town. It is unacceptable and the Minister should be doing a hell of a lot more on it.

**Deputy Robert Troy:** I will take the opportunity to seek clarification from the Minister. He has responsibility for the funding given to Irish Rail to purchase new rolling stock. If I can be very clear, as the Minister said I was not so in my original questions, have the reconditioned carriages been ordered? If so, when were they ordered and when does the Minister expect delivery of same? That is, in what quarter of 2019? How many reconditioned carriages will be delivered for use by Irish Rail? If they have not been ordered, when will they be ordered? The Minister alluded to 300 new carriages in 2020. When were they ordered or have they been ordered? If not, when are they due to be ordered and when will they be delivered and in use? I ask the Minister for a specific year and quarter.

**Deputy Shane Ross:** I told the Deputy the answer to his question, but maybe he was not happy with the answers. The procurement process for additional DART fleet is expected to commence this year, with the contract for approximately 300 new rail carriages expected to be awarded in the second half of 2019. Some 28 refurbished carriages are to re-enter service in 2019, and this will add capacity to a number of services.

**Deputy Robert Troy:** When will the new ones be introduced?

**Deputy Shane Ross:** Iarnród Éireann and the NTA are assessing the availability of additional fleet that could be introduced to passenger services on the rail network across Ireland in the short term. That is a considerable commitment to provide new carriages in the coming years, which I hope will satisfy the Deputy.

Deputy Clare Daly mentioned the number of new houses being built in Portmarnock. She is correct in saying there are 1,000 new houses. That is absolutely to be welcomed. I am glad that the Deputy is acknowledging that there are houses being built in the area. There is, of course, a race to meet them with the necessary infrastructure and that is what is being done. A critical problem is trying to keep the infrastructure going at the same pace as houses are being built. That is what is being achieved by the projects being introduced, not only involving the DART but also the Luas and bus services. To suggest we are not meeting the requirements and do not have the energy or ambition to meet the requirements in the provision of the housing that is also being supplied is disingenuous.

## **Bus Services**

7. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport his plans to ensure the proposed revision of bus services affecting the main towns in north County

Kildare will be carried out in such a way so as to ensure existing services are not interfered with, that the convenience for commuters and passengers remains paramount and that particular attention will be given to meeting the needs of persons with mobility issues who find it difficult to avail of some of the revised services and schedules, as proposed; and if he will make a statement on the matter. [37851/18]

**Deputy Bernard J. Durkan:** This question relates to the ongoing BusConnects review of services which is intended to improve and expand the efficiency and availability of services. In some cases, however, it has a negative effect on existing services; hence the reason I am asking the question.

**Deputy Shane Ross:** Last month the National Transport Authority, NTA, published the Dublin area bus network redesign public consultation report. The report notes that the existing bus network in Dublin and the main towns in north County Kildare is very complex and that it has been designed primarily around overlapping and long radial routes from the city's suburbs taking people into the city centre but with very few orbital routes. Also, recent and proposed improvements to the rail and tram networks require changes to bus services in order to gain the full potential from the improvements. As the Deputy is aware, the city and the greater Dublin area, including its main towns such as Maynooth and Celbridge, are growing and changing, as are the bus journeys people are taking. The report identifies four key strategies to address the issues with the current network: standardise service categories; simplify radial services; build frequent orbitals; and grow suburban feeder networks.

BusConnects Dublin aims to overhaul the current bus system in the wider Dublin region by building a network of new bus corridors on the busiest bus routes to make passenger bus journeys faster, predictable and reliable; completely redesigning the network of bus routes to provide passengers with a more efficient network, connecting more places and carrying more people; developing a state-of-the-art ticketing system using credit and debit cards or mobile phones to link with payment accounts and making payment much more convenient for the travelling public; implementing a cashless payment system to vastly speed up passenger boarding times; revamping the fare system to provide a simpler fare structure; allowing seamless movement of passengers between different public transport services without financial penalty; implementing a new bus livery providing a modern look and feel to the new bus system; rolling out new bus stops with better signage and passenger information and increasing the provision of additional bus shelters; and transitioning - starting now - to a new bus fleet using low-emission vehicle technologies

Against this context, the NTA is progressing the roll-out of BusConnects, commencing in Dublin. BusConnects Dublin provides the foundation for this overall transport system, with the revised bus system projected to carry the majority of passengers across the region and provide key linkages to serve the needs of Dublin into the future.

*Additional information not given on the floor of the House*

While there will be concerns about any change, these strategies will deliver many benefits for the customer: much simpler city services; a much simpler fare structure and provide more frequent all-day services through new and frequent orbital services, interchanging with local services and high frequency radial spines. Under the proposals, an overall increase in services of 27% is expected, which, as far as customers are concerned, can only be good. The NTA estimates that, of people who currently have a direct service to the city centre, 92% will continue

to have such a service under the new bus network proposals.

As the Deputy is aware, the NTA, supported by Dublin Bus, has embarked on a process of full public consultation on these bus proposals involving local brochures, local face to face events organised at various locations around the city and the surrounding region, digital imaging of the network, online surveys and consultation with user groups. They are both listening to people who have suggestions to make on how these plans can be made even better. The public consultation process will run until 28 September and presents a great opportunity for people to have their say before the plans are finalised by the NTA. The NTA expects to publish the findings of the public consultation phase before year end.

The NTA understands the issue of interchange is more difficult for elderly people and people with disabilities. Accordingly, it intends to make changes between services as seamless as possible. It is planning that each key interchange location will have a bus shelter, seating, lighting and passenger information. Where bus routes intersect at a junction, the bus stops will be moved as close as possible to the junction to minimise any walking required during the bus interchange and pedestrian crossings will be added, where necessary.

It is envisaged that BusConnects will deliver a bus system that will enable more people to travel by bus than ever before and allow bus commuting to become a viable and attractive choice for employees, students, shoppers and visitors travelling between the city and surrounding regions.

**Deputy Bernard J. Durkan:** I thank the Minister for his comprehensive reply. The presumption is that the target is to improve the quality, frequency and efficiency of services in moving people from A to B as quickly and effectively as possible. Unfortunately, it also involves interference with some of the existing services in a way that might be difficult for people with mobility issues and who have already become accustomed to certain services. Will the Minister make a particular effort to ensure people who are generally in the middle of the towns or close-by will continue to have available to them the services to which they have become accustomed? I ask this for the very obvious reason that if one takes something away from people who have become accustomed to it during the years, it creates a problem.

**Deputy Shane Ross:** I can understand the Deputy is concerned. There are always significant concerns when something as major as this happens, particularly among those who have travelled on the same bus route at the same time for many years, particularly senior citizens, who find the changes difficult to cope with. However, the changes are necessary and people will come to accept them because they will get them from one place to another much more quickly.

On mobility concerns which the Deputy addressed specifically, at the interchange points being introduced as part of the BusConnects project special efforts will be made to ensure changes are close to each other in order that people with mobility concerns will not have to move very far, particularly at junctions. There will also be special information available to accommodate them, in addition to special shelters. The Deputy will be aware that I have appointed to all of the transport companies directors with experience of dealing with people with disabilities or who have been disability service advocates. I believe they will look after mobility concerns particularly well in this project.

**Deputy Bernard J. Durkan:** I thank the Minister for his reply. The only thing that worries me is that I saw a reply to a letter I sent to the Department recently, in which it was indicated

that one bus stop was close to another. I assure the Minister that, for people with mobility issues, it was not. The reality is that the stops were at least 300 m or 400 m apart. To an able-bodied person, that is nothing, but to a person with a mobility issue, it is a long distance. Insofar as it is possible to do so, the Minister should do his best to ensure services to which people have become accustomed will be retained. Incidentally, there was no bus service between Maynooth and Celbridge when I first became involved in this business. There was also no bus service to Captain's Hill in Leixlip. I would certainly like to see the services continue uninterrupted and to see them enhanced, rather than interfered with, to deal with the wider issues that need to be dealt with. It is a matter of doing the two together, if possible.

**Deputy Shane Ross:** I sympathise with the Deputy in what he is saying. Some of the changes, as portrayed, will not be suitable. Every Deputy should take seriously the point that there has been widespread consultation. A large number of meetings have been held throughout the Dublin region to accommodate people who have difficulties. Some of the concerns being expressed are totally justified and some will be considered by the NTA sympathetically, particularly where communities are being cut off or inconvenienced unacceptably. From my conversations with the NTA when it made the presentations and the feedback I am getting at the consultations, there is real dialogue on BusConnects, with the result that where there are real difficulties and a large number of people encountering problems, there will be some adjustments made.

## EU Regulations

8. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport the progress and timescale of the legislation for the establishment of the competent authority under EU Regulation No. 598/14. [37715/18]

**Deputy Clare Daly:** I am wondering where is the legislation to establish the competent authority under EU Regulation No. 598/14. I pose the question particularly in the context that Fingal County Council is advertising a Dublin Airport noise action plan and operating as the competent authority, which, as we know, is the preference of the Government. However, the authority has not been given that power in law. I wonder what the Minister will do if we decide not to give it to it.

**Deputy Shane Ross:** I note and welcome the Deputy's consistent interest in this issue. As she is aware, the Government has agreed to my proposal to pursue an accelerated process in support of draft legislation to give effect to EU Regulation No. 598/14. Before the summer recess, I presented an outline of the proposed legislative approach and a detailed timeline for its implementation to the Oireachtas Joint Committee on Transport, Tourism and Sport, very shortly after it had been endorsed by the Government. I also directed my officials to brief other Members of the House on the same matter. I understand a number of advisers attended in place of some Members. Good progress has been made during the summer. My Department, in close co-operation with the Department of Housing, Planning and Local Government, has been working in accordance with the agreed timeline, which envisages the publication of a Bill at the end of October and anticipates a speedy legislative process to make it an Act by the end of the year. This is a challenge, but every effort is being made to ensure it happens as planned.

The complexity in the drafting of this Bill should not be underestimated given that there is significant amount of interaction between Regulation 598/14, the 2002 environmental noise

directive, and our domestic planning and development framework. It is important to note that the EU regulation requires full public consultation before the competent authority makes a final decision about noise related operating measures or restrictions at the airport, and we are working to ensure that the Bill will afford all stakeholders the opportunity to express their views.

The Bill will also provide for an independent appeals process, with An Bord Pleanála to be appointed as the appeals body. As I have said in this House, I have every intention of bringing forward a Bill that strikes a balance between the rights of local residents, the DAA as the regulated entity, and the broader national interest, in recognition of the crucial importance of our primary national airport.

As a next step, a general scheme of the Bill will be presented to and discussed in session with the Joint Committee on Transport, Tourism and Sport within the next few weeks in accordance with pre-legislative scrutiny arrangements. The formal Bill will then be finalised during October in advance of being presented to this House in very early November. I am more than happy to keep Deputies apprised of developments as we move through the next month or so, and I very much hope that this will allow broad support for the Bill when it is presented.

**Deputy Clare Daly:** I have studied all of the documents from the Minister's briefing. I note his point that he is confident that he is on schedule. We will take that it up with him in time. The Minister did not, however, respond to my question on what he will do if, in the period of consultation and the coming before this House of the legislation, this House does not agree with the Government's decision to appoint Fingal County Council as the competent authority, which has been an incredibly controversial decision locally. I refer to the Minister's response to a question from Deputy Troy on this issue during a recent meeting of the Joint Committee on Transport, Tourism and Sport in which he said that some jurisdictions appointed organisations that are equivalent of the IAA but that most appointed bodies similar to Fingal County Council. In this regard, the Minister mentioned Germany, Denmark, the Netherlands, Luxembourg, Hungary, Greece, Finland and France. I put it to the Minister that the Danish transport authority, the Dutch ministry for infrastructure and water management, the Luxembourg ministry of sustainable development and infrastructure, the Hungarian ministry for national development, the French directorate general of civil aviation and the department of environment, and the Finnish transport safety agency are not the equivalent of Fingal County Council.

**Deputy Shane Ross:** I am not saying they are the equivalent of Fingal County Council. On the Deputy's question regarding what actions are being taken by Fingal County Council, it is preparing for this appointment. It is the competent authority-designate in anticipation of Members of this House approving the appointment. This House is sovereign and, if it does not approve it, we will have to return to the drawing board.

**Deputy Robert Troy:** For the fourth time.

**Deputy Shane Ross:** We are making preparations for this because it is urgent. This has to be done as soon as possible. As the Deputy will be well aware, earlier in this story there were delays which were unexpected, mostly in the Attorney General's office, which meant that we unexpectedly had to make decisions we did not anticipate would have to be made. We are now on target.

**Deputy Robert Troy:** On target two years later.

**Deputy Shane Ross:** Fingal County Council is the competent authority-designate. If the

House decides differently, that is a matter for the House.

**Deputy Clare Daly:** The Minister says he is making the preparations, but in doing so he is spending a lot of public money that might be wasted. If he were really making the preparations, he would have brought forward the legislation to this House as the first step. Ireland is an outlier in that it is taking a different route from most of Europe. I note that the Minister used the term “similar” rather than “equivalent” but Fingal County Council is not similar to any of the organisations I mentioned. The DAA is its biggest ratepayer and it has operated in regard to the previous planning permission such that in no way could it be viewed as independent. Independence in regard to noise regulation is key in terms of this regulation. It is supposed to be for the benefit of communities and in that sense a listening experience. Will the Minister respond to my point? He said that the House could overturn the decision, which could be a huge waste amount of money in terms of the preparations that are being made by Fingal County Council. Why has this route been chosen when no other jurisdiction has done similar?

**Deputy Shane Ross:** As I explained to the joint committee in July, Fingal County Council has responsibilities under an EU environmental noise directive-----

**Deputy Robert Troy:** That is a joke.

**Deputy Shane Ross:** -----which encapsulates responsibilities relating to noise caused by conurbations and major transport infrastructures, including roads, railways and airports. In addition, having regard to its planning functions, it has considerable experience and expertise in the conduct of environmental impact assessments, EIAs, and in managing extensive public consultations. There are, therefore, synergies arising from the assignment of this additional role.

On the issue of whether Fingal County Council is conflicted, I am aware that concerns have been raised around the designation of Fingal County Council as the competent authority and whether it is independent given the rates it receives from the DAA. Following close examination of the figures, it is my understanding that the DAA rate of demand for 2018 is approximately 15% of the total rates levied by Fingal County Council and represents approximately 8% of the council’s overall budgeted income. Therefore, I do not accept the claim that Fingal County Council is unduly beholden to the DAA for its income. Further, the council will be provided with the appropriate resources to undertake the additional role.

## Road Signage

9. **Deputy Mary Butler** asked the Minister for Transport, Tourism and Sport if a road traffic and speed survey on a portion of the N25, details supplied, will be considered. [37710/18]

**Deputy Mary Butler:** Will the Minister consider the undertaking a road traffic and speedy survey on a portion of the N25 from Kilmeaden to Carrolls Cross?

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank Deputy Butler for her question. As stated in response to questions from other Deputies, as Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in for the national roads programme but I will be as helpful as I can within that context.

Under the Roads Acts 1993-2015, the planning, design and operation of individual roads is a matter for the relevant road authority in relation to local and regional roads or for Transport

Infrastructure Ireland, TII, in conjunction with the local authorities concerned in relation to national roads. Consequently, the TII and the local authorities have responsibility for signs and road markings in accordance with the traffic signs manual, TSM, which is issued under my direction as Minister for Transport, Tourism and Sport. The TSM sets out the standards for signing and road markings to be used on all roads in the country.

With regard to the specific question raised by the Deputy, I understand from the TII, the N25 route was remarked under the national road delineation programme in 2015. Road markings on each road route are designed from end to end by a contracted competent team in accordance with the TSM. Any non-compliant markings or markings that do not accord with the provisions of the manual are removed as part of the remarking contract.

Proposals regarding safety improvement works are matters which are normally developed in the first instance by the relevant local authority, in this case Waterford City and County Council. For the TII to consider fully any such proposals relating to national roads, the local authority is required to carry out an analysis of the collision history at the location and design an appropriate scheme to deal with any safety issues identified. In addition, the local authority is required to carry out an economic appraisal of the proposal, cost the scheme fully, prepare a feasibility report, and prioritise the scheme relative to other works proposed by the local authority.

There are no specific road markings or arrows for so-called turn-offs for residential access. All junctions are marked in accordance with the provisions of the TSM, as I have just outlined.

Ultimately, the aim is to have consistency of approach across the country and it is the responsibility of each local authority, in conjunction with the TII with regard to national roads, to ensure that the appropriate standards, as set out in the TSM, are adhered to. Adhering to a consistent approach to road signs and markings delivers better safety results.

**Deputy Mary Butler:** I thank the Minister for his reply, which explains the problem. The road concerned is the N25, which is the main road from Waterford to Cork, which services traffic exiting from Rosslare Port. The traffic is naturally fast as the vehicles have just exited the motorway. The Minister has rightly said that the delineation was carried out in 2015. Unfortunately the delineation was very good in parts but not as good in others. The Minister said they will not put in markings in residential areas, however the problem is that people exit the motorway two miles up the road on the right hand side. There are eight houses on the road, called Kilmoyemoge East, which leads onto another road that has 100 houses. There is a great deal of traffic, including school buses, and residents are deeply concerned that there will be a serious accident. It is a simple thing to seek line markings on a road for safety.

**Deputy Shane Ross:** The Deputy becomes more convincing the more I listen to her. Her point is a good one. The matter she is raising is one of road safety, which I had not understood from the question. If the Deputy wishes to make representations on this matter, it would be best that she do so to Transport Infrastructure Ireland, TII, to seek its response. It has a particular interest in this and has funding available for road safety black spots. When they address issues of this sort for special treatment they look at the collision record in this area. The TII is always especially sympathetic when road safety issues are raised, particularly when concerns that there are dangers on a particular stretch of road are evidence-based. She should suggest that to them.

**Deputy Mary Butler:** I will make representations to the TII. I reiterate that the main reason for the residents' concern is that other road exits, whether lanes or secondary roads, have mark-

ings and they cannot understand why their roadway should have no markings. Every time they indicate to turn right, they are very concerned that they will be rear ended because of the speed of traffic exiting the motorway.

**Deputy Shane Ross:** I cannot get involved in this directly, however the Deputy has made a very good case for this and I suggest that she provides a full record of what has happened on that road, particularly accidents, to make a convincing case and I will refer it to the TII. Road safety must be the top priority. TII spending on black spots is one of the ingredients in the road safety war. I will recommend that it put this on its list for examination and do so soon.

**An Leas-Cheann Comhairle:** Deputy Mick Wallace is next. We have only six minutes left so I suggest that he has 30 seconds for his question and we may have two supplementary questions.

### Ports Policy

10. **Deputy Mick Wallace** asked the Minister for Transport, Tourism and Sport his views on whether the ownership model of Rosslare Europort is in the State's best interests; and if he will make a statement on the matter. [37803/18]

35. **Deputy James Browne** asked the Minister for Transport, Tourism and Sport the position regarding the development of Rosslare Europort in County Wexford; and if he will make a statement on the matter. [37707/18]

**Deputy Mick Wallace:** Will the Minister share his views on the ownership model of Rosslare Europort? Does he believe that it makes sense for a rail company to operate the port? Does he believe that it makes sense that it strips the profits year after year? Does he believe that it makes any sense not to invest in our closest port to mainland Europe, with Brexit looming? Does the Minister believe that Rosslare Europort is being run in the State's best interest?

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I propose to take Questions Nos. 10 and 35 together.

The Deputy will be aware that Rosslare Europort is unique among the State-owned ports, as it is not a commercial company operating under the Harbours Acts, but is instead operated as a division of Iarnród Éireann.

Technically, the port forms part of the Fishguard and Rosslare Railways and Harbours Company, which is a 19th century joint-venture company, consisting today of Iarnród Éireann on the Irish side and Stena Line on the Welsh, Fishguard, side.

The status of the port, and whether its current status potentially inhibits its development, was considered in a strategic review, commissioned by my Department, and carried out by In-decon economic consultants.

The report concluded that the creation of an independent port authority would be extremely difficult, given the port's complex legal structure. Instead, it was recommended that the port remain in public ownership and that the possibilities for increased private sector involvement be investigated.



In order to assist Iarnród Éireann's overall consideration of how best to move forward, the company then engaged consultants to assess market interest. The assessment was largely positive in terms of the potential for increased private sector investment in the port. However, it did identify possible implementation issues due to the complicated legislative basis of the port. Following that assessment, my Department sought and received detailed advice from the Office of the Attorney General on the matter. That advice identified a number of legal issues with any such proposal and those issues remain under consideration by my Department.

I visited Rosslare Europort earlier this year at the invitation of my ministerial colleague, Deputy Paul Kehoe, and was briefed by the Europort's management on the port's commercial position. This was a particularly valuable opportunity for me as Minister to witness the central role that Rosslare Europort plays within the economy of Wexford, and indeed the wider south-east, and to see at first hand its potential in terms of future development as a vital part of our country's trading infrastructure.

Finally, my Department has been engaging with Rosslare Europort with regard to Brexit and these discussions are ongoing.

**Deputy Mick Wallace:** The Minister must agree that Rosslare Port is not being prioritised. It is not receiving State backing such as that received by Dublin Port, although I am not suggesting that Dublin Port should not get this. It would give such a boost to Wexford which is one of the most deprived counties with more mental health challenges than most areas and one of the highest rates of suicide which is directly linked to the county being seriously deprived. We laugh at the Brits for not knowing whether they are going left, right or centre with Brexit but how well prepared for Brexit are we ourselves? Does it not make sense that the Government would address ownership of Rosslare Europort and get ready for Brexit? Does the Minister not think that strategically it would represent an important advance by the Government and a positive move to take a different approach, grab this issue and transform Rosslare Port into a real port which would make a massive difference to the area and to Ireland generally, in the context of Brexit and problems in Britain increasing?

**Deputy James Browne:** I have raised the issue of Rosslare Europort every second week since my election. The port makes €2.5 million profit annually. It is not only self-sufficient but it is very profitable. However, it looks like a ghost town because it is owned by Iarnród Éireann which sucks the profit out of it and puts it in to subsidise other parts of its railway network which it is not prepared to deal with in a proper manner. It is the second busiest port in the country for passenger and roll on-roll off traffic. That €2.5 million per annum should be put back into that port. It would leverage approximately €15 million on the international market, which would make that port one of the top ports in Europe, as it should be because of its location. It is Ireland's closest port to the Continent. Ships steam past it every few minutes, going on to England, France, Hamburg or Rotterdam. Even a tiny portion of that business would make Rosslare one of the top ports in Europe. It is time action was taken either to take it from Iarnród Éireann or at least turn it into a stand-alone company so that profits are kept in the port. It should be a driver of the economy for the entire region.

**Deputy Shane Ross:** Both Deputies are correct. It is a crucial time. It coming near a time not for a decision about its structure - we have examined that - but when Rosslare will be critical.

The Deputies will be aware of the significance of Brexit and the importance that Rosslare

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may assume in the process of preparing for it.

The Minister for Foreign Affairs and Trade and the Taoiseach have informed the House that the Brexit negotiations are at a critical stage. The outcome of the negotiation process will have implications for this country's ports, notably Rosslare, in view of its position as an import-export trading route to mainland Europe. The Irish Maritime Development Office, in conjunction with my Department, has undertaken a study into the use of the UK landbridge to other European countries by the Irish road transport industry, importers and exporters. This could have an effect on the future of Rosslare as well. The purpose of the report is to establish the volume of traffic using the UK landbridge at present, the potential consequences that Brexit will have on landbridge usage and the various alternative options that may be viable. The study is expected to be finalised shortly and to be published thereafter.

12 o'clock

*Written Answers are published on the Oireachtas website.*

### **Ceisteanna ó Cheannairí - Leaders' Questions**

**An Ceann Comhairle:** Is the Minister, Deputy Ross, taking Leaders' Questions?

**Deputy Shane Ross:** I do not think so.

**Deputy Mattie McGrath:** He definitely will.

**An Ceann Comhairle:** Not on this occasion.

**Deputy Dara Calleary:** He will.

**Deputy James Browne:** He is not allowed.

**Deputy Kevin O'Keeffe:** A man for all seasons.

**Deputy Niall Collins:** He would chance his arm.

**Deputy Mattie McGrath:** He has nothing else to be doing.

**An Ceann Comhairle:** I welcome the Minister for Employment Affairs and Social Protection.

**Deputy Dara Calleary:** This morning, the country took a bit of a battering. We think of all of those who are out working - gardaí, local authority staff and service workers. As a House, we also send our sympathies to the family of the lady who was killed this morning in a storm-related incident. We wish safety to everyone else.

Among those responding to this weather challenge are members of the Defence Forces. They will do so with dedication and commitment, as they do in everything. The country is rightly proud of our Defence Forces, how they serve and protect us and our world and how they have contributed over many years - 60 years was marked earlier this year - in Lebanon, Syria and the Golan Heights, to mention but a few. Irish soldiers, naval forces and Air Corps personnel are valued across the globe, and we all admire them for their work at home as well as their

dedication and expertise. We remember with pride their participation in the centenary of the 1916 Rising, particularly given what that participation brought to the occasion.

However, compliments and commendations do not put meals on tables. Despite many debates in the Dáil and a report commissioned by the University of Limerick on the Defence Forces, little to nothing has been done by the Government about the concerns affecting them. Members of the Defence Forces are men and women who have the same costs as the rest of us but are now finding it impossible to rear families, get mortgages and tackle day-to-day costs because they are serving our country. A large proportion of Defence Forces members have had to sign up for family income supplement, or the working family payment as it is now known.

Defence Forces personnel are leaving on a weekly basis. Expertise is being lost to the State and colleagues are losing colleagues because the private sector is putting much better offers on the table. The current numbers in the Defence Forces are the lowest in the history of the State at just over 9,000, which is 490 below the agreed strength. In her response, the Minister will say that a recruitment campaign is under way, but she will not say how many are leaving on a weekly or monthly basis and therefore nullifying the recruitment campaign. The exodus has been under way since 2012. The number of Army officers has dropped by 15% from 966 to 817.

At every level in our Defence Forces, there is a crisis. It has grown so large that there will be a parade to this House today so that attention can once again focus on the challenges facing our Defence Forces. Former members of the Defence Forces, including some very senior personnel who have given world service, and family members of current personnel have had to mobilise to draw the Government's attention to their plight.

Does the Minister accept that numbers in our Defence Forces are unacceptable and that the exodus of personnel and expertise has to be stopped? What engagement has the Taoiseach, who is apparently the Minister for Defence, or the Minister of State, Deputy Kehoe, had with the Defence Forces to address their concerns? What is the Government's response to today's parade?

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** On behalf of everyone in the House, including the Government, I offer my sincere condolences to the family and friends of the lady who passed away this morning due to the adverse weather conditions in Galway.

I agree with much of what the Deputy said. At home and overseas, the men and women of our Defence Forces serve Ireland with absolute distinction. The Defence Forces are part of a bedrock underpinning the safety and security of every person in this country and others further afield. It would be understating it to say that the Government values each and every member and the roles he or she carries out, be it peacekeeping or supporting other State agencies at home. For example, the Defence Forces are today helping the ESB because of the adverse weather conditions.

It is for these reasons that the Government has tasked the Public Service Pay Commission, PSPC, to examine the question of recruitment that the Deputy mentioned as well as retention issues in the Defence Forces, of which I will say we are well aware just in case the Deputy thinks we are not. The process is under way, submissions have been made and the commission is engaging with individual serving members. This is just one element of the efforts to improve Defence Forces members' pay and conditions. As with other areas of our public services, mem-

bers of the Defence Forces are benefitting from pay increases due under the pay agreements and revised pay scales for post-2013 recruits. These have already been implemented. Those increases range from approximately 6.2% to 7.4%. They are also benefitting from the restoration to pre-FEMPI levels for everyone earning under €70,000. The first 1% increase became payable on 1 January 2018. The second increase is due to be applied on 1 October. The 5% in allowances that were cut by FEMPI legislation because of the economic and financial position that the State was in during the precarious years from 2010 until very recently are scheduled to be recovered soon.

Given the unique and demanding nature of military life, we accept that the turnover rate within the Defence Forces is probably going to be higher than in some of our other agencies. I hope I will surprise the Deputy by saying that I acknowledge the figure of 8% is too high. For that reason, we have organised recruitment and retention measures to be implemented, for example, addressing the work-life balance, conducting a comprehensive skills gap analysis across the Defence Forces, reviewing the contract of services for enlisted personnel in the context of capability requirements and appropriate age profiles, and developing and expanding the options for the direct entry of specialists and the re-entry of former members with the required skill sets.

**Deputy Dara Calleary:** I thank the Minister. She stated the Government “values each and every member”. Platitudes do not put food on the table. The pay structure of the Defence Forces is unique, in that allowances are a key part, but these have not been restored. Our Defence Forces do not get overtime. Defence Forces personnel on duty for the papal visit were given a paltry amount compared with others who did overtime. This is why there is a parade today. They do not have confidence in the PSPC or the initiatives that the Minister outlined because they have been on the waiting list and put on the long finger for too long. The exodus of personnel has been happening since 2012.

When one reads the words of someone who has served the State across the world, ex-Brigadier General Gerald Aherne, who has said that the bond between the Defence Forces and State has been broken, then that is the reality. It is the feeling among personnel at every level in the Defence Forces, including senior personnel. That is why there is a parade today. When members of our Defence Forces - Óglaigh na hÉireann, to whom we owe so much respect - are dependent on the working family payment to supplement their wages, it is an indictment of the Government.

**Deputy Regina Doherty:** I am not interested in platitudes and I hope I do not engage in them for the most part. Rather, I am interested in the substance of the actions that have been taken by the Minister for Defence and, by extension, the Government. The significant improvements in pay under the Lansdowne Road agreement and the further increases over the lifetime of the public service stability agreement from 2018 to 2020 are not platitudes. They constitute a substantial action taken by the Government, and we have only been able to take it thanks to the recovering economy. The Public Service Pay Commission has been tasked with providing a detailed and objective analysis of recruitment and retention in the defence sector. That is not a platitude. It is a tangible target and project for the agency and will reap dividends. The Government has increased the number serving overseas by an additional 100 personnel to be deployed shortly to the United Nations Interim Force in Lebanon, UNIFIL. That is also not a platitude but a tangible, substantial increase in confidence in our ability to defend other nations overseas. We are not interested in platitudes. I am sorry that people are parading outside today. It gives an opportunity to me, Deputy Aengus Ó Snodaigh and everybody else in this House to talk about the pride we have in the Defence Forces and instilling a recruitment and retention

process to make sure the numbers will be up to what we expect and to also talk about a recovering economy in providing the proper pay and conditions every single part of the public service should be enjoying but which were depleted because of the actions of previous Governments in recent years.

**Deputy Aengus Ó Snodaigh:** I too extend solidarity to the families and former members of the Defence Forces who are currently parading through the streets of Dublin and making their way towards Leinster House. Members of the Defence Forces and their representative organisations have consistently been sidelined in public service pay negotiations and are excluded from trade union membership or affiliation to the Irish Congress of Trade Unions, ICTU. They are legally prevented from engaging in public demonstrations or protests about their terms and conditions, which is why they have to rely on their representative organisations to raise the issues, or their family members and former members to parade through this city. The Government has taken full advantage of their loyalty, as a former brigadier general has said. He has outlined that the bond between members of the Defence Forces and the State has been broken. I recently met the representative organisations of the Defence Forces. They confirmed to me that there was chaos in the Defence Forces, which are haemorrhaging members, not just long-serving members but also many new recruits. This is exerting extra pressure on morale which is already low. Morale is a foundation any army, navy or air corps has to have. The Government is well aware of this and was made aware of it before the University of Limerick report in 2017.

Recently the Permanent Defence Force Other Ranks Representative Association, PDFOR-RA, was forced to go to the High Court to vindicate the rights of members of the Defence Forces in the context of the provisions of the working time directive. They were forced to go to the European Committee on Social Rights to vindicate the right to engage in collective bargaining on working terms and conditions. That members of the Defence Forces have had to fight the Government tooth and nail, both at home and elsewhere in Europe, to have basic rights ensured is a disgrace. It is even more disgraceful that the Government has still not taken action to implement court decisions. The Defence Forces are expected to lose another 700 members this year, with many moving to the private sector for better pay and working conditions. Since members of the Defence Forces are unappreciated by this and the last Government, the State has had to outsource many services and some of work that was done, for example, by the air ambulance service, which is penny wise and pound foolish.

Will the Minister explain the reason for the delay in the Department making a submission to the Public Service Pay Commission? Is there a dispute between the Department and the military authorities on the content of the submission? Will the Minister explain when the Government intends to give effect to the rights of members of the Defence Forces under the working time directive? Will she provide for collective bargaining rights for members of the Defence Forces?

**Deputy Regina Doherty:** The Minister of State engages regularly with the two representative bodies the Deputy has just described and hears loudly and clearly not only the concerns but sometimes the objections members of the Defence Forces raise with us. We take them very seriously, as we take the pride in the Defence Forces. I will again say what I said to Deputy Dara Calleary. The Defence Forces are the bedrock which underpins the safety and security of both society and the nation. I cannot overemphasise that point which is evidently true. That is why the Government has taken significant actions in the past few years, through improvements in pay under the Lansdowne Road agreement; further increases over the lifetime of the Public Service Stability Agreement 2018-2020; the Public Service Pay Commission being tasked with

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providing a retention and recruitment action plan to make sure the concerns that have been raised by those who remain in the Defence Forces will be addressed; and recruitment to bring numbers which have been depleted by 470, as Deputy Dara Calleary said, back up to make sure we will have a full complement of men and women who provide for the security and safety of people both in this country and abroad. The Minister of State will accept the submission from the organisers of today's parade. We will look at it very carefully and respond once the submission's objectives or recommendations have been analysed.

There is no delay in making the submission. It is being worked on and, when it is finished, will be presented to the body. I will have to come back to the Deputy on the working time directive because I do not have a response about it. It is fundamental that every single man, woman and child in this country has pride in the Defence Forces and what they do to protect peace and provide for the safety and security of Irish people both here and abroad. We have had difficulties with pay in the past few years but not without good reason. Every single public and civil servant had his or her pay cut for a number of years because of the economic crash. Thankfully, we are in a position where we are able to unravel the cuts and bring forward new pay and stability agreements for the years ahead. It is because the economy is recovering that we can do this and it is because we value and want to retain personnel in the Defence Forces that we have an action plan for retention and recruitment to ensure they will be at full capacity.

**Deputy Aengus Ó Snodaigh:** I agree with the Minister on the pride Irish society has in the Defence Forces, but this is not just about pride. It does not put food on the table and a roof over the heads of those young recruits who have to sleep in cars because they have been rostered for duties in barracks or far from their homes and it is not feasible to drive home and then back again. Current recruitment levels will not fill the vacancies. The vacancies are causing a huge increase in the workload of remaining members, which means extra shifts, longer hours, not seeing their families, not enough hours between rosters, having to sleep in tents in the rain, as we saw in the Phoenix Park when personnel of other emergency services were being appreciated and able to go home or accommodated in safe and secure accommodation. Why would anybody join the Defence Forces knowing they would face the prospect of having to sleep in a car outside the barracks? Why would one volunteer for duty overseas when one would have to take suspect medication which has left colleagues debilitated or when one cannot afford a home or rent, despite the fact that one is doing one of most dangerous jobs in the State? Why would one join to become a bomb disposal expert, for instance, when one could be faced with 120 hours on duty because of the flood of soldiers leaving the Defence Forces? Why is there a delay in the making of a submission to the Public Service Pay Commission? Will the Minister look again at the issue of a supplementary pension to bring the Defence Forces into line with other public service workers? Will she assure the House and those who are parading outside that measures to be taken in the budget this year will appreciate properly, once and for all, the members of the Defence Forces?

**Deputy Regina Doherty:** The Deputy asked on a number of occasions why anybody would join the Defence Forces. He has listed a litany of things he thinks are wrong, yet people have joined and are joining the Defence Forces.

**Deputy Dara Calleary:** They are leaving.

**Deputy Regina Doherty:** The reason they have joined and are joining the Defence Forces is they have a grá for public service-----

**Deputy Donnchadh Ó Laoghaire:** Yet the Minister is taking advantage of them.

**Deputy Regina Doherty:** -----and take pride in the security they provide for every man and woman who safely go to bed at night in this country.

**Deputy Mattie McGrath:** Please respect the Minister.

**Deputy Regina Doherty:** That is why people join the Defence Forces. In case I was not clear, I will reiterate the substantive actions we have taken in recent months and will continue to take. We are benefiting in the Defence Forces from the increase in pay, ranging from 6.2% to 7.4%, following the cuts made because of the economic crash in recent years. Members of the Defence Forces are benefiting from pay restoration. Under the FEMPI legislation, there was a cut of 5% in their allowances. I wish to God none of those cuts had been made, as I am sure every single person in this House does, but they were made. Now the country is in a position financially to be able to restore pay and to look forward to a new stability process of pay agreements between 2018 and 2020. We are lucky as a country that we can recognise with pride the people in our Defence Forces and are able to pay them effectively. In addition, the Government is investing in capital equipment and platforms, including those that increase the force's protection, such as armoured personnel carriers and in the building of infrastructure. Projects worth €35 million are at various stages of implementation, ranging from design to construction, and €14.2 million has been provided for the delivery of the infrastructural development projects between now and 2018.

**Deputy Joan Collins:** There was a debate in the House last night on the closure of more than 159 post offices in rural communities. Throughout the country there have been large, angry meetings in response to the proposals as communities are opposed to the closures. Similarly, in Dublin city and the greater Dublin region there have been meetings in response to the proposed BusConnects project, which has been aptly renamed, "BusDisconnects". The meetings have not been called by the National Transport Authority, NTA. They have been called by residents' associations, councillors and Deputies. More than 400 people attended meetings in Crumlin and Swords. More than 300 people attended a meeting in Drimnagh. The Greenhills residents' association also called a meeting. Last night there was a meeting in Perrystown where more than 150 people attended. Residents' associations in Terenure Road and Whitehall also called meetings.

The existing cross-city bus service has evolved over decades. It goes into estates and there is excellent connectivity across the city. I accept buses might meander a bit around estates but they connect communities, which is the crucial point. It is a public service. This so-called plan for the bus service is a disaster. In the constituency I represent, there will be a withdrawal from estates of the following routes: 18, 17, 150, 123, 122, 68, 69, 13, 9 and 15A. Hospitals are losing connectivity. The 27B and 17A have been withdrawn from Beaumont Hospital. The 123 is being withdrawn from St. James's Hospital and the 47 will no longer go by St. Vincent's University Hospital. The changes will affect older citizens in particular, as well as the disabled and schoolgoing children. One community has calculated that it will take three buses to get their children to St. Louis school in Rathmines. People with health concerns involving their knees, heart, lungs and visual impairment will be affected.

It was said that no one would be more than 400 m away from a bus stop, yet after a public meeting in Drimnagh on Thursday night we worked out that up to 43% of residents would not be within the specified 400 m range. There is a need for a review of public transport in the city

and outer suburbs. The aim of the review should be to increase not decrease services for local communities. At a very minimum we should maintain existing services. The reality is the Dublin Bus fleet has been cut from 1,160 to 1,000 in the past ten years and buses now carry 27 million extra passengers. This review must be done with proper consultation with service users. There should be full consultation with those who provide the service, rather than management, as they know the service. They are the people who will make sensible suggestions as to how the service could be made more efficient and more suited to the needs of communities.

The privatisation of 10% of bus services will go ahead even though Dublin Bus tendered 5% less. A new tendering process will be put in place. There is a belief that the seven new transport spines will be used to tender out the services to private operators. Private bus services do not want to know about routes going through estates with ten people on them.

**An Ceann Comhairle:** I thank the Deputy.

**Deputy Joan Collins:** I will finish on this point. The Minister for Transport, Tourism and Sport, Deputy Ross, or the Government, have the power to scrap the process. That is what should be done. If the Government does not stop the process then thousands of people will be on the streets protesting as they are very angry and members of the Government will get it in the neck.

**Deputy Regina Doherty:** BusConnects is one of the flagship investments that will be delivered by Project 2040, the ten-year national development plan that was launched by the Government earlier this year. Reports show that approximately 70% of people travelling into Dublin city each morning do so by sustainable transport and public transport, which is very welcome. More than half of public transport trips are by bus and there are 136 million passenger journeys every single year. All the NTA is proposing to do is to improve those services to allow people to spend more time with their families, learn a foreign language or do whatever it is people choose to do in their spare time instead of spending hours on public transport.

The one point on which I agree with Deputy Joan Collins is that there is a need for a review. That is exactly what is intended. We have a need for full public consultation, which is exactly what is planned. In June, the NTA published a discussion document that focused on some 230 km of continuous bus lanes across 16 core corridors or bus routes. That is expected to achieve time savings of between 40% and 50% on journeys. It is also the case that the routes and options are indicative at this stage. It is up to the NTA to conduct public consultation meetings following the publication of the public consultation report in July, and consultation meetings are being held the length and breadth of the city and in my area of County Meath where Dublin Bus looks after some residents. The purpose of the consultation meetings is to hear the objections, concerns or praise for what the NTA is trying to do but, more important, the NTA can feed the information back into what will ultimately be the end design. The end design may not be remotely like the initial public consultation document.

It is vital that all of the views raised at the public meetings described by Deputy Joan Collins are brought to the attention of the NTA so that when we get a final draft document to appraise and approve, collectively and publicly, we will have a better infrastructure for the public transport network in order that people spend much less time going to and from work, college or school every single day and that people will have a better work-life balance because they will be spending more of their free time doing what they want, as opposed to sitting on a bus in traffic.



**Deputy Joan Collins:** When the Minister drills down into “BusDisconnects” she will see that is not what is happening. Communities are being cannibalised by the loss of routes. One example I heard about involved a person standing at a bus stop in Wellington Lane for one hour. There were three 54As, four 15As and four 150s, which is a total of 11 buses. With BusConnects there would be a combination of F1s, F2s and D4s, giving a total of eight buses for an area where it has been proposed to halve the routes. The NTA has not carried out a proper consultation. Meetings have not been advertised widely. Public representatives such as councillors and Deputies have advertised the proposed changes. There has been no consultation in Raheny or Drimnagh and that is the case across the city. I urge the Government to scrap the proposal. The Minister for Transport, Tourism and Sport should do that. He has the power under section 26. There should be proper consultation. Bus drivers were not consulted by Jarrett Walker who came up with the proposals. The NTA’s remit has been presented to the people. The plan should not be accepted. Money should be invested to ensure proper bus services and to develop the existing service. The proposal should not be accepted and it should be scrapped.

**Deputy Regina Doherty:** With the height of respect to Deputy Joan Collins, she said there was no public consultation and she concluded by saying that we presented proposals to the people for their consideration. There is a meeting for four hours in Dublin tomorrow and there is a meeting for five hours in Dunboyne in County Meath on Friday.

**Deputy Joan Collins:** Who knows about those meetings?

**Deputy Regina Doherty:** There have been meetings day after day in recent weeks. First, the discussion document was issued in June and the consultation process report was issued in July. That is what the meetings are about. All Deputy Collins has to do is look back through the local newspapers in Dublin and see the notices of the public consultation that has been happening. The purpose of the project is to improve the public bus service that people relied on for 136 million journeys last year and to make it better and more efficient and to make more people value the fact that they can get on and off a bus in the quickest time to get to and from work or wherever they are going. The input from Deputy Collins is entirely valuable and wanted and that is why we are carrying out a public consultation process. The end game may be nowhere close to the beginning, but that is why our input is relied upon and is needed.

**Deputy Michael Healy-Rae:** I want to raise very serious concerns about Kerry University Hospital and health services in general in County Kerry. As the Minister may be aware, since the first week in June of this year all scheduled operations at Kerry University Hospital have been cancelled. The only operations that take place are emergency operations. To put it simply, if a person is waiting for a hip or knee operation, or any other scheduled operation, he or she must continue to wait. That is a disgrace at a time when I am very worried about the future status of the hospital, in spite of assurances given at a meeting last week that it would retain its university hospital status. The departure of an ever-increasing number of consultants and what I consider to be the continuous downgrading by HSE management of the hospital leave me extremely worried.

I take the opportunity to compliment the hard-working staff in the emergency department and the hospital wards who do everything they can to help their patients. Those who avail of the services provided in the hospital are grateful to and thankful for the individuals working in it. However, I have marched with nurses and doctors working in emergency departments who have stated they want the Government to wake up and realise the pressure they are under. I have been in such departments late at night and early in the morning. During the summer recess

I spent a lot of time in the departments because I wanted to have first-hand knowledge of what was going on in them. I have a perfect understanding of the difficulties and pressures the staff are under. Does the Minister for Health, Deputy Simon Harris, have such an understanding?

The notion which originated in this House many years ago that the Minister for Health does not have responsibility for the health service is rubbish. The buck stops with the Minister and the Government, not the HSE. The hiding behind layers of bureaucracy must end. People must take responsibility. The Minister for Health must take responsibility for the fact that people are endlessly waiting for operations. He must sit down with the heads of other Departments and discuss what can be done to tackle the problem. I wish to give an example. Why is it that a person waiting for a tonsillectomy must wait three years for the procedure to be carried out in this State and that I can arrange for the procedure to be carried out for a person who presents today with that requirement in Belfast in the first couple of weeks of November? For God's sake, this is not Outer Mongolia or some such place when it comes to health services. We should not be telling people that their tonsils will be fixed in three years time. Anyone who knows how uncomfortable it is to have such a problem will know that it is ridiculous for such a person to be told that there is a three-year wait. Why is this being allowed to happen on the Government's watch?

**Deputy Regina Doherty:** Another esteemed Deputy from County Kerry yesterday raised the issue of University Hospital Kerry and was invited by the Taoiseach who did not yesterday have specific information on that hospital to meet him to discuss the issue. I do not have specific information on the hospital, but on behalf of the Taoiseach extend an invitation to the Deputy to join his brother, Deputy Danny Healy-Rae, and meet the Taoiseach and the Minister for Health, Deputy Simon Harris, on the issue.

In general terms, I mentioned earlier that we were in a recovering economy, which is a good place to be. It is because of that that the Government is investing in health services and focusing on meeting needs, building capacity, investing in infrastructure, implementing the new GP contract and delivering a ten-year reform programme based on the Sláintecare report of the all-party committee. We are building new major infrastructure, including the national children's hospital and the new maternity hospital. Such facilities will be the hallmarks of a modern health system. The national development plan commits capital funding to deliver 2,600 additional hospital beds, 4,500 additional community care beds, as recommended in the capacity review, and three new elective hospitals. Some or many of these measures will feed into the county Deputy Michael Healy-Rae represents and improve outcomes for patients and those living in it. I reiterate that the invitation of the Taoiseach stands. I ask that the Deputy bring specific details of the issues he has raised in regard to University Hospital Kerry to the attention of the Minister and the Taoiseach who I am sure will be happy to discuss the matter with him.

**Deputy Michael Healy-Rae:** The responses given by the Minister and the Taoiseach are outdated. I have already brought the problems to the attention of the Minister for Health. I have brought specialists from County Kerry to sit down with the Minister and outline the problems. However, to date, the Minister, the Department and the Government have failed to do what they are supposed to do, which is to take care of sick people. The Government is not taking care of people who are in distress and awaiting knee or hip replacement operations; rather, it is telling them that they have to wait endlessly. Were it not for the great service provided under the treatment abroad scheme, many people would go blind. Last weekend I arranged for 14 people to travel in a bus to the North to undergo cataract operations. It is ridiculous to have to do this. It is great that the service is available. However, rather than it only being necessary to avail

of it to undergo cataract surgery, people will have to travel abroad for todnsillectomies and hip and knee replacement operations. For God's sake, are we going to tell people not to get sick in Ireland because they will have to travel to hospitals in the North for treatment? It is absolutely ridiculous. It is being allowed to happen by the Government and its Ministers. They must wake up to the problems on the ground and, please, do something to help those who are ill.

**Deputy Regina Doherty:** National statistics compiled from information from hospitals such as those in County Kerry indicate that the waiting list for cataract treatment has reduced by 2,734 in the past year and, in particular, that there has been a reduction of 3,000 in the category waiting over nine months.

**Deputy Mattie McGrath:** They have all gone to Belfast.

**Deputy Regina Doherty:** Some 400 new beds were introduced in the system between 2013 and 2017, while 240 were introduced last year. An extra €1.35 million has been allocated to the Healthy Ireland fund to enable and encourage people to take care of their health. The Deputy facetiously referred to expecting people not to become sick. However, the Healthy Ireland programme aims to empower people to look after their good health to ensure they will not get sick. An additional €7.1 million has been allocated to improve ambulance services. The GP training intake rose by 194, in particular in rural GP practices. All of this indicates that we are planning for and investing in the future. With respect, all we can do is ensure the funding, programme and management are present in the HSE to provide for citizens. That is what Sláintecare is doing. That is what the money and personnel that will be invested to produce the roadmap for Sláintecare will do.

**Deputy Michael Healy-Rae:** With respect, the Minister has not answered any of my questions.

**Deputy Regina Doherty:** May I finish?

**Deputy Michael Healy-Rae:** The Minister has not answered my questions.

**Deputy Regina Doherty:** I have answered the Deputy's questions. I will conclude by saying if he has specific concerns about Galway hospital-----

**Deputy Mattie McGrath:** Kerry hospital.

**Deputy Regina Doherty:** -----I invite him to attend the meeting with his brother and the Taoiseach.

**Deputy Michael Healy-Rae:** I am not from Galway.

### **Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation**

**Deputy Dara Calleary:** I commenced Leaders' Questions this morning by expressing our good wishes to those involved in the response to Storm Ali. However, conditions seem to be worsening and the level of preparedness does not seem to be as effective as it was in the case of similar storms in the past. The Minister's Department has just announced that 11 of its offices have closed, while a considerable number of trees are down and there are difficulties with

transmitters. Did the emergency co-ordination committee meet in advance of this storm? The committee did superb work last winter. I ask the Government to ensure the level of relative unpreparedness for this storm will not be repeated this winter.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I rarely disagree with the Deputy, but I must do so this morning. There was adequate planning to ensure a level of preparedness for this morning's storm. The national director for fire and emergency management has been monitoring the situation which is evolving and met daily with Met Éireann in the past week. I closed offices to protect the safety of departmental staff and the clients and customers who use the offices and ensure such persons would not have to go outside unnecessarily. The National Ploughing Championships were cancelled to protect the tens of thousands of expected attendees who would have exposed themselves to an orange or yellow warning event. Preparations have been made. Weather warnings have been issued in recent days. The security forces, local authority staff and ESB personnel are out in numbers this morning, looking after the 140,000 people who are without electricity and clearing the roads of branches and trees damaged overnight. We can only do what we are doing, which is responding to something for which we prepared in recent days. The yellow and orange warnings will remain in place until this evening.

**Deputy Aengus Ó Snodaigh:** On page 134 of the programme for Government it is promised to deliver a decent public transport system, which is essential in the everyday lives of many citizens and in reducing social isolation. I heard the Minister earlier respond to and dismiss the concerns of my constituency colleague about the Government's flagship project, BusConnects. I ask that the valid concerns about the bus route changes not be dismissed. The changes would increase social exclusion in some parts of Dublin such as in areas with a high concentration of elderly and disabled persons or persons on low incomes. If the plan is allowed to go ahead, there will be an increase in the levels of social exclusion. Does the Minister expect that legislation will have to be introduced to change the public service obligation Dublin Bus, the National Transport Authority, NTA, and the Government have with respect to public transport systems in this city?

**Deputy Regina Doherty:** I am surprised the Deputy heard me dismissing people's concerns this morning because on a number of occasions I have welcomed, and I do so again now, people's comments on the flagship changes being proposed by the NTA. We welcome them because there is no monopoly on wisdom, not in the Department of Transport, Tourism and Sport, in my Department or on any benches in this House. The reason we have public consultation is to improve the plan or entirely change it to suit the people's needs because public service is what it is about in terms of improving the efficiency and capacity of that public service to serve the public. The reason we are having public consultation and meetings the length and breadth of the city, and in parts of my county that are serviced by this particular public transport system, is to listen to and heed concerns, objections and positive comments about the changes being proposed.

**Deputy Brendan Howlin:** I begin by expressing my concern and sharing the concerns expressed by other Members about all those who have been adversely affected by the current storm conditions. Hopefully, we will have no more fatalities later in the day.

I ask specifically about a programme for Government commitment to have local authorities monitor and benchmark the new vacant site levy legislated for by the previous Government. The Minister for Finance, Deputy Paschal Donohoe, stated recently that he is not in favour of

taxing vacant property. He is reported to be considering instead a tax break as a positive incentive, specifically a reduction in capital gains tax from 33% to 15%. Such a proposal narrows the tax base and makes the entire taxation system more fragile. It is the path to ruin and destruction that was followed by Fianna Fáil previously and it is not one we should follow now. Will there be an increase in the vacant site levy or is the levy to be abandoned in favour of a tax break for property owners?

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** On the planning site levy, the planning Act passed in July makes allowance for an increase in the levy from 3% to 7% in its second year. Of the 260 sites on the register, the levy will be due for 180 in 2019.

**Deputy Brendan Howlin:** Pardon me.

**Deputy Damien English:** Starting in January 2019, the levy will be due for payment in respect of 180 of the 260 sites on the register. The second rate then kicks in in 2020 under the legislation passed in July.

**Deputy Mick Barry:** Half a million young people are locked out of the housing market. They cannot afford to buy and they cannot afford to rent. They are the locked-out generation. Yesterday, Fr. Peter McVerry said that emergency situations require emergency action. He gave his support to the Take Back the City campaign, which is being supported by many of those young people. It is well established and I believe will go national this Saturday, something which Solidarity supports. Yesterday, the Minister of State, Deputy English, described the campaign as a disgrace. I put it to him that the real disgrace is the inaction on the part of the Minister of State and his Government. What legislation of an emergency character does he propose to introduce to get to grips with this issue? Is it to be more tax breaks for landlords or serious vacant site levies, compulsory purchase orders and the type of measures that are necessary to allow the State to take over private property and provide the housing people need in this emergency?

**Deputy Damien English:** A range of initiatives have been announced to try to tackle vacancy and housing supply, some of which have been a great success. The House supported the action plan for housing for which €6 billion has been provided. Included in the plan are legislative updates to tackle this issue. I described taking over someone's house as a disgrace because it is unnecessary and not part of our plans. We have the compulsory purchase order, CPO, legislation. Some authorities choose to use it, while others do not. The reasons behind every individual case are complicated in terms of the houses we are talking about.

**Deputy Mick Barry:** The buildings have been vacant for years.

**Deputy Ruth Coppinger:** Half a million homeless persons.

**Deputy Mattie McGrath:** On behalf of the Rural Independent Group, I, too, want to be associated with the support for those who provide our front-line services and are out working today. I appeal to people leaving the National Ploughing Championships to be careful and those at home to remain indoors.

At the end of July, I submitted a written question to the Minister for Agriculture, Food and the Marine, Deputy Creed, on the severe fodder crisis we have in the south east, especially east Cork, south Tipperary, east Waterford and on into Kilkenny and Carlow. It might not be as se-

vere in some other areas. Much of the fodder saved in the first cut has been used. The Minister told me then he would do a fodder count in September. We knew at that time there was nothing growing. We came from severe weather conditions, including snow, in the spring straight into a drought, which has persisted, and the crops have been very poor. What measures is the Minister taking or will he take to try to import feedstuff from abroad? The drought was particularly severe in Spain, England, France and other countries from where we normally can get fodder. It is too late now to be in a fodder crisis. We could see it disappearing at that time in July. What action will the Government take in this matter?

**Deputy Regina Doherty:** I thank the Deputy. This gives me an opportunity to say that a €4.25 million fodder import support measure covering fodder imported from 12 August to 31 December has been allocated for this year. A representative group chaired by Teagasc coordinating advisory messages, including a dedicated helpline, has been set up for farmers to support them so that they can be engaged with the services they need. A national fodder survey was carried out by Teagasc, although the Deputy may not be aware of it. The Minister met the main banks to highlight the need for them to step up and assist farmers over and above the €4.25 million allocated by the State.

**Deputy Mattie McGrath:** The banks will not give anyone hay, or money.

**Deputy Regina Doherty:** This autumn, higher Common Agricultural Policy, CAP, payments will provide for €260 million in additional cashflow for farmers. In addition, flexibilities for participants under the green low-carbon, agri-environment scheme, GLAS, will bring a potential additional 270,000 ha into fodder production.

**Deputy Catherine Connolly:** B'fhéidir go mbeidh an tAire Stáit McHugh in ann beagáinín solais a dhíriú ar an mBille nua atá beartaithe ó thaobh Acht na dTeangacha Oifigiúla. Cén uair a thiocfaidh sé os comhair na Dála?

**Minister of State at the Department of the Taoiseach (Deputy Joe McHugh):** Bhí cinneadh déanta an tseachtain seo agus beidh an Bille seo fógartha i gceann tamaill. Rinneadh cinneadh timpeall an Bhord Rialtais an tseachtain seo maidir leis an mBille a fhoilsiú. Tá sé ar an sceideal do Mhí na Nollag agus idir seo agus an Nollaig tá mé sásta go mbeidh sé socraithe agus réidh roimh an am sin.

**Deputy James Browne:** Page 67 of the programme for Government deals with youth mental health. In 2017, the national youth mental health task force reported, the only mental health initiative from this Government specifically for young people. However, it has been left to rot on the shelf due to infighting between Departments. The Minister with responsibility for mental health has blamed the Minister for Finance, Deputy Paschal Donohoe, who is failing to fund Pathfinder, the interdepartmental team charged with implementing the report. The Minister, Deputy Paschal Donohoe, has refused to answer questions on the matter and is effectively washing his hands of it.

Mental health services for young people are in crisis. In Cork, children are being sent to emergency departments. There are now almost 3,000 children on waiting lists and child psychiatrists are resigning because of poor working conditions. When will the Government take child mental health services seriously, and when will it fund Pathfinder and the national youth mental health task force?

**Minister of State at the Department of Health (Deputy Jim Daly):** I thank the Deputy for

his questions. The Government is taking the report very seriously. We have a number of different initiatives, which it will take too long to deal with now. Specifically, however, the Deputy is mixing up Pathfinder and the youth mental health task force. The latter is not dependent on Pathfinder, a revolutionary project for the State aimed at breaking down the silo-like mentality that has existed between different Departments heretofore. I regret, and I am on record in this regard, that this has not yet come to pass and we are still waiting for the Departments of Finance and Public Expenditure and Reform to approve the Pathfinder project.

The recommendations contained in the youth mental health task force are being rolled out. As the Deputy is aware, this year alone we have recruited 116 assistant psychologists and 20 psychologists specifically for youth mental health, and ten advanced nurse practitioners to assist consultants where there are vacancies. The Deputy is aware I had a conference on Monday where I brought in all the digital online platforms and experts in telepsychiatry and telepsychology because I cannot make two consultant psychiatrists out of one where only one exists. That is something beyond the capacity of this Government and that of governments across the world. The Deputy is well aware that I am looking at new and innovative ways of dealing with those challenges and I intend to address them head on.

**Deputy Niall Collins:** The issue I raise was raised previously on Leaders' Questions and the Order of Business. I am simply asking for an update. It concerns an alleged incident of large-scale child sex abuse in Limerick and the decision by the Ministers for Children and Youth Affairs and Justice and Equality to establish a serious incident review to examine the management of the case and the inter-agency co-operation and activity surrounding it. A three-person panel was appointed to carry out this serious incident review, to be chaired by the special rapporteur on child protection, Dr. Geoffrey Shannon. There was an issue in respect of the terms of reference; we were told they were being drafted and were to go to the Attorney General and the Cabinet for sign-off. The review was then to happen with a report to Government and possible publication. I am asking for an update on that. Have the terms of reference been finalised? Is the review under way? Has it been completed? What is its exact status? I appreciate that the Minister might not be able to answer my questions here and now but would be grateful if she could arrange for an update.

**Deputy Regina Doherty:** I will not even attempt to answer the Deputy's questions but will commit to come back to him before close of business today.

**Deputy Niamh Smyth:** The programme for Government includes a commitment to introduce CCTV systems in key locations nationwide. The community CCTV scheme was launched with great fanfare and excitement on the part of the joint policing committees, JPCs, and communities at large. I have in front of me a letter from Cavan County Council, whose members passed a resolution last Monday asking that the Minister for Justice and Equality reform this relatively new scheme. Although the Government allocated more than €1 million to the scheme to be spent over three years, I believe only four applications have been successful, at a cost of €120,000. JPCs across the country, including those I know locally in Cavan and Monaghan, are completely frustrated with the issue of data protection and the question as to who is ultimately responsible for it. The scheme is devised for communities yet the application process is tedious, lengthy, complex and certainly not easy for communities to engage with. The situation will not improve until there is a clear pathway given as to who is responsible for holding the data. That has to come from the Minister for Justice and Equality and his Department. That is where the frustration lies and we see nothing happening on the ground at the moment. Will the Minister, Deputy Regina Doherty, ask the Minister for Justice and Equality to give clear direc-

tion as to who is responsible for the data?

**Deputy Regina Doherty:** I thank the Deputy for acknowledging that the scheme was launched and €1 million allocated to it. As representatives of rural communities, she and I both know it is desperately needed, particularly in areas where we do not have Garda stations. I can only speak for my own neck of the woods, as Deputy Smyth can for her county. In my experience, some of the initial difficulties were around privacy issues. When we got over those issues with the county council, a secondary issue arose as to who was the data holder. With the advent of the new GDPR legislation that came from Europe this year, under which we are all probably still floundering as to exactly what responsibilities we have, the issue needs to be teased through by the Department to make sure we get an accurate reflection. Unfortunately, that will delay things somewhat. I would be loath for anybody to think they had the answer to this without it having been checked out by the Data Protection Commission, with which the Department of Justice and Equality is liaising at the moment. In the interim, I will try to find out how soon a response is expected so at least we will all know where we stand.

**Deputy Dessie Ellis:** I have said in the House a number of times that there is a very serious public safety issue with the use of rickshaws as a form of public transport in Dublin and elsewhere. I have also asked for their regulation and at one point the Minister for Transport, Tourism and Sport, Deputy Ross, even suggested their possible prohibition. He has since indicated that he has received legal advice from the Attorney General to the effect that there would be a difficulty with prohibiting rickshaws, but he is open to regulating their use and will introduce an amendment to the Taxi Regulation Act 2013 to do so. When will the relevant legislation come forward? Is it possible to share the legal advice given to the Minister for Transport, Tourism and Sport regarding the proposed prohibition of rickshaws?

**Deputy Regina Doherty:** I cannot answer that question because, as the Deputy is well aware, the Attorney General gives advice to Cabinet which is not shared. The Deputy will have to take the Minister's word on the matter on this occasion. The Minister is prepared to do the regulations and they will be prepared for inclusion in the Bill. While the legislation is not on the priority list, it is on the programme list. I suggest it will probably be coming up in the next couple of months.

**Deputy Declan Breathnach:** The Commission for Regulation of Utilities was established under the programme for Government and the confidence and supply arrangement. To date, the whole issue of Irish Water's connection charging policy has not been agreed. I am sure that, as Meath Deputies, the Minister, Deputy Regina Doherty, and Minister of State, Deputy Damien English, will be acutely aware that Irish Water is charging what it likes for water and sewerage services. I would describe the charges as exorbitant, extortionate and punitive. I have one example from the Ministers' county whereby a family built a home for a severely disabled 26 year old daughter and, having paid the levies we all know about to the local authority, subsequently got a bill for €18,200 for water and sewerage connections within 3 m and 6 m of their property. That is just one example of what is going on. It is water charges by the back door. What steps are being taken to ensure the framework that was agreed, whereby there would be a standard charge, is adhered to? In this case, the figure was subsequently reduced by Irish Water, when it was approached, to something in the order of €10,500. This is still €3,500 more than what the local authority was charging in 2014. The issue must be tackled.

**Deputy Damien English:** In line with the direction from the regulator, the charges should be the same and should certainly be in line with what the local authorities were charging previ-



ously. We can get that checked out. In August, the Commission for Regulation of Utilities provided an updated note on this matter. The report to align all the charges, which was due around now, has been slightly delayed. It should be back with the regulator in quarter 3 of 2018. It will be published then for further brief public consultation and should be completed before the end of 2018. There will then be a standard system of connection policies throughout the country.

**Deputy Tony McLoughlin:** My question is for the Minister for Health. Given the decision last night to allow Waterford University Hospital to develop a second fixed cardio catheterisation lab - a decision taken outside of the national review of specialist services - I have been lobbying for the Minister to explain why the people of Sligo and the north west continue to have to wait for access to primary percutaneous coronary intervention, PCI, care. There is a huge area in the north west that is not serviced by a catheterisation lab. When I heard my colleague, Senator Paudie Coffey, announcing a second one for Waterford last night, I felt it was vitally important that I lobby on this issue this morning. I request that the issue be brought to the attention of the Minister for Health.

**Deputy Jim Daly:** I thank the Deputy. I will convey the issue he raises directly to the Minister and get an update for him. I appreciate the Deputy's concern on the matter. It is a very reasonable request.

**Deputy Shane Cassells:** The report of the Commission on the Future of Policing in Ireland was published yesterday and, along with the appointment of a new Garda Commissioner, we hope that it will herald a new dawn for policing in Ireland. However, the Garda needs resources, as the Minister well knows, and gardaí are still forced to work in substandard conditions, nowhere more so than in County Meath. The hovel in which more than 100 gardaí in Navan are expected to work, which the Minister of State, Deputy English, knows as well, is highlighted on the front page of the *Meath Chronicle* this morning by none other than Superintendent Mick Devine who makes reference to "medieval working conditions". Both he and Chief Superintendent Fergus Healy are prepared to go public and call this out. I support them and I have pointed out that criminals held in the multimillion euro Garda station in Wexford have better conditions than gardaí across all the stations in County Meath. Will the Minister back the call of Chief Superintendent Fergus Healy, Superintendent Mick Devine and all of the Garda management in County Meath for a new divisional headquarters for the county?

In a previous response to me, the Minister for Justice and Equality said there is a divisional headquarters in County Meath. The Minister, Deputy Regina Doherty, and Minister of State, Deputy English, both know there is none. How, when the chief superintendent says we need a divisional headquarters in Meath, can the Minister for Justice and Equality say we have one?

**Deputy Regina Doherty:** I think Deputy Cassells and I might be at cross-purposes.

**Deputy Shane Cassells:** Certainly not.

**Deputy Regina Doherty:** It is easy for me to back the calls made by both Fergus Healy and Mick Devine because we need a new divisional headquarters in County Meath. We do actually have one but it is nowhere close to being up to scratch for what is expected for the delivery of An Garda Síochána services. The Deputy is aware that a number of sites are being evaluated. A substantial amount of money will need to be allocated to develop those sites or redevelop others. I expect an announcement to be made in the near future. We are all well aware of what we need to give An Garda Síochána in County Meath to enable it to do an effective job.

**Deputy John Brady:** As of 5 September 2018, when the school year was recommenced in most schools, 10,470 people were waiting on a decision on their application for the back to school clothing and footwear allowance. Over the summer, people waiting on a decision had been unable to talk to anyone within the Department regarding the status of their application because all the phone lines were down. The Minister blamed these delays on huge volumes of applications. I find it bizarre that she thinks this is unexpected. The Department and the Minister are aware of the huge volume of applications annually. Many families in serious financial difficulty have had to start the school year having had to visit loan sharks in many cases to secure funding to put their children through school. Can we get an update as to where those applications are and what went on within the Department? An apology is due to those 10,470 people who submitted applications with no decisions yet made.

*1 o'clock*

**Deputy Regina Doherty:** The Deputy might not be aware but what happened this year is exactly the same as that which happened last year and previous years. It is no different-----

**Deputy John Brady:** Well, that is even worse.

**Deputy Regina Doherty:** It would be great if the Deputy would let me speak. He has a terrible habit of interrupting. If he asks me a question, I will give him an answer. If he wants to come back in, that is fine. The scheme opens in July. A total of 140,000 families were automatically included in July. They did not even have to make an application because we know exactly who the people we support in the main are. They represented 273,000 individual children who were supported automatically by the State. The scheme does not close until the end of September and this is the same every year. The fact that people are still making applications on 1 September is no surprise because up until the end of September, we were receiving 500 new applications every day. People make their applications at different times for different reasons. It is not for us to prescribe and close the scheme in August to make sure all payments are made by 1 September. People manage their money in different ways but every single person who has made an application and is entitled to the scheme support will get their payment before the close of the scheme at the end of September.

**Deputy Kevin O'Keeffe:** The Blackwater flows through Fermoy in County Cork. I raised this issue on various occasions in the Dáil with various Ministers, including the Minister of State, Deputy Stanton. The Minister may be aware that we have a major issue regarding Fermoy Weir, which incorporates a fish pass and mill race. The Office of Public Works, OPW, has washed its hands of the issue. There has been tremendous flood relief work. The OPW does not acknowledge that it may have exacerbated a problem, namely, the disintegration of the structure of Fermoy Weir. It even acknowledges in correspondence to me that when it was carrying out the Fermoy flood relief works, it was prepared, in co-operation with Fermoy Town Council, to undertake works but there has been a breakdown in the agreement. Cork County Council is now the owner of Fermoy Weir following the abolition of town councils. The bill for the proposed refurbishment and repair works is estimated at €1 million. Cork County Council is prepared to make a submission but my concern is whether the Government would underwrite the cost on the basis of a proper submission. I ask for the Minister's support on that.

**Deputy Regina Doherty:** I am not up to speed on the operations referred to by the Deputy. There are a number of moving parts and different State agencies involved in this. I will come back to the Deputy today with an update regarding the position and an answer to his question.

**Deputy Michael Healy-Rae:** I have a question the Minister can answer. It concerns the carer's allowance and the fact that it is taking four months to reach decisions. I respectfully suggest that more staff be hired to work in that section. A family member who is quitting work to take care of a person who needs care must survive for four months with no income. This is unfair. I respect the people working in the carers section very much because I deal with them daily, as do the people in my office. The people working in the carers section are excellent and do great work, and I cannot compliment them enough, but they are obviously under an awful lot of pressure if it takes four months to reach a decision. It is very reasonable to ask the Minister, because she is the Minister with responsibility for this, what she is going to say to the people listening to the argument that it should not take four months to process their applications. What can the Minister do about that?

**Deputy Regina Doherty:** The Deputy is dead right. This is my responsibility and I can answer the question. The target we set for carer's allowance applications from beginning to end is 15 weeks. We are turning around applications in 14 weeks. There are a number of reasons for the length of time it takes, mostly because of medical complications, the complexities of the application and how it must be reviewed by our medical practitioners and team of assessors. Nobody has to wait four months if they are in need of a payment because every Intreo office has an exceptional needs officer to look after people in time of need. If anybody is at risk of poverty or of being unable to look after themselves on a weekly basis arising from caring for a loved one, all they have to do is contact us and we will look after them, as is our job.

**Deputy Eamon Scanlon:** A number of years ago, a commitment was given to build a psychiatric unit on the campus of Sligo University Hospital. The situation at St Columba's Hospital is totally unsuitable. We all know the mental health difficulties facing young people. I understand that this project was advertised and tendered for. As far as I was aware, it was ready to start in the next month or six weeks. I now gather that there is some delay. We all know how the tender process works and the length of time it can take. If this project does not go ahead now, it will probably have to be re-tendered for, which could set it back a year. I am asking the Minister to have a look at this so that this project would move ahead. This project is crucial for the north west.

**Deputy Jim Daly:** I understand that the contract was signed yesterday but I will clarify that in writing to alleviate any concerns.

**An Ceann Comhairle:** We now move to the Climate Action and Low Carbon Development (Emissions Targets) 2018 - First Stage. Is there anybody here to move this legislation? This is the second day in succession that legislation was on the agenda with nobody here to move it. We will now pass on to the Thirty-Seventh Amendment Of The Constitution (Economic, Social And Cultural Rights) Bill 2018 - First Stage.

**An Bille um an Seachtú Leasú is Tríocha ar an mBunreacht (Cearta Gilleagracha, Comhdhaonnacha agus Cultúir), 2018: An Chéad Chéim**

19 September 2018

## **Thirty-Seventh Amendment Of The Constitution (Economic, Social And Cultural Rights) Bill 2018: First Stage**

**Deputy Thomas Pringle:** Tairgim:

Go gceadófar go dtabharfar isteach Bille dá ngairtear Acht chun an Bunreacht a leasú.

I move:

That leave be granted to introduce a Bill entitled an Act to amend the Constitution.

This is my third time introducing an economic, social and cultural rights Bill. It was voted down twice by Fine Gael and Fianna Fáil, yet three times I have remained hopeful that they would reach some sort of epiphany and realise the need to incorporate these rights into our Constitution. We stand today amid a devastating housing and homelessness crisis, a crippling two-tier health system and an escalating trolley crisis with the education system not far behind in these gloomy times. These three vital components in our society are under siege by Fine Gael's privatisation agenda and the continuation of Fianna Fail's privatisation of our vital public services. Housing, health and education and workers' rights, among many others, should be viewed as fundamental human rights, but to Fine Gael they are products that people can access based on their ability to pay.

When I first introduced this Bill in 2014, we were astonished at the emerging crisis, particularly in housing and health. In 2014, according to Focus Ireland, there were 2,580 people in homelessness, 20 of whom were in my own constituency of Donegal. Today, there are nearly 10,000 people in homelessness, not taking into account the changes in the way the Government collects statistics, which has reduced the numbers to its own benefit. The number is in fact far higher than that. According to the Irish Nurses and Midwives Organisation's Trolley and Ward Watch, 7,942 people were on trolleys and waiting in wards. Today, that figure has increased by 22% compared with the 2014 average.

It is clear that Fine Gael and Fianna Fail, the establishment parties, have paved the way for greater outsourcing and privatisation of State services, inevitably curbing the rights of individuals and targeting the most vulnerable people in society. My Bill seeks to reverse this ideology by preserving the defensible rights of individuals. These include housing, including prioritising social housing to address the current housing crisis; a universal right to healthcare based on need and not ability to pay; greater protection of workers' rights to correct the imbalance of power in favour of employees and unions; equal access to education reflecting diversity in our society; a right to social protection in line with the cost of living; and incorporation of the living wage, among many others, which time and time again, the people have called for. The protection of economic, social and cultural rights continues to grow around the world. For example, the right to healthcare is included in 133 constitutions, while the right to join a trade union is included in 152. A total of 136 recognise the right to work, the state's duty to provide work or both. Furthermore, the right to housing is included in 81 constitutions, while the right to culture is incorporated in 141.

Economic, social and cultural rights present a framework to undermine existing systems of injustice and inequality which are pervasive in today's society as basic human rights are eroded consistently by private sector interests which, unfortunately, the Government promotes. Furthermore, economic, social and cultural rights can provide a legitimate framework for ad-

dressing climate change and ensuring the Government will facilitate a fair and just transition to a low carbon economy. Climate change is a huge impediment to the realisation of economic, social and cultural rights. Therefore, they are interlinked.

I also feel the need to engage in a bit of myth busting. A key tenet in the protection of economic, social and cultural rights is the notion of “progressive realisation” as defined in Article 2(1) and reflects the fact that it may not be possible to achieve full enjoyment of economic, social and cultural rights within a short period, particularly when resources are limited. Progressive realisation is seen as a necessary flexible device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realisation of economic, social and cultural rights. Most importantly, it establishes obligations on states to achieve full realisation of the rights as contained in the International Covenant on Economic, Social and Cultural Rights and that a state can only readjust them in reaction to an economic crisis if the necessary protections required for vulnerable and disadvantaged populations, in particular, are taken into account and where it is justified.

Economic, social and cultural rights are becoming increasingly necessary in the Irish context, particularly after a decade-long recession from which a housing crisis has emerged. As Ireland experiences unprecedented numbers of families living in emergency accommodation, questions are being raised about how the provision of housing can be adequately and consistently provided for in an economy with frequent cycles of boom and bust, while not remaining at the mercy of ideological preferences as determined by the Government of the day. Greater protection of economic, social and cultural rights in the Constitution would provide the necessary anchor for rights such as those to housing, health and education to be provided for on the basis of need at all times, even amid times of economic or political turbulence. When it comes to budgetary measures, the Government would have to justify reasons for the allocation of resources not intended for the administration of economic, social and cultural rights. If a justification was not favourable, an individual could defend his or her rights in the courts and thereby hold the Government to account for its decision-making.

Together with the progressive realisation tenet, the referendum Bill would ensure the economic, social and cultural rights of individuals were balanced against the available resources of the State, regardless of ideological persuasion or the state of the economy at the time.

**An Ceann Comhairle:** Is the Bill opposed?

**Deputy Tony McLoughlin:** No.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members’ Bill, Second Stage must, under Standing Orders, be taken in Private Members’ time.

**Deputy Thomas Pringle:** Tairgim: “Go dtógfár an Bille in am Comhaltaí Príobháideacha.”

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

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

### **Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters**

**Acting Chairman (Deputy Alan Farrell):** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Clare Daly, Mick Wallace and Joan Collins - to discuss recent protests at the occupation of vacant buildings and the Garda response; (2) Deputy Eamon Scanlon - the need to progress the acute mental health unit at Sligo University Hospital; (3) Deputy Joan Burton - the need to consider the purchase by the State of Luggala estate in County Wicklow; (4) Deputy Fergus O'Dowd - to discuss the proposed Drogheda northern cross route project; (5) Deputies Eoin Ó Broin, John Curran and Gino Kenny - the need to provide funding for capital works to meet fire and safety standards at the Carline learning centre, Lucan; (6) Deputies James Browne and Pat Buckley - the need to address delays in accessing child mental health services; (7) Deputy Mary Butler - the need to replicate the model of care homes unique to the south east; (8) Deputy Niamh Smyth - to discuss the school transport system; (9) Deputy Pat Casey - to ask the Minister of State with responsibility for training, skills, innovation and research and development to inform Members as to all measures being taken to resolve the school transport chaos in Tinahely and Redcross, County Wicklow, where over 20 families have lost their concessionary tickets to attend their chosen schools, with this unacceptable situation guaranteed to worsen in the coming years, and if he will make a statement on the matter; (10) Deputy Willie O'Dea - to ask the Minister for Education and Skills what he proposes to do regarding the number of people from the Caherconlish and Ballynetty areas of Limerick who cannot access school transport to St. John the Baptist school, Hospital, County Limerick, and if he will make a statement on the matter; (11) Deputy Maurice Quinlivan - to ask the Minister for Health if he intends to open new beds in University Hospital Limerick and surrounding hospitals to alleviate the current chronic overcrowded conditions, and to outline what plans he has put in place for UHL for the winter; (12) Deputy Jim O'Callaghan - to discuss the proposed route and impact of MetroLink on family homes at College Gate Apartments, Townsend Street, Dublin 2; (13) Deputy Eugene Murphy - the vital need to dredge the River Shannon in light of the threat to the hot water fishing stretch in Lanesboro and Ballyleague; (14) Deputy Dessie Ellis - to discuss the sale by Permanent TSB to vulture funds of distressed mortgages; (15) Deputy Frank O'Rourke - to discuss with the Minister for Housing, Planning and Local Government the need for greater flexibility in accessing both the housing assistance payment, HAP, and the new place finder unit as the existing definitions for access are very rigid and are contributing significantly to the increase in homeless figures; (16) Deputy Bobby Aylward - the need for the Minister for Education and Skills to secure the necessary funding in advance of budget 2019 to amend the legislation governing the school transport scheme so as to ensure concessionary ticket holding children are not left behind in future; (17) Deputy Richard Boyd Barrett - the need to discuss scoliosis waiting lists; (18) Deputy John Brassil - to ask the Minister for Housing, Environment and Local Government if he will give consideration to the introduction of a scheme to incentivise homeowners currently residing in nursing homes and availing of the fair deal scheme to rent out vacant family homes in order to get them back into the housing market to address shortfalls in the rental market, and if he will make a statement on the matter; (19) Deputy Peter Burke - to discuss when the dedicated legislation underpinning the land development agency will be published and enacted; (20) Deputy Mattie McGrath - an update

on the measures being taken to tackle the fodder crisis; (21) Deputy Mick Barry - the working conditions of members of the Defence Forces; and (22) Deputy Declan Breathnach - to ask the Minister for Education and Skills if he is aware of distress caused to many families by a lack of capacity in the school transport system and if he will consider providing extra capacity to ensure that every child who qualifies for a place gets a place.

The matters raised by Deputies Clare Daly, Mick Wallace and Joan Collins, Eoin Ó Broin, John Curran and Gino Kenny, Jim O'Callaghan and Peter Burke have been selected for discussion.

## **Saincheisteanna Tráthúla - Topical Issue Debate**

### **Garda Operations**

**Deputy Mick Wallace:** I thank the Ceann Comhairle for selecting this issue. The report of the Commission on the Future of Policing in Ireland was released yesterday and there has been a great deal of talk about gardaí working more closely with the community. Working more closely with the community makes a great deal of sense for An Garda Síochána and is in the public interest. The public would like it. In the recent incident on Frederick Street North, however, 12 public order gardaí went in wearing balaclavas with at least six other regular gardaí attending, giving a total of approximately 18. It is a bit mad and it does not create the right public impression. If the owner of the building gets a court order to evacuate the building and decides to hire a group of gurriers to accomplish that, gardaí should not reinforce them. It does not do them any good.

**Deputy Joan Collins:** On 11 September, a group of men from a private security firm carried out an eviction at 34 Frederick Street North. These men were masked along with three members of An Garda Síochána. Also attending was a Garda riot squad, a public order unit, a Garda Transit van and a Garda Jeep with dogs. Some of these gardaí were also wearing masks and not displaying ID numbers.

What investigation has been set up to determine whether human rights abuses were committed, as Amnesty Ireland states? The questions that need to be asked are very serious ones. When did the landlady get the enforcement notice? Normally, it would be the sheriff who would implement the eviction using whatever resources were required. Was the security firm approved under health and safety legislation? Were the men from the security firm who were outside the door vetted? Those questions are very serious. Following what Commissioner Drew Harris said, why were gardaí wearing masks?

**Deputy Clare Daly:** There was a certain irony in the situation that developed in Frederick Street North after the new Garda Commissioner had come out and called for transparency in the service. That appalling incident then occurred where we had members of An Garda Síochána wear balaclavas to deal with citizens. Under the Constitution, the owner of the site had a right to organise to have her property vacated. In that sense, it was a private matter between the owner and the people occupying the property. That gardaí felt it was their role to take sides in

that situation is reprehensible and will set back any attempts being made to foster trust between the community and An Garda Síochána. In that context, what investigation has the Minister called for with regard to those events? They have set back trust in gardaí to a very great degree in that property was valued ahead of human rights.

**Minister for Justice and Equality (Deputy Charles Flanagan):** Deputies will be aware that the deployment of gardaí and Garda operations generally are solely matters for An Garda Síochána. While the Taoiseach addressed some of these issues during Leaders' Questions yesterday, I can perhaps add some additional detail to the record of the House today. The Garda Commissioner has issued a statement on the incident referred to and we all now have a greater level of clarity as to what took place. I am advised by the Garda authorities that, following the making of an order by the High Court, a small number of community gardaí were present to keep the peace. They were present to facilitate a peaceful protest and the enforcement of a High Court order. Gardaí were not involved in the vacation of the premises, which had been illegally occupied. A private security firm acted for the owner of the premises on foot of the High Court order. The law and procedures governing the execution of court orders are contained in the Enforcement of Court Orders Acts and the Rules of Court which have been made under them. Any dispute concerning the enforcement of a court order is solely a matter for the courts. Accordingly, the persons involved in the execution of the High Court order are not licensable by the Private Security Authority at present. I must advise the House, however, that my officials are currently examining the law governing this area and I am giving the matter further consideration.

As An Garda Síochána has stated, a small number of community gardaí were initially present. As the situation evolved, they were supplemented by more gardaí, and then a small number of officers from the public order unit were deployed. To be clear, the purpose of the Garda presence was to keep the peace and facilitate a peaceful protest and the enforcement of an order of the High Court. I know there was some disquiet about members of the public order unit wearing hoods. The Garda Commissioner has said they should have been worn in conjunction with helmets. Members will be familiar with public order police around the world wearing helmets in the course of their policing duties.

It is a sad fact and a worrying development that gardaí, particularly those who undertake public order policing, are frequently personally targeted and subjected to vile abuse and threats, particularly online. At the protest, gardaí were subject to sustained abuse, including in one incident racist abuse. I condemn this behaviour and I am sure all Members of the House will do likewise. Where behaviour crosses the line into criminality, it may be investigated, but it would be preferable if the crime did not occur in the first instance. I appeal to those involved in such protest to recognise that gardaí simply doing their jobs should not be targeted in this way. This message needs to go out from all sides of the House, and I ask colleagues to join me in reinforcing it.

A small number of people were arrested at the protest for public order offences. As these matters are subject to ongoing Garda inquiries, the House will appreciate it would not be appropriate for me to comment on them. I note, however, Commissioner Harris's recent statement on the protest and I understand he has requested a report from the assistant commissioner, Dublin metropolitan region, DMR, to see what lessons can be learned from the event. I also note the Policing Authority will pursue the matter with An Garda Síochána.

Everyone in this House will agree that the right to protest is a fundamental right in any



democracy and one which must be protected and facilitated. However, this right must also be exercised peacefully and with respect for the rights of others. In this context, we must not lose sight of the fact that the members of An Garda Síochána present were enforcing the law of the land in what were very difficult and tense circumstances.

**Deputy Mick Wallace:** The Minister says gardaí should not be targeted by protesters. We agree 100%, and under no circumstances would we target gardaí, but nor should gardaí have been exposed to this. I would like to know who sent them in there. I do not believe for a second that Commissioner Harris did so, nor do I believe it was his decision that they wear balaclavas. I am sure he has better things to do than engage in incidents such as this. We would, however, like to know who took these decisions and whether anyone will be held responsible for them. I know the Commissioner is having his own investigation into the matter. I know the Garda Síochána Ombudsman Commission, GSOC, cannot carry out a section 102 investigation without the Commissioner or the Minister authorising it, just as GSOC was not allowed to investigate the Corrib gas incident. This incident, however, should be investigated in the interest of An Garda Síochána. We want the public to trust An Garda Síochána 100%. For that to happen it is important that when incidents such as this arise, they be investigated thoroughly, and I ask the Minister to facilitate this.

**Deputy Joan Collins:** Did the landlady employ the private security firm in question to enact the court order? Was she not supposed to get an enforcement order? The Minister says this is solely a matter for An Garda Síochána. Why did the Garda believe it necessary to send out a Garda riot squad, a public order unit, a Garda Transit Connect van and masked gardaí without identification numbers? The masked men from the private security firm did not have identification numbers either and there was nothing to identify who they were working for or what they were doing there. This incident was very sinister. I stand with my colleagues in saying I do not condone violence. When I was arrested on Parnell Road, I was standing peacefully on a water meter and I did not in any way challenge the gardaí present. If gardaí think someone has done something wrong, they arrest that person, who may subsequently be convicted. Whatever the issue is, one does not go into an incident such as the one we are discussing with batons, dogs, pepper spray and so on. It was a peaceful protest. The people inside the premises left it peacefully, and there was no need for heavy-handed tactics and what looked like very sinister efforts on the part of the Garda and the private security firm.

**Deputy Clare Daly:** We must be very conscious that this incident has set back public confidence in An Garda Síochána considerably. That is my starting point on this issue. We have as the backdrop an unprecedented housing crisis, whereby people, including families, are homeless. That the Garda organisation, whose motto is supposed to be “to protect and serve”, rallies around those carrying out an eviction resonates really badly with the Irish public. One may call it political with a small “p”; it was certainly lunacy on the part of whoever made the call. Like Deputy Wallace, I do not believe it was the Garda Commissioner.

The Minister says the gardaí were only upholding the law. My neighbours’ house was broken into and when they called the Garda, they did not see a garda for love nor money. That is also the job of the Garda. It chose to take sides in this instance. There was no signal that there would be public order problems of the scale that merited masks and balaclavas and all that kind of carry-on and palaver, which was highly intimidating. The matter deserves an investigation, particularly given that concrete evidence has been produced which shows that the security firm was breaching the law, yet the perception was that the gardaí were present to protect the firm and not the public.

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**Deputy Charles Flanagan:** I agree with Deputy Clare Daly that trust and confidence in the police service is vital in any democratic society. I say to Deputy Joan Collins that those present were acting in accordance with a High Court order, which, by my understanding, was lawfully obtained and was being lawfully executed. I reiterate that the gardaí present faced a most difficult task in managing protest and enforcing the law. There was abuse, including racial abuse. Online threats and intimidation came to light at the weekend. Such threats are utterly unacceptable and rightly being investigated. Gardaí work on our behalf. They need support from the public, not intimidation or abuse.

As I have said, Commissioner Harris has made a statement on the protest. I understand he has requested a report from assistant commissioner, DMR, to see what lessons can be learned from the event. I assure the House that my Department continues to work closely with all stakeholders, including An Garda Síochána, to further enhance the safety of the public at such events, while safeguarding the fundamental right of people to protest. If people have concerns about the way in which gardaí behave, concerns which I have just heard, in respect of this or any other matter, there are established procedures for pursuing such matters. Deputies are aware of the role of the Garda Síochána Ombudsman Commission in this regard.

**Acting Chairman (Deputy Alan Farrell):** Is the Minister taking the next Topical Issue matter?

**Deputy Charles Flanagan:** No.

**Acting Chairman (Deputy Alan Farrell):** We will pause for a moment to allow the Minister for Education and Skills to attend. I note the Minister for Transport, Tourism and Sport, Deputy Ross, is here to discuss the third Topical Issue matter. If Deputies are agreeable, we will discuss the third matter now and take the second matter when the Minister for Education and Skills arrives.

### **Light Rail Projects**

**Deputy Jim O'Callaghan:** I thank the Minister for being here ahead of time.

The reason for tabling this Topical Issue matter is that a number of weeks ago I met a group of residents living in a place not far from here called College Gate on Townsend Street in Dublin 2. The reason they contacted me was that they were particularly anxious about the fact that the plan for MetroLink which was published a number of months ago included a proposal to demolish their apartment block. It is important to point out that the apartment block comprises 70 homes. It also contains at ground level the Dublin City Council Markievicz leisure centre which is used widely by people in the locality. More than €1 million was spent on its refurbishment in late 2015 and early 2016. It is apparent, therefore, that this is not just some small location that is being proposed for demolition in order to facilitate a major infrastructural project. It is a large location and its demolition is going to greatly inconvenience people.

The people I met were generally young couples who had recently purchased apartments in College Gate. There are also many apartments within College Gate that are owned by Dublin City Council and which are rented to tenants. It is astonishing, at a time when there is a major housing crisis in Dublin, that a statutory body could recommend that an apartment block containing 70 homes be demolished. The Minister will be aware, like everyone else in the House,

that when major infrastructural developments are proposed, it will, of course, be the case that, on occasion, individuals will be inconvenienced. Land will sometimes have to be compulsorily purchased. On other occasions, buildings may have to be demolished. However, what is being proposed is outside the norm. I say this for two reasons. First, it is extraordinary that a statutory body would propose to demolish 70 homes in the centre of the city at the time of such an extraordinary housing crisis. Second, the proposed demolition of the apartment block is not actually necessary. The National Transport Authority, NTA, and Transport Infrastructure Ireland, TII, state they need to demolish it in order to construct a top-down station for the MetroLink at Tara Street, but there are many other locations in the vicinity which would be suitable. I know that the residents made a proposal or submission to the NTA and TII which stated the well known location of Apollo House could properly be used for the purpose of constructing the new underground station.

The second part of this Topical Issue matter relates to the fact that, although the MetroLink will be a very welcome addition to the infrastructure of Dublin, some sensible political thought needs to be put into the route outlined by TII and the NTA. The proposal is that there will be an underground route from Dublin Airport into the centre of the city - a perfectly sensible idea - and that then when it reaches Charlemont it will come above ground. The Luas line is going to be dug up from Charlemont the whole way out to Cherrywood and replaced by the MetroLink. The Minister is well aware that there are certain parts of the city that are very poorly served by public transport infrastructure, particularly rail transport infrastructure. The areas that really need rail transport infrastructure are in the south west of the city and include areas in my constituency such as Harold's Cross and Rathgar and also areas on the way out to Firhouse and Templeogue. The Minister should recognise this and inform the NTA that it would be far better to leave the MetroLink underground and direct towards south west Dublin.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank the Deputy for giving me the opportunity to address this matter in the House. As he is aware, the recently published national development plan which was launched earlier this year by the Government as part of Project Ireland 2040 brings together the metro north and metro south projects, as envisaged by the NTA's greater Dublin strategy, in one project called MetroLink. The MetroLink project involves the development of a north-south urban railway service that will run between Swords and Sandyford, connecting key destinations along the 26 km route. There will be 25 stations in total, 15 of which will be brand new. A large proportion of the route will be underground, including where it passes under the important city centre area and Dublin Airport. The underground section will terminate close to the Charlemont stop on the Luas green line in the south city area to where the MetroLink will connect and run southwards on the existing Luas green line. The Luas green line will be upgraded to metro standard as part of the project. It will provide Dublin with a high capacity, high frequency cross-city rail corridor, serving critical destinations such as Swords, Dublin Airport, Dublin City University, Ballymun, the Mater Hospital and existing destinations along the Luas green line to Sandyford. MetroLink will provide faster reliable journey times to and from these key destinations, while offering an interchange with other rail, DART expansion, light rail and bus services. It is predicted that capacity for 15,000 passengers per direction per hour during the busiest peak times will be required along the corridor. MetroLink will have capacity for 30 trains per hour in each direction; therefore, it will greatly enhance the public transport offering in Dublin. The creation of approximately 4,000 jobs during construction is also envisaged, which is very significant for the economy in the region.

The NTA, in conjunction with TII, completed a public consultation process on the emerging preferred route earlier this year. The emerging preferred route is the proposal that has been identified as the likely optimal scheme from a technical design perspective, without the benefit of public consultation and input. It is not a finalised and selected scheme; the final layout will only be determined after consideration and evaluation of the issues raised during the consultation process. The purpose of the process that also included public consultation meetings was to obtain the views of the general public, particularly those along the identified emerging route, and take that input into account in finalising a selected route. TII and the NTA received approximately 8,000 submissions, including one from the residents in College Gate apartments, which they are reviewing, with assessing changes to the scheme in order to address a number of the issues raised.

The NTA is aiming to complete a report shortly identifying a final preferred scheme, which will be the subject of a further public consultation process. The report is expected to be published later this year, following a full appraisal of all stakeholder submissions. While I absolutely understand the concerns raised by affected stakeholders, I believe there are many benefits that the MetroLink project can bring. I am confident that the NTA and TII, through the consultative process they undertook, will find a way of delivering the MetroLink project and maintaining good routes that will interchange with other public transport services, while doing so in a way that respects the social and community life of the city. Until the public consultation report is published, it would not be appropriate for me to comment any further on the details of the proposal at this time.

**Deputy Jim O’Callaghan:** Like the Minister and, I suspect, every person in this House, I think MetroLink is a good idea. The city requires such an underground service. In fact, the sooner we have it the better because there is a difficulty for people travelling from the outskirts of the city into the centre quickly. We have seen from another transport proposal, BusConnects, that the intention is to try to get people from the outskirts into the city promptly. However, the BusConnects project does not really take into account the fact that there are also people along the route into the centre of the city, in the urban villages, who have to be served.

The Minister has indicated that it is for the NTA to determine this matter which is still out for public consultation. However, it is astonishing that so little coverage has been given to the proposal by a statutory body to demolish a group of 70 homes. I commend Olivia Kelly of *The Irish Times* for covering it today. At a time when there is a severe housing crisis in the city, it is simply not acceptable for proposals such as this to be made, particularly when they are not necessary. There are many other routes and locations available for the construction of the underground station at Tara Street.

It is also obviously a political decision. Previously we saw the benefit of a lot of campaigning in the case of Na Fianna GAA Club in the constituency of the Minister for Finance. As a result of that campaigning, changes were made and it was indicated that the club would not be inconvenienced in the way that had been proposed. I commend and congratulate Na Fianna on its success, but we need to recognise that the Government has a role to play in developing important infrastructural projects. We cannot simply have a situation where the Government states there is a statutory body in place which is performing a public function and the Government washes its hands of it. The Government funds these projects and should have a say in respect of them. Will the Minister recognise the concern of the people living in these 70 homes at the proposal that their houses will be knocked down?

**Deputy Shane Ross:** The Deputy understands my position quite as well as I understand his. He is at liberty to champion this particular cause. If I were in his position, I might well be saying the same things. I am not at liberty to intervene in a process that will take me down the road which would be absolutely chaotic, however. That is why there is a public consultation. The Deputy will understand how the whole purpose of this is a thorough and democratic procedure.

The National Transport Authority, NTA, is in charge of what happens but is subject to one public consultation, maybe two consultations in certain cases, which are serious. It would not be going to them if they were not serious. I am certain that not only will the NTA be sympathetic to the 70 residents and their homes, which have been targeted and compiled in the Deputy's motion, but also that it will look at the non-political but reasonable requirements that have been made. I have full and total confidence in this consultation process the NTA is running. It is perfectly legitimate for people to campaign. Many campaigns are based on logic, reason and humanity. I am sure the NTA will take all of those considerations into account when it comes to its final decision, which is still several months away.

### **Land Development Agency**

**Deputy Peter Burke:** I thank the Ceann Comhairle's office for selecting this important matter for debate. I welcome the creation of the Land Development Agency, LDA. It will be a significant positive incentive in terms of its proposal to deliver 150,000 houses over the next 20 years. I would be grateful if the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, could update me on any legislation required and the powers of the agency. From the original press release, I note a chief executive and management team are in place in the agency.

I want to focus on Columb Barracks in Mullingar which was closed in 2012. It has an important historical significance for the town with events such as the capture of General Seán Mac Eoin in 1921. He was later Minister for Justice from 1948 to 1951 and Minister for Defence from 1954 to 1957. We need a solid framework to ensure the managed development of the Columb Barracks site which will encompass a strong social dividend, rehabilitate its listing buildings and ensure they have a sustainable use. We should also examine the potential of having a military museum at the site due to its historical significance. It has massive tourism potential for Mullingar. The site has a national significance and its history is part of the various milestones in the birth of the State.

The development of the site must have a strong social dividend for Mullingar. Several clubs and societies, like Lakeside Wheelers, the Olympic Boxing Club and the Order of Malta, are housed in the buildings of Columb Barracks. For example, Councillor Andrew Duncan, who works with me in Mullingar, is trying to get a framework to develop the site in a more sustainable way.

The fact the site will be under the control of one agency, the LDA, is positive. It will have the power to develop housing in a sustainable manner on the greenfield site as well as ensuring a sustainable future for its listed buildings. It will assist in developing a project which could be of benefit for the town of Mullingar.

I know the Minister is relentlessly focused on delivering housing and is successfully incentivising supply. He is also redressing the balance in State provision of housing. For so long,

our State relied on the private sector to deliver housing under the Part V model. It is important to redress that balance to get the State to deliver housing again. The policies the Minister has implemented to achieve this are worthwhile and will bring significant dividends.

I want to ensure the LDA will not slice and dice the Columb Barracks site. I want to be confident that it will work with the local authority in having a framework to develop the site as an entity, as well as ensuring a sustainable use of the listed buildings with a social dividend for Mullingar and a bright future for the site.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank Deputy Burke for raising this important matter, which is a key priority for the Government. Following a Government decision last Thursday, both I and the Minister for Finance, Deputy Donohoe, signed an establishment order under the Local Government Services (Corporate Bodies) Act 1971, establishing the Land Development Agency, LDA, on an interim basis. The establishment order is very much an initial and enabling measure to get the agency up and running as quickly as possible while at the same time recognising that the Government must act swiftly in providing a fuller primary legislative basis for the agency and its intended scope of powers and operations.

Work is under way on this and I expect to have the general scheme of the Bill to the Government in November. This will take account of the intended functions of the agency, which will include co-ordinating appropriate State lands for regeneration and development, opening up key sites not being optimally used, especially for housing delivery, and driving strategic land assembly working with both public and private sector landowners to smooth out peaks and troughs of land supply, stabilising land values and delivering increased affordability.

The legislative basis for the LDA will also need to take account of its role in addressing the historical and traditional volatility in land prices as a result of land speculation as well as alleviating delays in delivering housing and strategic urban redevelopment generally. This can often be as a result of hold-ups in delivery due to disparate land ownership and cost allocation for infrastructure.

In addition, the legislation will need to take account of the intended positioning of the LDA as a commercial State-sponsored body with appropriate corporate governance and oversight arrangements and one which, like any other market operator, will act within a clear Government policy framework. In that context, it is critically important to take account of the decision that the Government has made requiring all public land repurposing to deliver at least 40% of any housing potential on such lands in the form of social and affordable housing.

My Department is working closely with the LDA establishment team, which is advancing its work on key sites as well as engaging with public bodies that control key sites, in developing the detailed approach to the scope of operations of the agency and learning from best practice abroad in similar public land agency type organisations. This detailed and preliminary input is key to informing the development of the general scheme of the Bill, for which I intend to bring a further memorandum for the Government in early November. This will seek approval to the detailed drafting of the legislation, which we will be working hard to complete, so that a Bill can be published and brought before the Houses.

Allowing for those considerations and complexities, at this point the ambition will be to secure the enactment of the legislation by Easter 2019. That said, the agency has been established

on an interim basis. An allocation of €20 million has been made available by my Department until the legislation is put in place and the capitalisation by the Ireland Strategic Investment Fund, ISIF, of €1.25 billion can be made.

I thank Deputy Burke for all the work he has done with me and my Department to date, as well as with his local authority, to ensure we meet the concerns of his constituents when it comes to the delivery of more affordable housing from public lands. By doing so, we can also meet the concerns of his constituents in how we protect ongoing uses of these sites and the ongoing interests of the community. This will be a significant benefit to Mullingar. The new agency will see that the public land is put to use for the public good. The LDA will be the developer to do this. It will consult local Deputies and the county council, as well as other interested community groups when it comes to the master planning and development of the site. It will be an early win for the LDA because it is a priority site agreed with the Minister for Defence. I thank the Minister of State, Deputy Kehoe, for his co-operation to date on this. This is not about slicing and dicing land. This is about bringing forward public land for housing for the public. By using this site in this strategic location, we will be able to deliver more housing, both subsidised and social housing, at a more affordable price and also housing for the public. What is more, it will not just be housing delivery on these key sites. The Land Development Agency, LDA, has a mandate beyond housing. We have tied in that important housing mandate but it will be able to meet the other interests of the community, as necessary, when we are talking about a site of such scale and strategic importance.

**Deputy Peter Burke:** I thank the Minister for his detailed response. I want to focus specifically on Columb Barracks in Mullingar. Councillor Andrew Duncan works very solidly in Mullingar and he and I are clear in our minds that a key element must be a solid dividend from the development of this site. The listed buildings should have a sustainable use that will benefit Mullingar. Projects could be developed in the interests of the nation and of the people of Mullingar in terms of a museum, the highly significant historical events that are part of the DNA of Mullingar and, indeed, the proud history of the 4th field artillery regiment, which, unfortunately, left Columb Barracks in 2012.

It is a welcome development that we have an agency to drive forward this site and ensure we will have an increase in housing supply in our locality. It can ensure there will be no slicing and dicing, as the Minister said. There is a framework to develop this site in a sustainable manner and to protect and find a sustainable use for the listed buildings. With Brexit and all the various uncertainties and Mullingar being quite close to the Border area, no one knows what future this significant site may have. The Minister is focused on delivering housing. The chief executive of the new agency has met representatives of Westmeath County Council and I expect him to interact and liaise with all elected officials and the local authority to ensure the best possible use is secured for this site for the people of Mullingar to bring more vibrancy to the town and also to ensure that the site will not be sliced and diced.

**Deputy Eoghan Murphy:** The Deputy is right to be proud of the history of the barracks and the people who were stationed there. It has a new future ahead of it and it is important we work together to protect that future in the public interest. There must be a social dividend from this site and it is important that dividend will be there for the people of Mullingar to enjoy.

I would just make a few more general points about the LDA. We are talking about State land, public land, which is not being used efficiently, that is in very desirable locations and that could be much better used for housing, schools or other community uses, including the ones the

Deputy outlined. We now have, for the first time, a requirement that State land must be used more strategically in the public good and must be made available for housing for everyone, not only public housing for the public but also locking in 50% of houses for social and subsidised housing. That does not mean that we are selling 50% of the State land to private developers. Neither does it mean that 50% of houses on these sites will be unaffordable. Anyone who says otherwise is misleading the public. The State will be the developer. That is the purpose of the LDA. It is not to sell off the land to other developers. We will be the developer and we will use different methods to deliver and guarantee housing for the public in the public interest as well as other public goods, as necessary.

Without this new agency, State land that is in needed locations might never have been used for housing. When we look around our urban centres and our town centres on the outskirts of some of our villages, we can see how State land is not being used where it should be used for housing. When we think about our ambitions in Project Ireland 2040, there is a key role for the Land Development Agency here. If we are going to double the growth of our cities other than Dublin while also growing Dublin in a sustainable way, we need an agency to co-ordinate State land better and bring it forward for housing delivery and other types of delivery. If we are to smooth out the peaks and troughs that we have seen that have led to numerous housing crises in the history of our State, we also need the State to be bringing forward its significant landbank for housing delivery.

While the agency meets certain needs regarding the current shortage that we have, there is a longer-term ambition and strategic goal for it. We have needed such an agency for decades. It is very good we have one now as it looks to the future of particular sites, including the barracks in Mullingar, which the Deputy is right to be so protective of, and that we ensure we lock in protections for those sites and for the public in Mullingar into the future.

## **Education Funding**

**Deputy Eoin Ó Broin:** The Carline Learning Centre in Lucan, County Dublin, has been providing a unique educational social care and psychological service to young people for more than 25 years. It works with young people who, for a variety of reasons, are no longer able to remain in mainstream schools. They are often young people with complex needs and issues in their families or in their communities. It provides them with a stable learning environment, first, to try to reintegrate them into mainstream school but also to give them real opportunities in life. The centre has an enormous success rate. In the past year, 17 young people who entered the school completed the junior certificate examination, and 53% of the young people who go through its doors are reintegrated back into education.

The centre's funding situation is precarious but the central problem the three Deputies from the constituency want to raise today is that it does not have access to capital funding. Currently, it has an urgent capital funding need to bring the building up to health and safety standards, and we are urging the Minister and his Department to intervene. I got a reply from the senior Minister recently to a parliamentary question. It was disappointing that he described this service as out-of-school provision. This is a form of school for young people who desperately need the support. The building they are in should meet health and safety standards and we are asking the Minister to work with us to try to resolve the current funding difficulties.

**Deputy John Curran:** Deputy Ó Broin has set out clearly the role of the Carline Learning



Centre, which we had the opportunity to visit last week. I reiterate that the children who are attending the centre, of whom there are approximately 50 at any given time, are dealing with a range of issues. The reality is that without this facility, they would be excluded from education. The centre's outcomes are very successful. As Deputy Ó Broin indicated, having done the junior certificate, more than half of these children return to mainstream education. The Deputy pointed out clearly that there is an issue regarding the condition of the physical structure of the building and, while we have received a reply, the various funders are washing their hands of it because it is funded in an unusual manner. There are probably four primary funders, including the education and training board, the local drugs task force, Tusla and the Department.

The primary concern is for the children, who range in age from 13 to 17. There is an obligation on the State to ensure they receive an education. Most of those children are obliged to attend an educational facility. They are not of an age where they can leave that environment, yet no one is addressing the issue of providing the capital funding required. Most of the funding the centre gets goes on current expenditure and staff wages. The challenge is that the current building is not fit for purpose and without the Minister taking a proactive role and addressing this issue, the future of this institution is of concern to us.

**Deputy Gino Kenny:** I concur with my fellow Dublin Mid-West Deputies. This is a unique project that has been in operation for 25 years in the Clondalkin-Lucan area. I have first-hand knowledge of it. My niece attended the Carline project. She will not mind me saying this because I have said it to her already but she dropped out of school. She went to the Carline project, completed the leaving certificate this year and is now doing a full-time course. She says that if it had not been for the Carline project, she probably would have taken a different road education-wise. I can say that in respect of the many young people who use the facility. It is a great facility that prevents young people taking a different road from the one they should take. It is imperative that this project is properly funded.

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor):** I thank the Deputies for raising this matter. I am taking it on behalf of the Minister, Deputy Bruton, who is attending to other Government duties today.

As the Deputies will be aware, the Carline Learning Centre, Balgaddy, Lucan, County Dublin, was established as a community-based project in 1993 to assist young people who were not availing of mainstream education. Since then it has developed into a social care centre of learning which offers a combination of educational, emotional and social care programmes. The centre caters for young people aged 13 to 18 with a current enrolment of 27.

Education is provided in line with the primary school year calendar. Referrals to the centre are made by Tusla's educational welfare service, Garda juvenile liaison officers and Tusla social work teams and care homes. Currently, 63 part-time hours per week are provided by the Department of Education and Skills at an annual estimated cost of €150,000. *3 o'clock* The Department also provides an annual non-pay grant of €170,000 to Dublin and Dún Laoghaire Education and Training Board, DDLETB, to meet the day-to-day running costs of the centre. In addition, the centre receives annual funding from Tusla. In 2017, Tusla provided €91,190 comprising an annual allocation of €60,000 plus additional funding of some €30,000 for that year.

In addition to the funding provided to the Carline learning centre, the Department of Education and Skills funds a range of national programmes catering for early school leavers, such

as Youthreach, community training centres and youth encounter projects, which are represented in Dublin. The Department's DEIS plan 2017 sets out the vision for education to more fully become a proven pathway to better opportunities for those in communities at risk of disadvantage and social exclusion. Action 88 of the plan provides for a review of current out-of-school provision to inform future policy in this area. This review is being carried out by a working group chaired by the Department of Education and Skills and includes representatives from Tusla and the education and training board sector.

With regard to capital funding for the Carline facility, the Department of Education and Skills has no record of an application for capital works from the centre and, consequently, it is not aware of the issues to which the Deputies refer. The Minister has asked that I inform Deputies that the Department is willing to consider an application for funding to address fire safety and health and safety issues at the centre. The Department has already been in touch with the DDLETB and it has agreed to contact the centre to assist its board in this matter. Once an application is received, it will be turned around as quickly as possible.

**Deputy Eoin Ó Broin:** I thank the Minister of State and the Minister for the very positive answer. In her previous career, the Minister of State was aware of the challenges faced by teachers in schools. Having met some of the teachers in the Carline learning centre, I am aware that they go beyond what would normally be expected of teachers to ensure that the very vulnerable young people with whom they work get the best quality education. They also have a very impressive voluntary board that is putting a considerable amount of time into the development of the centre to ensure its governance and other affairs are in order. If we are able to get this application, on which we will communicate with the school as a matter of urgency, into the education and training board as soon as possible, we would hope the Department and the Minister of State, through her good offices, would be willing to assist in expediting it as quickly as possible. Clearly we cannot have a scenario where young people in an educational institution are at risk due to a lack of adequate capital funding. It is not a large amount of money. I thank the Minister of State for the encouraging response. We will stay in touch with the Minister of State over the coming weeks.

**Deputy John Curran:** I thank the Minister of State for her positive response to this issue. She indicated the various sources of funding made available to the Carline centre. and she is absolutely correct. The vast majority of that funding, however, goes on one thing only, namely, staff wages. Very little funding is left to run such a facility. The positive response and willingness to deal with requests for capital funding to address some of the serious outstanding issues in the school are very welcome.

I concur with my colleague and place on record my appreciation for all who are involved in the Carline learning centre, including the volunteers, members of the board and especially the staff. The outcomes are very successful. I indicated that at any given point in time approximately 50 people will be participating in programmes to complete the junior certificate. The outcome is that 50% of participants return to mainstream education. For those who have entered the centre with the complex issues that we identified at the start of the debate, those outcomes are very positive.

I thank the Minister of State and ask her to convey to the Minister that we are very happy with the response that the Department is prepared to consider the request for capital funding and that the Minister of State is prepared to do so with a degree of urgency.

**Deputy Gino Kenny:** The Minister of State has given a positive response. It is safe to say that the building complex is relatively old. Staff at the centre have indicated it needs refurbishment, particularly for health and safety reasons. As Deputy Ó Broin noted, the amount of funding involved is small when one considers the services the centre has provided to young people who have availed of its programmes over the past 25 years. If it was not for this service, who knows where those young people would have ended up? The staff and founders of the project have guided young people in a different and safer direction for educational purposes and put them on the right road in their own lives and those of their families. I hope the centre will secure the funding it needs to be a viable project for the future.

**Deputy Mary Mitchell O'Connor:** I will raise this issue with the Minister. I am glad the Deputies are happy with the response. I hope progress will be made quickly.

### **BusConnects: Motion [Private Members]**

**Deputy Robert Troy:** I move:

“That Dáil Éireann:

notes that:

— public bus and rail services provide an essential environmentally friendly service and their use should be promoted; and

— Dublin Bus provides a vital and necessary public service for all citizens in Dublin and its greater area and should receive investment to ensure that its services are maintained, improved and enhanced to meet the needs of a vibrant capital city;

condemns the unnecessary anxiety and anger experienced by the public in the last eight weeks since the BusConnects consultations have commenced; and

agrees that:

— the current proposals put forward by the National Transport Authority via BusConnects for culling bus routes across Dublin and its greater area be immediately reversed and re-configured so that all communities in Dublin and surrounding counties can retain access to their schools, colleges, work places, hospitals and other essential amenities, by Dublin Bus; and

— the reconfigured plan, when completed, should be put to consultation so that communities can be fully consulted on any route changes.”

I will share time with Deputies Jack Chambers, Curran, Haughey and O'Brien. Each of us will take four minutes.

I welcome the opportunity to bring forward this Private Members' motion. I will allow my colleagues who represent particular constituencies to outline their main concerns about some of the proposals in the BusConnects plan. I acknowledge that the NTA will have carried out 32 public consultations by the end of the consultation period. I encourage people to engage in

these public consultations to have their views known, not just on the negative elements of the proposal but also on its positive aspects.

People have asked me time and again what the NTA does. The NTA is the body responsible for public transport. It is responsible to the Minister for Transport, Tourism and Sport, Deputy Shane Ross, and he and the Government are responsible to the Dáil. The reason we have moved this motion is to ensure the Minister is aware of the anxiety, worry and concern caused by BusConnects.

There are some positive elements of BusConnects, such as the segregated cycle lanes, which I welcome. Earlier today, the Minister referred to BusConnects and segregated cycle lanes, but in reply to a question he was unable to say exactly how much will be spent on this measure. Perhaps the Minister will do so this evening. The new orbital routes will alleviate the need for everybody to come into the city centre. This will reduce congestion and is welcome. The new fare structure is also welcome. I would, however, question why the Minister enabled the NTA to allow Bus Éireann to withdraw the refund facility before this new fare structure and cashless option was introduced. Greater capacity and new energy efficient buses are all very welcome. I put it to the Minister that the drafts of the plan that were put on display at the end of July have caused great anxiety. Public meetings organised by my colleagues, Deputies Jack Chambers, Lahart and O'Brien, Councillor Cormac Devlin and Senator Catherine Ardagh, were attended by between 100 and 600 people.

The NTA is responsible to the Minister. I want him to give a commitment on the floor of the Dáil that the consultation process is not simply a box-ticking exercise, that the views of Dublin Bus service users will be taken on board and that, whenever a redesigned network is agreed to in draft format, it will be put back out for consultation in order that the 150 million passengers who use the service annually will have an opportunity to give their verdict on it.

Was Jarrett Walker and Associates the only consultancy firm considered for the draft plan? If not, who else was considered and why was Jarrett Walker and Associates chosen? Will the Minister acknowledge that the timing of the public consultation process was wrong from the get-go?

**Deputy Darragh O'Brien:** Hear, hear.

**Deputy Robert Troy:** It was wrong to put it out for consultation during the summer months because, rightly or wrongly, it created a perception that the views of the public were not welcome. Will the Minister ensure the drivers who provide the services day in and day out will have their views taken on board? Will he guarantee that any redesigned network in draft format will be readvertised to ensure the service, in respect of which we not only want to retain current users but also encourage new ones who are currently driving, will have sufficient capacity, that there will be an accelerated roll-out of hybrid energy efficient buses and, most importantly, that the needs of passengers will be met in getting to work, college, social and hospital appointments?

**Deputy Darragh O'Brien:** I thank my colleague and our transport spokesperson, Deputy Robert Troy, for tabling the motion. It shows the importance Fianna Fáil places on this issue that it is our first Private Members' motion post the summer recess. It is a major issue that may affect Dubliners.

Deputy Robert Troy has covered some of the positive aspects of BusConnects, in which we

welcome the investment of €1.2 billion which is undoubtedly needed in the creaking public transport system. I commend the Deputy on another point. The process would have been done and dusted had it been left to the Minister and the NTA. It was at the Deputy's insistence at the transport committee in July that the public consultation process was extended. It is important that people have their say. The meetings I have hosted in Dublin Fingal have been attended by hundreds of people because it is their bus service and they care about it. The review is good and that we will find out what people want is to be welcomed.

I will cite a few examples from my constituency of Dublin Fingal which per the census has a population of just under 300,000 people, as the Acting Chairman will know. It is a young constituency with many commuters. Let us consider some of the changes proposed. The 33 bus route serves the major growth areas of Balbriggan, Rush, Lusk and Skerries. All direct services into the city will be discontinued. Direct services from Donabate and Portrane into the city will be discontinued. Direct services from Malahide, where I live, will be reduced by 25%, but from some areas of Malahide such as Seabury there will be no direct services into town. There will be no direct services into town from Kinsealy. The direct services from Portmarnock will also be removed. During the Topical Issues debate the Minister mentioned the much vaunted metro north proposal and the need to serve Dublin Airport with a light rail or metro system. We need to serve it with bus services. In north County Dublin the 102 bus route will be removed.

People are concerned. This is a quality of life issue. It is about how people get to work, college, hospital appointments and school. Just before I came to the Chamber I received an email from Portmarnock community school, which has 900 pupils. Pupils in secondary schools are concerned about how they will get to school based on the plans. We want to ensure public consultation means just that, namely, that it means consulting, listening and making changes to BusConnects where it needs to be changed. Let us consider the Dublin Port tunnel, one of the best pieces of infrastructure built in the past 20 years. All of the 142 bus route services which pass through it - nine buses per day - will be discontinued. Is there a reason for this? Are the routes being cleared to allow for the future privatisation of services? That is not stated in the report and we never received a copy of the exact terms of reference.

I am speaking on behalf of my constituents in Dublin Fingal when I say that if the BusConnects report as it stands was to be implemented in the morning, it would be an unmitigated disaster for services on many routes. While there are positives, changes need to be made, where appropriate. The motion is important, as it directs the Government to give a firm commitment that it will listen to customers and ensure those who are dependent on buses will not have routes ripped out from under them. As for the overreliance on the northern DART commuter line, anyone who uses it will realise it is already creaking at the seams. We cannot just put tens of thousands of additional passengers onto a rail line and say the issue has been resolved.

I welcome and wholeheartedly support my party's motion. I hope there will be a positive response from the Government to the feedback we have received from thousands of people all over Dublin.

**Deputy Seán Haughey:** There is widespread concern across Dublin city and county about the BusConnects plan. Many public meetings have been held, while many official consultations have taken place. I share my colleagues' regret that the public consultation process took place over the summer months when many people were not politically aware.

The main problem with the plan is that it severs links with important services such as hos-

pitals, colleges, shopping centres and Government offices. Many bus users who currently use direct routes into the city centre from where they live will need to take at least two buses to reach their destination.

There will be problems with the proposed interchanges, particularly given the difficulties they will cause for the elderly, wheelchair users and people with special needs. There will be capacity issues at the bus interchanges. I can imagine the chaos there will be on the Malahide Road at the Artane roundabout when people arrive to catch a second bus. I assume the Minister can give assurances that the bus stops at the interchanges will be close together. Has any thought been put into that matter? Will there be pedestrian-operated traffic signals to enable people to cross the Malahide Road? These issues have not received sufficient consideration. Will the number of buses be increased? The solution to the problem of bus services in the city is to increase their number.

It is a general rule in politics that, if people have had the benefit of a service for generations, we cannot just take it from them overnight, yet that is what is being proposed. In Edenmore there are problems with the 27A bus route. In Howth there are problems with the 31 bus route. In Raheny there are problems with the 29A, 31, 31A, 31B and 32 bus routes. In Artane, Beaumont, Coolock, Kilmore, Santry and Clonsaugh there are problems with the 14, 16, 27B and 17A bus routes. People have many concerns about the issues that arise and I worry about what is being proposed. For example, I worry that it is a route to the privatisation of further bus services in Dublin. The plan is opposed by the NBRU. Any bus driver to whom I have spoken has been opposed to it.

I wish to raise an issue about public transport generally. It concerns the DART. Both last week and this week DART services from Malahide and Howth were significantly overcrowded. By the time they get to Harmonstown and Killester, they are completely full, which is quite dangerous. Passengers who wish to get off at various stops have to bash their way through the crowds on the carriages. There is a major problem with DART services on the north side of Dublin for passengers heading into town, yet I am not sure the changes implemented last Monday will solve it.

The plan has to be scrapped as there is too much concern about it, but we cannot scrap one system overnight and impose a new one. It must be done incrementally. We need to get the NTA to go back to the drawing board to start again and come up with a revised plan.

**Deputy John Curran:** I welcome the opportunity to contribute to this debate. The Bus-Connects project has caused considerable public concern, but that is not surprising, given that Dublin Bus is the dominant carrier of passengers, with 140 million per annum in the greater Dublin area.

There is concern that the public consultation process took place over the summer. Most of us, as public representatives, are receiving more inquiries and queries about what is in the plan now than we received in July and August. That is the reality. It was unfortunate that it took place in that period. I would like the Minister to take the opportunity to clearly set out clearly the timelines for how the plan will be developed and, more important, to incorporate the submissions received which were made by the public and for the redesign of the plan to be made public.

The first concern that people had was losing the direct route that existed. It all sounds very

well and I listened to and observed how that might work. I will give an example of one area. A bus leaving Rathcoole, the 69, goes no farther than the Luas stop at Saggart. When one reads the narrative, it says that instead of being once an hour, the 69 will be twice an hour, which looks like a net gain. When one gets to the Luas line, the Luas is very frequent, so that is not a problem. The problem in reality is the return journey. One ends up in the middle of nowhere, with no shelter, waiting for up to half an hour to get a bus. These are the concerns with losing the direct route which have not been factored in, including where one is waiting and the type of environment one is in. People are genuinely concerned about the loss of that direct route. I do not have time to go into every route and I will not. Some of the design takes buses out of existing population areas. The one that goes through Clondalkin village, the 13, will no longer come down the Fonthill Road and serve the whole parish of Sruleen and will no longer go up Woodford Road and serve the parish of Knockmitten. Two areas are being left vacant.

Much of it relates to interconnectivity between Dublin Bus and other modes of transport and where the plan does not clearly indicate the additional capacity that will be made available on the Luas. People are concerned that at 7.30 a.m., at the Red Cow, the Luas is full. What will happen if more people are brought to that? That is a huge source of concern. The underlying concern is that the plan is predicated on increased frequency, with a bus every eight or ten minutes. For that plan to happen, the quality spines, the corridors, have to be in place. There is a lack of clarity about implementation. At what stage are the corridors built and at what stage does one revert to this new BusConnects project? People are genuinely concerned that the transition will take place first, so new bus routes will come in before the spines and corridors are in place. If that happens, the frequency that the Minister anticipates will not be delivered.

This is a plan for the future and the timelines are somewhat unclear. I know the Minister will take an opportunity to spell that out. People ask me what is happening this year and next year. I reiterate that people who will go to work tomorrow who are dependent on the 25 in Lucan will not be able to get on that bus tomorrow because it will be full. While we are planning for the future, we are not dealing with today's demand on some of our routes. People are not able to get on the bus. There are other routes with similar issues, such as the 68 from Newcastle. Some people living in Lucan get on the outward-bound bus to go farther out so that they can cross the road and get a city-bound bus. I ask the Minister, in his response to this, to set out how he sees this being implemented with regard to the delivery of the capacity that underpins the required frequency.

**Deputy Jack Chambers:** As other speakers have said, there is massive anger, dismay, concern and fear about this BusConnects proposal. Across my constituency, we have held four meetings and have another one tomorrow, Thursday. Hundreds of people fear that this will drive a wedge through their communities and their connectivity and undermine the present and existing bus service. The Minister is trying to create radial routes to channel people into central, spinal arteries which will bring them to town. That is all very good on paper but people who might have disabilities and elderly people may have to switch or go backwards to go forwards into town.

Whoever designed this in the company the National Transport Authority, NTA, tendered it to, Jarrett Walker + Associates, is trying to impose an American-like transport system on a city that cannot take it. Many people across the suburbs of this city cannot operate within that service. There was a proposal in recent years to build a spinal artery but to have it as a parallel bus service to the existing one so if people want proper connectivity through their communities, that will be enhanced and improved. This plan robs Peter to pay Paul. It takes buses from existing

communities, estates and neighbourhoods and brings them into a channel, but undermines their present service. The fear emanates from there.

In my area, the 39 bus, the main service for people for many years, is being removed and abolished altogether. People are being asked to go backwards towards a new hub at the Blanchardstown Centre. Anyone who knows the Blanchardstown Centre knows there is complete gridlock at the best of times. This proposal to try to create a hub at the Blanchardstown Centre will only increase commuter times and undermine people's commute and the promotion to them of public transport.

The 37 and 38 are losing connectivity. People will have to get off on the north side of the city to switch. It is all very good on paper, but people who do not want to switch or to have their existing commute increased but want their services and frequency increased are being undermined.

The Minister is removing the 40D and 17A from a growing community, Tyrrelstown and Hollystown, which will have an isolating effect on the communities. That is an area of population growth in a west Dublin suburb, where thousands of new homes are being built, and in parts of it the Minister has not even planned for proposed growth. Are the national planning framework and future growth across the city considered?

There is another mistake. In Clonee, the 70 and 270 are being removed to two local radial routes, increasing commuting times and affecting the connectivity that we have with Dunboyne and many people who go to primary and secondary school there.

What engagement with communities was undertaken before this plan was designed? I have noticed in all the public meetings I have had that people have constructive suggestions about things that they would like to see tweaked and operational improvements that could be driven by Dublin Bus and the NTA. This is a plan that has come from the top down and is being imposed on people. It was a very cynical announcement through the public consultation process. The Minister announced it at a time when he knew people would not fully engage. They were not fooled and tens of thousands of people have had their say in this plan. The removal of the 122 on the Navan Road will mean that communities there will be completely neglected. The net result for many suburbs throughout Dublin will be an inferior bus service. It is time that the Minister and the NTA went back to the drawing board. They are trying to create a sardine service by bringing radial routes into a centralised spine, where the spinal networks can be sold off to private companies. It is important that we have a public bus system which delivers for the people who pay their taxes, so that we have enhanced community connectivity. This bus plan does not do that.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I move amendment No. 1:

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

“notes that:

— public bus and rail services provide an essential environmentally friendly service and their use should be promoted;

— Dublin Bus provides a vital and necessary public service for all citizens in Dublin



and its greater area, and should receive investment to ensure that its services are maintained, improved and enhanced to meet the needs of a vibrant capital city; and

— as with any proposed change to public services, the necessary consultation has caused some anxiety and worry to some members of the public in the last eight weeks since the BusConnects consultations have commenced; and

agrees that:

— the current proposals put forward by the National Transport Authority via BusConnects for changing bus routes across Dublin and its greater area be reviewed in the context of all submissions received during this consultation process so that all communities in Dublin and surrounding counties see the enhanced benefits of the new BusConnects scheme; and

— the reconfigured plan, when completed, should be fully communicated to all local communities and further consultation undertaken if required.”

I welcome the opportunity to address the House on the issues raised, particularly in light of this Government’s serious commitments outlined in Project Ireland 2040 which launched earlier this year. That includes the national planning framework and the ten-year national development plan. While I agree with the opening aspects of that motion, my agreement stops there. I am proposing an amendment to the motion and call on the House to support it.

I am a little puzzled by the Fianna Fáil position here and maybe its Members could explain it to us. I understand that they welcomed this project with open arms. I fully understand but will not accept the amendment from Sinn Féin, where there is a consistency which is predictable. I do not agree with it but they have had a consistent line on public transport. Sinn Féin’s amendment condemns privatisation. I suspect, possibly with mischief aforethought, that they are suggesting that this is in some way a road to privatisation, where we are not going, but at least it shows consistency and we know where we stand. The situation with Fianna Fáil is deeply confusing. BusConnects is a project which was welcomed by Deputy Troy, Fianna Fáil’s spokesperson on transport, as a project which was vital to keep Dublin moving. That was his initial reaction to it. He said on 12 June, “The BusConnects project represents the opportunity to get this investment under way.” He was encouraging and I welcome that encouragement. I am disappointed that today we have a motion before the House that is hostile to the direction in which BusConnects is going. Nevertheless, I think the overall Fianna Fáil position is that the party welcomes the initiative even though it wants to see the consultations go ahead, which we all do.

When Deputy Chambers says he feels the whole system is wrong I think he is in direct conflict with other members of his party. On 2 July, Deputy John Lahart, who is the Fianna Fáil Party spokesman on Dublin and issues of this sort, welcomed the BusConnects launch and along with his colleague in the Seanad, he could not wait to get into a photograph holding the BusConnects brochure high, so enthusiastic was his welcome for this particular project. He wanted to be identified with it. He said it was a great project. I have a photograph of him at the launch with the BusConnects maps behind him-----

**Deputy Jack Chambers:** The Minister should deal with the issues.

**Deputy Shane Ross:** -----showing a big picture of the proposed network.

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**Deputy Jack Chambers:** The Minister should deal with the issues.

**Deputy Dessie Ellis:** Fianna Fáil started the process of privatisation.

**Acting Chairman (Deputy Alan Farrell):** The Minister should be allowed to speak without interruption.

**Deputy John Brady:** The Minister should deal with the issue.

**Deputy Shane Ross:** I also have a copy of the information Deputy Lahart issued and his tweet on the matter. I welcome the fact that he was so enthusiastic about this project and wanted to jump into the photograph with Senator Gerry Horkan. Good luck to him. That was welcome, but today we have the language of chaos and culling from Fianna Fáil, yet here in the photo I have Deputy Lahart standing shoulder to shoulder with what he calls the culls. That is the new network on the map behind him but we are now talking about it as culling. Today, we also have the language of condemnation from members of the Opposition. They should get their act together and decide which side they are on. They cannot be on both sides on this one. I know it is difficult. A consultation process is going on which has got a very welcome number of people coming forward with suggestions about changes, many of which are being regarded very seriously and will be considered seriously.

Deputy Haughey said one cannot have a change like this overnight. He repeated that twice. There is no intention to do this overnight. That is the whole point of this consultation process.

**Deputy Seán Haughey:** It will be done next year.

**Deputy Shane Ross:** It will happen in 2020.

**Deputy Jack Chambers:** No, it is 2019. The Minister should read the document. He does not even know his own document.

**Deputy Shane Ross:** Is 2019 overnight?

**Deputy Jack Chambers:** Yes.

**Deputy Shane Ross:** There is no announcement of an overnight change.

**Deputy Jack Chambers:** The Minister should read his brief.

**Deputy Shane Ross:** That is the difference. The announcement said there would be consultations and after the consultations had been considered in November a new programme would come back. The consultations will be taken seriously and there will be further consultations after that. That is a serious business and it is not to be taken-----

**Deputy Seán Haughey:** Was a lot of concern expressed about it in Cabinet?

**Deputy Shane Ross:** -----as some sort of scare tactic.

**Acting Chairman (Deputy Alan Farrell):** Deputy Haughey should please allow the Minister to speak without interruption.

**Deputy Seán Haughey:** How many members of the Cabinet are concerned about the project? Why does the Minister not tell us what happened at the Cabinet meeting? All the Ministers are objecting to it.

**Deputy Noel Rock:** Ignoring the consultation is a disgrace.

**Deputy Seán Haughey:** There are lots of leaks coming from the Cabinet.

**Acting Chairman (Deputy Alan Farrell):** If Deputy Haughey makes one more interruption I will have to ask him to leave.

**Deputy Shane Ross:** What we now have is Fianna Fáil absolutely at sea-----

**Deputy Seán Haughey:** And the Cabinet.

**Deputy Shane Ross:** -----with its spokesman posing for photographs at the BusConnects launch and proudly wanting to be identified with it and the other members of the party saying this, that and the other is wrong. There are problems-----

**Deputy Seán Haughey:** Big problems.

**Deputy Shane Ross:** -----as there always are when one introduces a radical measure of this sort, but they are not insuperable and that is why the NTA is out there day and night with members of its staff listening to Members and others speak about the difficulties they have. Those concerns which are considered legitimate will be remedied.

The Government is continuing to take steps to address the underinvestment in integrated public transport following the crisis where public investment was constrained to safeguard the provision of essential public services. Project 2040 rightly recognises that significant investment in public transport will be required to accommodate change and growth, while also providing more choice for the travelling public and improving the quality of people's lives. Together with the National Transport Authority's Transport Strategy for the Greater Dublin Area 2016-2035, Project Ireland 2040, through the national development plan, NDP, provides for the planning and delivery of public transport infrastructure and services over the short, medium and long term.

Recent reports show that approximately 70% of people travelling into Dublin city each morning do so by sustainable transport. Each day the majority, that is 57% of all public transport trips, equating to 136 million passenger journeys annually, use the bus for their commute. Given the numbers, it is no surprise that the bus has to be the main component of the solution to address the current congestion problem and to meet future transport needs. One of the flagship investments to be delivered within Project Ireland 2040 and the ten-year NDP horizon is BusConnects for Ireland's cities, commencing roll-out in Dublin. BusConnects is a key investment priority for public transport to address congestion in Dublin in the short to medium term.

A radical improvement in the bus system can deliver a positive change in public transport performance across all areas of the Dublin region within a relatively short time. The objective of BusConnects is to deliver a bus system that will enable more people to travel by bus than ever before, and allow bus commuting to become a viable and attractive choice for employees, students, shoppers and visitors. BusConnects will include continuous bus lanes as far as is practicable along the busiest bus corridors, along with a network of park and ride facilities at key locations. It will also involve 11 orbital routes that will operate on a 15-minute frequency or better, in the north, south and west of the network area. Enhanced and expanded services will deliver 27% more capacity. As far as customers are concerned, this can only be a good thing, and likewise for transport workers. There will also be major improvements to deliver next

generation ticketing and passenger information systems, a simpler route identification system and fare structure and a fleet transition to lower emissions. All that means the number of people living within 400 m of a bus service that operates every ten minutes or still more frequently will increase by 35%, from 480,000 to 650,000. There will be an increase of 10% in fleet serving the greater Dublin area with significant increases in weekend and post-peak services.

BusConnects is not just about buses, as this plan will provide much-needed cycling facilities and make it easier and more attractive to cycle around the city region. Given the increasing number of cyclists across Dublin there is an imperative to provide safe and segregated cycling facilities where possible. The NTA has calculated that more than 200 km of cycle tracks or lanes will be built or current lanes improved upon. A better cycling network is good for all transport users. It avoids cyclists sharing bus lanes with buses and will remove many of the conflicts between buses, cars and cyclists. The House will be aware that the NTA published its proposals for the core bus corridors project report setting out the outline of 16 radial routes, together with 200 km of cycling lanes, into and out of the city. The NTA expects to publish the detailed and considered proposals for each of the 16 corridors in October. At that stage, a full public consultation process will commence. That will allow people to provide feedback and their thoughts on the proposals and the NTA will fully engage with people along the corridors and surrounding areas.

**Deputy Imelda Munster:** I wish to share time with Deputies Ó Broin, Ó Snodaigh, Brady, Mitchell and Ellis.

**Acting Chairman (Deputy Alan Farrell):** Is that agreed? Agreed.

**Deputy Imelda Munster:** BusConnects has caused great upset and anxiety in local areas across the Dublin region and communities across the city are in fear of being left behind. Any plan to improve transport services has to connect people with services, work and their local areas. It cannot disconnect communities and that is the worry in many areas of Dublin.

There is a consultation process in train at the moment and that was only extended when the NTA came under pressure to do so. Sinn Féin Deputies, Senators and councillors in Dublin have been doing great work in their localities, engaging with people on the ground and with the consultation process.

It is important to remember that we are talking about public transport. The State funds Dublin Bus and now a private British company to provide public service transport to people in the greater Dublin area. The NTA has a duty to ensure that it fulfils its obligation to the public when new routes are being planned. We accept there is a need to improve services but it needs to be done in an inclusive and community-focused way. Common sense is also needed. People having to get three buses for the sake of saving a few minutes on paper is not a solution. It is unacceptable for any community to be left behind by BusConnects. It must be about providing an excellent bus service for all who need it, including the elderly, people with disabilities and commuters.

At this late stage, we are not calling for the consultation to be scrapped. There is just over a week left of the consultation. Thousands of people have taken the time to engage with the process. However, our amendment calls for further scrutiny after that process has concluded. We want the revised proposals to go before the Joint Oireachtas Committee on Transport, Tourism and Sport for scrutiny. The committee can and should facilitate hearings with representatives

of communities where people have objections to the proposals and then take a decision on what parts of the plan, if any, to retain and what parts to change. A further consultation may be required at that stage, depending on the response of the NTA to the objections raised. If the NTA is not willing to listen, the BusConnects project will have to go back to the drawing board. I am sure Fianna Fáil will have no objection to that proposal.

**Deputy Eoin Ó Broin:** BusConnects is a complex proposal involving a profound reconfiguration of our bus services. For many, it is very difficult to understand. I say that as a daily bus user. There are positives and negatives in the plan and it raises many questions. In much of the public engagement on the issue, the questions are to the fore. I share the concerns of my colleagues regarding the limited nature of the public consultation to date, which is why many of us have felt obliged to organise our own public engagements to ensure that people have the information they need. I have organised nine meetings in my constituency at which I have presented people with the facts. I met representatives of the NTA who explained the plans to me. I am telling people how it will affect their area and letting them give me feedback on the proposals. I am encouraging them to engage with the consultation, to highlight their concerns and to propose possible solutions within the overall plan to the NTA and take it at its word that it will listen to such proposals. We will judge the NTA in that regard when the process is complete.

In terms of the feedback I have received, there is a big concern about the interchanges - will they operate right, will there be sufficient frequency at the change points, will there be sufficient shelter etc. There is concern about a loss of direct routes to hospitals. St. James's Hospital and Stewarts Care in Palmerstown, which are used by many in my constituency, have been widely mentioned in that regard. There is concern and a lack of confidence in the promised level of investment. We are not mischievously raising the issue of privatisation. At every public meeting I have attended, people have raised it as a concern. The best way to put that concern to bed would be for the Government to make clear that privatisation is not on the agenda.

I share the concerns of my constituency colleagues regarding, for example, the rerouting of the No. 13 bus and the lack of increased frequency of the No. 25. I mentioned Stewarts Care in Palmerstown. Later this week, I will attend meetings in Newcastle, Rathcoole and Saggart, communities which have very real concerns about the proposals as they are on the periphery of the city.

We are engaging in this process in good faith and urge the NTA to listen to bus users as well as bus drivers and their representatives. That it should go for a second round of consultation following scrutiny by the Oireachtas committee is an eminently sensible idea which I am sure even the Minister, Deputy Ross, can support.

**Deputy Aengus Ó Snodaigh:** The project is named BusConnects but many people who have looked at the plans that have been presented thus far consider that BusDisconnects would be more apt. For example, under BusConnects no buses will go through the heart of Drimnagh. It is very easy for a person to sit in the United States and draw lines on a map and say that everybody will be within 450 yards of a public bus or transport service but that will not be the case in Drimnagh or Chapelizod. Five bus routes currently serve Chapelizod, which causes its own problems, but that service will be reduced to one bus every 30 minutes. Elderly persons who use the shops in Ballyfermot, the closest shopping area to Chapelizod, will have to walk up the hill to do so as there will be no bus service between those areas. The points which have been raised in regard to senior citizens' complexes, for example, are being ignored because there is a presumption by the consultant who drew up the plan that everybody is equal. Those

with a disability, senior citizens and those who have no alternative but to walk everywhere as they do not have a car or easy access to public transport are being ignored by the proposals. It is obvious that such people believe there is something wrong with the proposals or that there is an ulterior motive behind them.

Like Deputy Ó Broin, the public meetings I have organised and attended on the issue have been information meetings, rather than intended to whip up a frenzy. I met the NTA and encouraged it to hold more information meetings. One such meeting is currently taking place in Ballyfermot at my encouragement. It is a pity there were not more such meetings which would have better informed the public.

The BusConnects plan seems to be at odds with much of the planning process in the city. For many years, there has been a policy of discouraging car use in the city and car parking in its environs and suburbs, which means that people have to rely on public transport. If the public transport is no longer available, people will be disconnected. I urge the Minister to look again at the proposal, as our amendment suggests.

**Deputy John Brady:** The BusConnects proposals affecting north Wicklow are a mixed bag. I know the Minister is familiar with some of the issues which BusConnects presents for the public transport users of County Wicklow because I saw a tweet he sent in 2017 when he used the No. 44 bus. I am unsure whether he has used it again since then. The proposals will impact severely on some of the most vulnerable people in north Wicklow. The Minister has met some people in the Enniskerry area on the issue because the 185 is one of the routes which will be decimated if the proposals come to fruition. That would affect areas of Enniskerry such as Shop River and Kilgarron, which is made up of a very elderly community whose members rely heavily on the 185 bus to ascend a very steep hill. What makes it doubly troublesome is that the local post office is at the top of that steep hill. Elderly people will not be able to walk up the hill. The proposal to remove the 185 and replace it with a new route, the 213, which will completely cut out the service to that community is unacceptable. The changes will make routes more direct and remove services from communities such as the Palermo area of Bray which is currently served by the 185. The community in that area is up in arms over the proposals.

It seems that it has been left to public representatives to carry out the public consultation, rather than it being done by the NTA or those behind BusConnects. I take issue with meetings being held outside supermarkets and dressed up as some sort of public consultation meetings. That is a disgrace. More than 150 people turned up to a public meeting on the issue which I held in Bray. Many of them were completely in the dark on the project. Public representatives are doing the work of BusConnects.

There are major issues in regard to the project. Many people in Wicklow have made submissions on the proposals. Ultimately, it is for the Minister, Deputy Ross, to sign off on this plan. I urge him not to do so.

**Deputy Denise Mitchell:** I am sure all present agree that the bus network needs serious investment. The best way to reduce congestion in our city is for more people to use public transport. That will mean less emissions and help us to reach our 2020 targets. More people will use public transport if it is high frequency, competitively priced and quicker than using one's car. I agree that the bus network in Dublin and public transport in general badly needs to be upgraded. Dublin is growing but the current public transport offering does not meet the needs of the city. However, I have serious concerns about this BusConnects plan. I attended many of the public

consultations in my constituency of Dublin Bay North and spoke to many constituents. Those people have genuine concerns regarding the changes to their bus route. Many will now have to take two buses to get to their destination. For example, residents in Howth who want to go into town will now have to either get off in Raheny to connect with the DART or travel on to Artane where they will change to a different bus. In parts of the constituency, many schoolchildren will find they have lost their direct bus route to local schools and they, too, will have to take two buses. That will mean possible delays and longer journey times. Another example is that one of the new proposed bus routes will no longer serve our local hospital. There are many issues of concern throughout the entire constituency of Dublin Bay North.

We need to be mindful of our older citizens and people with disabilities and ensure they are catered for. We need to listen to our local communities and make sure that no community is left behind.

**Deputy Dessie Ellis:** The use of public transport has been growing and has substantially increased. Existing routes in Ballymun, Santry, Whitehall, Glasnevin and Finglas were hard fought for by residents and are now under threat. Transport services should serve all the community, particularly those on disability payments, the elderly and the most vulnerable. Some of the major concerns I have are that it appears from these proposals that bus services are being rerouted and changed and will involve a hop on-hop off service.

Under these proposals, it appears Finglas village will no longer have a direct service. That could have catastrophic effects for the community, local businesses, the post office and employment. If someone is elderly, infirm or dependent on public transport, these proposals will severely impact on their ability to access local businesses and services. I do not want to see Finglas village turned into a ghost town.

In Ballymun, I am concerned that people will have to take more than one journey to access the city centre. The hop on-hop off approach in Ballymun will impact greatly on the elderly, those on disability payments, families with children and wheelchair users.

We have not seen any plans for the lands that are to be subject to compulsory purchase orders, CPOs. We do not know what those are or their location. A further concern is that this will also result in redundancies, not just in Dublin Bus but in other transport services.

I believe there is a privatisation agenda behind these proposals.

**Deputy Shane Ross:** There is not.

**Deputy Dessie Ellis:** Our amendment proposing that the revised plans should come before the Joint Committee on Transport, Tourism and Sport for examination by residents and representatives of different transport groups is a fair one and should be considered. It would give people an opportunity to raise their concerns.

**Acting Chairman (Deputy Alan Farrell):** I call Deputy Brendan Ryan. I presume the Deputy is sharing with Deputy Burton.

**Deputy Brendan Ryan:** I will share time with Deputy Burton.

There is no doubt that the public consultation for BusConnects has been a fraught affair, but I believe the responsibility for ratcheting up the concerns to anxiety and worry levels rests with some political parties which have used this consultation for political gain.

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There are concerns throughout Dublin city and county. In my constituency, there are fears over the Xpress bus services from Balbriggan, Skerries, Rush and Lusk, but I understand those worries are being addressed through the consultation process. There are concerns about the 43 bus service, which is a major school transport route from Swords along the Malahide Road. There are also concerns about the 42 route through Malahide. Those are real concerns and they need to be addressed through the public consultation process.

This is one of the most important public consultation processes that I can remember as the plan before us is a radical shake-up of our traditional bus service and routes. It needs to be handled carefully, diligently and with a measured approach to ensure any change is an improvement and protects citizens through increased, not decreased, connectivity.

As for the plan itself, there are elements of it I like. I like the idea of greater connectivity to get to more places with greater frequency. That is the core requirement of public transport.

The naming of the spine system on alphabetical lines would bring greater clarity of routes, and I believe it would be an improvement on the current system. I use the bus and I know how to get from my area into Dublin city and I know other bus routes in my own constituency. Beyond that, I have very little idea which bus goes to Rathfarnham, Blanchardstown, Shankill or elsewhere. The proposed naming makes sense, and I welcome that.

The identification of transport hubs needs to be very carefully carried out. The hubs need to be in pedestrianised areas with enough traffic and passive surveillance to ensure people feel safe and secure. They cannot be in industrial estates or retail parks which will become ghost towns after close of business every day.

We are at an acute point in terms of infrastructural development in Dublin. The housing crisis is the most visible manifestation of this pressure, but we have it across the board. We do not have enough water or wastewater treatment capacity to deal with the growth needed to solve the housing crisis, and we do not have the transport infrastructure either.

We have a great company in Dublin Bus, which I liken to Dublin Fire Brigade as one of the few public bodies which enjoys the faith and good favour of the public. Dublin Bus is creaking under the strain of existing growth and is under pressure from private operators and from people choosing cars above public transport. They see the public bus as being the lower level option, particularly if they live near a train line or at the outer edges of the city.

Dublin Bus needs a new plan and it has been involved with the National Transport Authority, NTA, in helping to develop this initial proposal. If we do not do something radical with our bus service to make journeys quicker and to improve connectivity, Dublin Bus will suffer. We cannot continue to expand the service in a piecemeal fashion. There needs to be radical change. We want to be in a position where young Dubliners in particular keep their Leap card for longer than they currently do before feeling a need to get a car. This requires integration of transport modes and investment. I also believe strongly that it requires the State to retain control of these critical transport modes. The State needs to lead on this issue and to stand strong. It is also a big part of leading on climate change.

What this motion boils down to is an attack on the process of public consultation itself. This is the first phase of public consultation. At the very outset, it was extended until the end of September. Extra information meetings were arranged in communities throughout the city and county. This is a proposal for consultation, not a plan for implementation, so people should



engage with the process. It will come back for further public consultation and if the plan that comes back is egregious and awful, then we will all ensure it is not implemented. I guarantee, however, that if we asked the people of Dublin four months ago if the bus service needed to be improved or changed in their area, the vast majority would have said “Yes”.

We now have a draft plan. I believe it will be changed a great deal as this phase of public consultation concludes, but I worry that the die has been cast and the plan will be scrapped. This morning, on Leaders’ Questions, we heard Members who have never delivered anything to anyone calling for BusConnects to be scrapped.

This motion has been tabled by Fianna Fáil, which will be involved in the negotiations for the next programme for Government that are due to begin either in a couple of weeks or after the next election. Either way, I imagine the party will call for this plan to be scrapped. It has used this process as an opportunity to get posters on poles and leaflets in doors and to tap into people’s fear of change.

The consultation itself must be genuine and responsive. While I believe that will be the case, there are problems. The Lower Kimmage Road, Santry village, Terenure and Dublin 15 are areas which need focus through this process.

I mentioned the issues in my own constituency which need to be addressed. I believe there is scope for another A spine from Balbriggan to travel straight onto the M1 and into the city. Balbriggan is the second largest town by population in Fingal and has further zoned land which will see its population increase to the west by thousands. With a direct spine service, those people could reach Whitehall on a bus in the time it would take to get to Balbriggan train station.

Large population centres such as Malahide and Swords need to be considered carefully in terms of the spine routes. Swords is under-resourced in the current plan and much work needs to be done to ensure there is coverage for such a large town.

It is incumbent on us all as politicians to give public consultations a chance to ensure they are strong and robust. I believe “save our bus service” messages are reckless. They foment the belief that public consultations are foregone conclusions and not something with which people should engage positively. Let us see what comes out the other end of this process before coming to judgment and execution. This is also a lesson we can apply to other public consultations, from local area plans to wastewater treatment plants as well as to BusConnects itself.

**Deputy Joan Burton:** As somebody who uses Dublin Bus a lot and has done for all my life, I must say there are welcome areas of the proposals, such as the new orbital route, the fare and the 90-minute period. That would bring us into line with other European cities and those positive elements of the plan could go forward almost immediately and would build confidence in the proposals.

I am concerned about the consultation period. Our consultation in Dublin West and the one in Dublin Central has largely been in supermarkets with those tall tables where people have to queue for hours to get the opportunity to meet one of the engineers. That is a way of putting people off rather than bringing them into the consultation. There is no opportunity for people to have a discussion or a meeting. Many politicians have filled that void by having public and private meetings with concerned citizens. Members from all sides of the House have been doing that.

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I am concerned that there is an agenda on the part of the Minister to provide subtly for the privatisation of Dublin Bus.

**Deputy Shane Ross:** There is absolutely not, not at all.

**Deputy Joan Burton:** It has great loyalty from customers and, from a commercial point of view, it is a well known and valuable brand. I have no idea why one would ditch a valuable brand in favour of a complete unknown that means nothing to most Dubliners. The development of the app for Dublin Bus, the real-time information at the bus stops and the Leap card, all of which were done some years ago when we were in government, have transformed the reputation of Dublin Bus. Dublin Bus is both necessary and popular. The Minister needs to rethink the plan.

For blind people, getting rid of the yellow buses means that, for people with very little or no sight, the dark blue against the sky is very difficult to see. I note that a lot of those buses have been repainted. Perhaps the engineers now understand that.

The Minister also needs to reconsider what his Government is planning in respect of the 37 and 70 bus routes. It is putting out tens of thousands of consumers in the Dublin 15 and Dublin 7 areas.

**Deputy Gino Kenny:** I am sharing time with Deputies Boyd Barrett and Coppinger. I want to address the positives first. There are some positives with BusConnects, particularly around the orbital routes, cycling infrastructure, dedicated bus lanes, transferable tickets and so forth. Dublin Bus was once referred to as the workhorse of public transport and it certainly is that. It is probably one of the few bus services, if not the only one, in the world where people say “thank you” to the driver when they are getting on and off. I hope it stays that way with BusConnects.

BusConnects is quite confusing and convoluted. A person would need a degree to work out what is what and where to go. The main thing about public transport is that it is convenient. The NTA says 92% of people will have a direct bus route into the city centre. That leaves 8% of people without a direct bus route. I want to talk about that 8%, especially in Dublin Mid-West. Areas such as Newcastle and Rathcoole, which have growing populations, new housing and so forth, will lose their direct bus service into the city centre. This was mooted in 2010 under Network Direct by Dublin Bus, but the people of Newcastle and Rathcoole, through people power, won their direct bus into the city centre. It does not make sense for commuters in Rathcoole or Newcastle to lose a direct bus service into the city centre. It is proposed that the bus would stop at the Saggart or Red Cow Luas stop and people would switch to the Luas. That does not make sense. It would not save time.

There are positive things with BusConnects but it is highly convoluted. There is a lot of opposition locally to people losing their bus service. I hope there will be consultation over the next 18 months and we will see what happens after that.

**Deputy Richard Boyd Barrett:** Most people would welcome more frequent buses on main bus corridors, cycling infrastructure, orbital routes and so on. In many other areas, however, this plan should not be called BusConnects but “BusDisconnects”. We have engaged with people in our communities about this. I have a list of the 2,700 submissions we have so far collected from people who are furious, worried, anxious and angry at plans to remove local bus services in a way that will particularly hit the elderly, the less mobile and working-class areas.

Route No. 4, which serves Stradbroke and Blackrock, is gone altogether, leaving that area with a replacement bus service that will not go into the city centre and will be half as frequent. Bus services direct into the city from Ballybrack, Loughlinstown and Sallynoggin are gone altogether. People will have to go to Dún Laoghaire and change to another bus there, which still will not go into O'Connell Street but will stop at Merrion. The No. 63 will be replaced by a less frequent service in the Monkstown Farm area, which has already lost the 46A service, which used to go every ten minutes. Dalkey will lose 50% of its bus service because the 111 and the 59 will be replaced by another service that will be half as frequent. In particular, people who need to get to St. Vincent's Hospital will no longer have a direct bus route from a whole number of inland areas such as Sallynoggin, Loughlinstown, Ballybrack and so on.

This is why we say this is a Trojan horse for privatisation. What the privatisers want is routes that make a lot of money on a high-frequency basis and to cut the public service routes into areas serving high numbers of pensioners and people with mobility issues. That is not acceptable and will be resisted. There have been huge turnouts at meetings, huge numbers signing petitions saying we want to retain our public bus services. Yes, we should have high-frequency and orbital routes, but they should be additional to existing services. There should be no cuts to existing services. We also need to increase public transport subsidies to the level of the European average if we want to improve our bus services. By the way, let us cut bus fares as well to encourage greater use of our public transport system.

**Deputy Ruth Coppinger:** Do we have a Minister answering? I do not know.

**Deputy Mary Mitchell O'Connor:** Here is a Minister.

**Deputy Ruth Coppinger:** It is a pity the Minister, Deputy Ross, did not stay because this is a massive issue throughout Dublin.

**Deputy John Lahart:** Absolutely.

**Deputy Mary Mitchell O'Connor:** I am a Deputy and a Minister.

**Deputy Ruth Coppinger:** Why pay €400,000 to a consultant to create a rejigging of existing bus routes and dress it up as being something more frequent? The Minister has said this will ease congestion. That means getting people out of cars. Why would people get out of cars to get two buses rather than one? It makes no sense. In the case of my own area, which is obviously a pattern from what others have been saying, we will be losing direct buses such as the 70 from Dunboyne and Littlepace. Corduff and Mulhuddart will lose the 38A route into the city centre and we will also lose the 40D from Tyrrelstown. That is to be rerouted to one of the busiest shopping centres in the entire country, which will be congested on Saturdays, over the Christmas period and so on. It has been said that it will be more frequent. What has not been said is how many extra buses will be there to cater for all the extra people who are now joining their friends from other communities to fight for the extra spaces at the interchange. People in greater Blanchardstown should not be begging to keep their three direct buses into the city. We should have a light rail system and a Luas from Broombridge. We are a community of 110,000 people with some of the biggest multinational companies bringing about 25,000 people into the area every day, none of whom seem to think there is any onus on them to provide any extra public transport to cater for those workers.

I do not make any apologies for organising meetings. It is amazing that one of the Labour speakers spent time whingeing and whining about people organising meetings. The reality is

that people made what they thought crystal clear to us. They are not stupid. They know they are losing buses and are not going to put up with it. We will not wait for a few months. We are directing people to engage in the consultation to make their views very clear but we need a strong community campaign to send a clear message to the NTA that this will not be acceptable.

I agree that this is about privatisation - be it of the spine or orbital routes or cutting Dublin Bus off from even having local routes - but either way, it has increased isolation for many communities. People do not want to get off a bus once they are on one. Nobody wants to do that, particularly if they have impaired mobility or are older. Why would anyone want to do so in weather such as ours? We know that there are people, in Fianna Fáil in particular, organising meetings to put their faces on posters but they are the architects of privatisation. This is definitely linked with the Minister's plan for privatisation. Only this week, 10% of buses were taken off Dublin Bus and given to Go-Ahead Ireland. Workers' salaries and conditions are far worse. It is a Fine Gael agenda. None of the lessons from Great Britain has been learned. A very similar policy was pursued there under the Thatcher government that opened up the bus market to competition and privatised the national bus company. It has resulted in unprofitable services being run down. We must subsidise public transport. It cannot just make a profit: otherwise communities will be left bereft. Many people have been left without transport in London as a result and fares have skyrocketed so the idea that this is not linked with privatisation is very hard to believe since the Minister is such an admirer of the Ryanair model.

This is about political pressure because the Minister does have the legal power to direct the NTA in legislation to stop a proposal. This proposal does not serve communities in any way. There have been meetings attended by 400 or 500 people in Greenhills and many other areas. People have a right to have their say.

**Deputy Thomas P. Broughan:** BusConnects plans to increase reliability and build out 16 core bus corridors to form a continuous bus lane in each direction. In principle, it is a laudable aim but the proposed interchanges or breaking of journeys on long-established routes direct to Dublin city centre pose insuperable problems for many of my constituents. I met the deputy chief executive of the NTA, Mr. Hugh Creegan, in this House. Many people also ask whether the NTA is putting the cart before the horse. If it was serious about this plan, why did it not move on the core routes first and build them out - it will only start that consultation next month - rather than causing the extreme anxiety it has caused across Dublin Bay North?

My constituents in Howth, Sutton, Bayside and Raheny are desolate and very upset at the proposed changes to the 31, 31A, 31B and 32. Those who live in Howth and Sutton will now have to take the N6, which will run between Howth and DCU, and will have to connect to the city centre via Raheny DART station or the Artane roundabout on the D or A spine. There seems to be an emphasis on the fact that we also have a DART station but early morning and evening DART services are already at capacity and anyone who commutes every morning in particular will speak of the cramped conditions. BusConnects is also ignoring the huge numbers of weekly visitors to Howth from all across the north side and many thousands of foreign visitors. It has been estimated that 1 million visitors travel to the peninsula every year. Obviously, we need both a bus and a fixed rail transport system to deal with that.

There is also uproar all across Ayrfield, Edenmore, north and south Coolock and Artane at the changes to the 27, 27A and 27B. The 27A will no longer have a direct route to the city centre for residents of Blunden Drive through to Edenmore and on to Artane. Many residents living in areas for 40 or 50 years are desolate that they might have to walk a mile on a cold and

wet morning to one of these spines to catch the bus to town. There was uproar among commuters in Artane, Beaumont, Ayrfield and Edenmore at a meeting I attended organised by my colleague, Councillor Paddy Bourke, in the Artane Beaumont Family Resource Centre where many older speakers asked whether BusConnects was a plot to get older people with bus passes off the buses because they could not see any other sense in it.

We received a lot of documentation and have huge files on this. The other thing that has been ignored in all the documents we received is a disability impact assessment. There is no mention of universal design. These are fatal flaws. Ms Graham, Mr. Creegan and the rest of the NTA should go back to the drawing board.

**Deputy Maureen O’Sullivan:** In spite of current criticisms of Dublin Bus, for example, people getting on in the outer suburbs and there being not enough room on the buses by the time they come to the inner suburbs, I think Dublin Bus has been providing a very good service. Its staff have been very courteous and helpful. Obviously, there is a need for some changes. I would highlight the cross-city routes that have been introduced, which have been of great benefit. The one I know best is the 151, which covers the northside, the docklands and St. James’s Hospital, the Coombe and Our Lady’s Children’s Hospital, Crumlin.

We know Dublin is growing and that this growth means that changes are needed. I understand the need to tackle the duplication of routes and the need for more orbital routes so some change was needed. However, it is the way in which change and proposals for change are handled that is the issue. Commuters do not want to lose what they have become used to, particularly something that has served them well over the years, so any mention of change must be handled in a very sensitive way. It must be handled carefully with the commuter in mind.

Many of venues for this consultation have been hotels and shopping centres. There could have been a better use of community centres and places within communities that would be more accessible to the people. From talking to people who went into some of the hotels, at times there were more staff there than there were members of the public coming in to find out. The Minister for Employment Affairs and Social Protection said earlier that the end game may be different but the consternation, dismay and protests could have been prevented if all of this had been handled properly because, no doubt, it is being seen as a *fait accompli*. Surely the first exercise should have been with the commuters and staff about what is and is not working and how to improve things so that the proposal becomes a collaborative effort. One will not get 100% agreement but people can work through consensus building.

These proposals are presenting real difficulties. For example, those people who get on one bus and stay on it for a 45 or 50-minute journey must now get on a bus, get off it, get on a bus and get off it. How is that supposed to be age-friendly, not to mention people with a disability? The blurb from BusConnects talks about employers, employees, visitors, tourists and cyclists. This is all very well; they need transport but what about those who are older or who have disabilities? They do not need multiple journeys.

There are positives that people have acknowledged such as low-emission vehicles, a 5 minute service along the spinal route and a 7.5 minute service along the orbital route. Like so many other Deputies, the two buses in my area will be replaced with one and it does not appear as if the service will be much better. We saw the debacle with MetroLink. I thought the NTA would have learned from that to do a bit more thinking outside the box beforehand and to do the thinking away from the office and away from just paper plans by getting out and talking to people.

One good thing is that the Government's amendment recognises the need for more to be done on this. We need real consultation, not just presenting it the way it has been presented, namely, as a *fait accompli*.

**Deputy Joan Collins:** This is one of the most radical plans ever put to the people of this city. While it has been said that there is ongoing consultation, one must really drill down into these proposals because when one looks at the map, the first thing one will see is that the east side of the city is fairly well served but as one goes west into the working-class communities, the buses are being taken out of those estates. Those bus routes grew from the needs of the people living in those estates, including older people and people with disabilities, in seeking access to shopping centres and so on. That is why I have called for this proposal to be scrapped. As the word "disability" is not mentioned once in the 58-page document on BusConnects, it was not disability proofed. Jarrett Walker has admitted that he is not qualified to talk about these bus routes and that he fell into the consultancy game, which is an important point. What should have happened is that bus drivers and many more passengers should have been consulted. Those involved should have gone into communities to talk to people about what they needed. The bus drivers know exactly what is going on and the way routes work.

More resources are needed for orbital routes. Those resources should be provided straight-away to provide more bus services on orbital routes. This option could be tested for a year and we could then come back to the drawing board.

The National Transport Authority has been set up, but it is a law unto itself. Like the HSE, it is not accountable. It has a huge amount of money to be put into bus services and has done some good work in the provision of real-time information. However, the fact is it is operating by stating, "We are putting this to you and you either accept it or you do not. We will listen to you, but we do not know how much we are going to take from it." Jarrett Walker has said that if 15% of the plan was changed, it would have to be scrapped. I think of all of the areas in which I am involved and all of the meetings I have attended, from Bluebell to Inchicore. Services on the 68, 69 and 13 bus routes are to be diverted down the Crumlin Road, which means that the 68 and 69 bus routes will be removed for local people who will be able to use the 63 bus service every hour. Most older people are able to get around, but if they have an issue with a knee, a hip, their heart, a lung or their vision or a disability, that is when they will have problems.

The plan should be scrapped and there should be proper and real consultation with communities. The plan could be used as a basis for discussing what we might do, given that there are some ideas in it. It has to be done in that way. This is a big issue and people in communities will rise up and come out onto the streets. I encourage them to come out to have the plan scrapped.

**Deputy Mattie McGrath:** I note that the motion condemns those involved for the unnecessary anxiety and anger experienced by the public in the past eight weeks since the BusConnects, or BusDisconnects, as it has been appropriately described, consultation process commenced. The motion also proposes reversing the culling of bus routes across the greater Dublin area. It is interesting that it is happening in Dublin where there is normally no room for buses on the streets. With the new Luas line, people were not able to cross O'Connell Bridge because it had been measured wrong. As a rural Deputy, I can understand the anxiety caused. People living in rural Ireland have been living with it on a daily basis. I am not one bit anti-Dublin; I am for fair play for ordinary consumers, taxpayers and people who want a decent transport service. We hear so much about emissions and pollution and are told to change our ways. Where are

we going?

This is typical of the Department of Transport, Tourism and Sport. With no disrespect to the Minister of State, Deputy Mary Mitchell O'Connor, cá bhfuil an t-Aire? Where is the Minister, Deputy Shane Ross? Every time any of the Rural Independent Group Deputies comes into the House, he flies like snow off a ditch - he is that scared. This is another appalling mess he is presiding over. This is the man who was able to write in the Sunday newspapers *ad infinitum* about what he could do. He could do everything he was nearly infallible, but when he became Minister, he was able to do sweet damn all, only cause confusion and destruction. He has allowed people like these run riot in TII and the National Transport Authority and God knows who else - the quango queens, the quangos about which he wrote and railed against for decades. Now, he is promoting them, patting them on the back, siding with them and letting them run riot, which is what they are doing.

The Department of Transport, Tourism and Sport found €2.3 million for consultants, while for the rural bus service proposal there is a mere €450,000. This issue arose during the debate on the Road Traffic (Amendment) Bill when he threw €450,000 at us as a sop. The money would be welcome even if it was only €45,000, but it would not fund the administration system for a rural bus service. However, he had €2.3 million to give to outside consultants. As I said, I received confirmation that the Department had paid €2.3 million to private consultancy firms in 2017. This has generated considerable anger and frustration, particularly in the light of the fact that the Department is proposing to spend five times less than that figure to fund a rural bus service for 50 communities in 2018. Who is coddling who? How can the Minister continue to maintain that his plan to tackle the issue of rural isolation has even a shred of credibility when we now know that the entire budget of €450,000 for the rural bus link scheme pales into insignificance when compared to the millions he was paying private consultancy firms? It is all spin and about consultancy firms. I hope the consultation process will be meaningful, but I fear all of the consultation is meaningless because, as in the case of An Post where there is an independent review, it is being dictated to by the terms of reference. Consultants are being paid to give us the answers we want or that the Government wants and to hell with the people and their views, including the people of Dublin. I support the Members who are railing against this.

What will be even more galling for people living in rural communities is the confirmation that more than half of the €2.3 million was given to AECOM, a US firm that describes itself - wait for it - as a global network of experts who aim to deliver transformative outcomes. I knew that the Minister's vocabulary was good, but he should receive a medal for this. How could it have happened under his watch? He wrote about this issue day in and day out. He railed about it from the back benches when I was a member of the Technical Group with him. He also spoke about it for a lifetime in the Seanad, but he has retired and moved into the palatial palace that is his ministerial office across the road. He was going to transform the place, but he goes into hiding when anyone stands up to challenge him.

**Deputy John Lahart:** Where is he?

**Deputy Mattie McGrath:** He answered the wrong question this morning when he read the wrong answer. When a sportsperson returned to Ireland, he did not know what game she had played, what planet she was on or what medal she had won; it was a case of wrong name, wrong person, sorry. He tweets about something he sees on the RTÉ website. That is wrong; he is wrong.

19 September 2018

**An Ceann Comhairle:** The Deputy is being a little unkind to the Minister.

**Deputy Mattie McGrath:** Where is he?

**Deputy Robert Troy:** He is being accurate.

**Deputy Mattie McGrath:** When friends fall out, they fall out big-time, but he chose to fall out with me. I am just saying this is a farce that he is presiding over. He had the new Luas line and was sulking when the Taoiseach and others decided to open it down the road.

**Deputy John Lahart:** On Dawson Street.

**Deputy Mattie McGrath:** The cross-city service could not get across O'Connell Bridge. It blocked the traffic because it was too long. These fellows designed it and, I suppose, they never measured the bridge. They did not care. Giving this amount of money to consultants, against which the Minister railed for decades, is anathema to ordinary taxpayers. It is outrageous. The Minister's Department paid AECOM €1.3 million in 2017 for - wait for it - an evaluation of sustainable transport areas. It might do in the Bronx or Washington, but it is not fit for Dublin. That is for what we are paying the money of hard-pressed taxpayers. As we have no figures for what the Minister is giving to these whizz kids in 2018, we do not know what they are getting. We have no idea what he will pay them in 2018 as that detail has not been provided. This is unbelievable stuff and he then runs out of the Chamber when he expects someone to come into it to challenge him.

On the face of it, there is one clear winner in all of this and it is not rural Ireland. It is not Dublin either, the capital city. However, even if we leave aside the private consultancy fees paid, it has also been confirmed to me that the Department paid a separate sum of €544,000 in 2017 in "incidental expenses". I wonder if it was for camera footage after taking pictures of Deputy Danny Healy-Rae at the all-Ireland final. The Minister did not know where Croke Park was two years ago; I had to show him where it was. I also had to show him where Jones Road was. That is the kind of man we have, but Government Members are happy to sit with him and make excuses for him when he disappears. That is with what we are dealing. As I said, the figure is €544,000 in incidental expenses. He would have written such an article on the back page of the *Sunday Independent* and if he was still in opposition, it would not fit on the back page. It is spend, spend, spend and get me here, get me there, get me anywhere. They - the Minister, the Minister of State, Deputy John Halligan, and the others - were going to go to meet Kim Jong-un, but the Minister did not go and stay there. Again, it is €100,000 more than the entire budget for the rural bus link scheme. The figure for incidental expenses in the Department was €544,000, whereas the peasants can go back to their caves as far as the Minister is concerned, with a sum of €450,000 provided for services in the country as a whole. That is the insulting way he talks to all of us. It demonstrates that when it comes to addressing the issue of rural isolation, the Department of Transport, Tourism and Sport is reluctant to spend what is needed. However, when it comes to paying fees, private consultancy costs and expenses, money will always be found. It is available for tickets for the World Cup and everything else. I knew that he had played hockey, but I did not realise he was so into some other sports. We saw the unfavourable way he treated rural communities when he got his own through the sports capital grants scheme, with which he said he had nothing to do. He said he would not be involved and was above all of that stuff. I do not know what he is at, but I hope he will go back to engaging in meaningful consultation.



Consultation on the ground on the basis of the terms of reference the Minister has brought up should not be accepted. It will result in a desired answer, while the consultants will get more money. It will be a matter of “Let them eat cake.” The people are sick and tired of this and, as a public representative, I am tired of dealing with it. The system does not care about the people. Members are public servants; representatives who have been elected to look after the people and not waste money. It would be a lot easier to meet the Pope than to arrange a meeting with TII representatives. They will not meet anyone and someone cannot discuss a speed limit of which they have made a hames, for example. They are untouchable. We got rid of the NRA. As I have said several times, we had the IRA and decommissioned it only to be left with the NRA. We now have the TII, but it is only a different name. The way it treats people and the House is an insult to our intelligence. It is a merry-go-round of money, spin and consultants. It is a waste of money. I am not anti-American, but I wonder why we could not get consultants from Ireland. If we were to get an ordinary group together from a secondary school, it could come up with a concept to improve transport services in Dublin, rather than firing out millions to a US company to give us a diatribe at the end of it.

**Deputy Róisín Shortall:** I represent the constituency of Dublin North-West which has the distinction of being the only constituency in the Dublin area which is entirely dependent on bus services. We have no other transport options. I am a very big fan of Dublin Bus which provides, in the main, excellent services in the constituency. There is very good frequency and we have service choices on the main routes. Many bus routes also extend right into housing estates and serve a predominantly older profile of constituent very well. Our big problem in recent times has been a lack of capacity, with more people at work and a larger population in the area. As such, there is a need for better capacity. While we have good orbital services, there is a need for more of them also.

Many of the problems associated with Dublin Bus are the result of underinvestment by the Government. We all travel abroad and marvel at the public transport systems in other European capitals, but the reality is that, in the main, those services are highly subsidised. There is a recognition in these countries that if one wants capital cities to work, one has to subsidise public transport and ensure one gets commuter car traffic out of cities. Unfortunately, the Government does not recognise the need to do this and Dublin Bus remains well starved of funding relative to services in other European capitals.

On the surface, the BusConnects proposals appear positive. They refer to greater frequency, greater clarity, priority for bus services and safer cycling infrastructure in conjunction with the proposed new bus infrastructure. The difficulty is that the proposed infrastructure changes are separate from the network changes. The consultations on both elements have been separated completely, with the result that there has been no consultation as yet on infrastructure and the discussion has been focused on network changes. The problem with the network changes is that it has been extraordinarily difficult for people to find out what is being proposed. The quality of the maps and the consultation has been extremely poor. Most of us spent the summer trying to figure out exactly what BusConnects proposed.

When one looks at the detail and how it affects my constituency, one notes that several local services which currently extend into housing estates are proposed to be removed entirely. That will result in a lot of people having to walk much further to access bus services. I asked about this at the launch of BusConnects, but I did not receive a satisfactory answer. There was very little, if any, consideration given to the needs of older people and people with disabilities. There is and was no emphasis on their needs whatsoever in the report or at the launch. That is borne

out by the fact that so many of the local services which currently extend into housing estates are proposed to be removed completely.

It will be said that while one may lose out in some regards, there are benefits in other ways. One then looks at those other ways and the spines. The theory on the spines sounds fine. We have very good bus services running along all of the main thoroughfares in Dublin North-West. The implication of BusConnects for the eastern side of the constituency, however, is the withdrawal of what is currently a great service which takes people to Dorset Street, Parnell Street, O'Connell Street and the main shopping area for people on the northside and a number of entertainment locations. This main road service which takes people right to the centre of town is being withdrawn entirely. That will have huge implications. There are winners and losers, but when one looks at the detail, there are more losers than winners. For that reason, we need to go back to the drawing board.

**Deputy Catherine Martin:** The Green Party is broadly in favour of BusConnects. However, while I do not agree with the motion to throw the baby out with the bath water, I have a few specific observations from my constituency of Dublin Rathdown. Churchtown, Nutgrove and Ballinteer have been massively underserved by public transport services in recent years. With the elimination of the 48A, 14A and 16A bus routes, the 14 bus route is the only one which serves Churchtown, Nutgrove and the north end of Ballinteer in the direction of town, with the 17 and 75 bus routes running east-west. There is a presumption that everyone in this area can use the Luas, but that is not the case, given the distances involved, in particular for the elderly and those with impaired mobility. With the revised BusConnect routes, the area will still only be served by the east-west S6-S7 route and a new 14 bus route which cuts out Churchtown and Ballinteer south of the Barton Road East roundabout at Nutgrove, as far as the roundabout at the junction of Broadford Road and Stone Masons Way. The residents of Hillview, Llewellyn, Marley Court, Meadow Mount, Meadowbrook, Beaumont Avenue, Holylands, Landscape, Whitehall and Whitebarn have again been forgotten. At the very least, services on the 14 bus route must be more frequent and alternative options should be considered, in particular between the roundabout at Broadford Road and the roundabout at Barton Road East.

Residents in Sandyford village have concerns about the proposed new routes, as does the community in Kilternan which is currently served by the 44 bus route which allows access to town through Dundrum. The 44 bus service will be replaced by the 213 bus service from Kilternan to UCD. Given the importance of Dundrum as a hub for people throughout the area, it is surely the case that the people of Kilternan should continue to have a service to Dundrum. To that end, I recommend extending the 12 bus route all the way to Kilternan. It makes no sense for the proposed A3 route to extend to Balally Luas stop and then turn down Dundrum main street. No one lives along this stretch and the buses will further clog up the narrow street. Retaining the old 14 bus route from Wyckham roundabout along the Ballinteer Road would continue an important service for the people of Lynwood, Ludford, Ailesbury Lawn, Wyckham Park Road and the areas around the Willows.

The last issue I raise is a vital one for many in the area. There is still no direct service for people living in any residential part of Dublin Rathdown to St. Vincent's University Hospital. I suggest rerouting the S6-S7 service from Tallaght to Blackrock to St. Vincent's University Hospital instead.

**Deputy Eamon Ryan:** I have attended several of the BusConnects public consultation meetings and been glad that the engineers and planners have been willing to change. They have

listened to people and recognised that where particular routes were not being served, there was a need to change. I commend them for the ability to be flexible in thinking about how the plan might evolve. Unlike Fianna Fáil, I do not want to throw it out, reverse and start all over again.

**Deputy John Lahart:** That is not what the motion states.

**Deputy Eamon Ryan:** That is what I read in it. I wish the Minister was here in the same way that the engineers and planners stayed at the meetings. I mean no disrespect to the Minister of State, Deputy Mary Mitchell O'Connor, but the Minister for Transport, Tourism and Sport should be here to do exactly what he expects his engineers and planners to do at those public meetings. The fact that he is not here speaks volumes about his lack of engagement on the issue.

Another big problem we have is that we have yet to see the next tier, which is the key element in this critical plan. I refer to the infrastructural element in terms of what will happen on the street. My fear is that it might be a roads engineer approach rather than an urban planning approach, whereby we might get the kind of bus priority we need through the use of bus gates, traffic light sequencing and very clever design of the road network rather than the mere addition of lanes on every occasion.

We need to address radically our public transport system and our cycling infrastructure in this city as a fundamental matter, and this project, which has been many years in the making, is the way we will have to do it. There are other things we need to do on top of it, but throwing it out and starting again would not be the right approach. We need to get it right, ensure we do not leave anyone behind and ensure there are more winners than losers. We need to do this collectively and support and work with our planners and engineers to make it happen but we cannot go back to the *status quo*. The *status quo* is gridlock. This city is grinding to a halt. We must make it a cycling city and a bus city, and that change needs to happen now. It cannot wait any more years.

**An Ceann Comhairle:** Deputies O'Rourke and O'Callaghan are sharing time.

**Deputy Jim O'Callaghan:** I will go first. I wish to start by acknowledging the very good service Dublin Bus provides to the people of Dublin. That is not said frequently enough. Dublin Bus has a very loyal customer base. It provides an efficient and reliable service. The one issue with Dublin Bus at present that anyone travelling around the city in the evening or morning can see is that there are huge numbers of people at bus stops waiting for buses. If anything, the service is so popular that more buses are required.

It is also important to point out that there are very many good aspects to the BusConnects proposal. We are not about trying to throw out the whole proposal, but it is important that we as public representatives can debate in this House and communicate to the Minister the concerns that very many communities around Dublin have about the proposals.

On a broad level, my concern is that the proposal seems to have as its primary objective the transport of people from the outskirts of Dublin into the centre of Dublin as quickly as possible. This may be a commendable purpose but it ignores the fact that there are whole swathes of communities on the way into the centre that use Dublin Bus and live in those areas. It is very important that we ensure that the people who are served well by the Dublin Bus system on those routes into town continue to be well served. Part of people's strong concern that I have seen at meetings relates to the fact that certain areas will no longer be serviced by buses. For instance,

there was great concern that the No. 1 bus would no longer go into Sandymount village and would avoid it, thereby damaging businesses in the area and upsetting individuals, including older people, who used it to get there. I am pleased to say that the NTA has indicated that this will be reversed and that the No. 1 will go through the village. The No. 47, however, will no longer be able to service St. Vincent's University Hospital for people coming from Ringsend and Sandymount, and the No. 15A will be removed from Terenure Road West, which will be a great inconvenience to the people in that area. I hope the individuals behind the BusConnects project will listen carefully to the submissions being made as people have legitimate concerns about it.

There is also the separate but related issue of the bus corridors. One area of my constituency has been told it will be grievously affected by the bus corridors, and that is the Lower Kimmage Road. The Lower Kimmage Road is a busy residential, two-lane road with bicycle lanes. The individuals on the Lower Kimmage Road have learned from the proposal that has been put out there that it is proposed to convert the road into a three or four-lane high-speed bus corridor. The people who live on the Lower Kimmage Road have done exemplary work in being able to identify from the documents what is being proposed, but no one has gone there and given them full information about it. They are aware, however, and there are general indications that they will lose parts of their gardens, even as far as up to the front doors of their houses. That is no way for any statutory body to treat people who live on such a road. People have invested huge sums of money in their homes and lived there for many years. They are entitled to be treated with respect. It is not acceptable for it just to be left within a statutory document that people will lose their gardens or have a three or four-lane high-speed bus corridor through them. That is not a suitable way to treat people.

It is wrong to state that these issues are being led by politicians. They are not. They are being led by the local community. There was a meeting on Sunday at 7 p.m. - one could not have picked a worse time to have a meeting - about the impact the bus corridors would have on the Lower Kimmage Road. I would say there were more than 200 people at the meeting. The intensity of feeling there was very significant. Many people were very fearful about what is being proposed. We need to respect the fact that people are entitled to be informed about this. This is a major infrastructural project. There is a total lack of awareness that the Poddle river flows underneath the road and that people on the road use bicycles and want to continue to be able to do so. There is a concern throughout the Dublin community that the people putting forward these proposals are not aware of the reality of what is happening on the ground. If those putting forward this proposal had gone out to the Lower Kimmage Road, which is a narrow, winding road at the end, they would realise it is simply madness to put forward a proposal that there be a three or four-lane high-speed bus corridor there, particularly when we have Harold's Cross Road, which has a quality bus corridor.

I could go on but I am conscious that my colleague, Deputy O'Rourke, wants to have his say as well.

**Deputy Frank O'Rourke:** I wish to start by thanking my colleague, Deputy Troy, for tabling this motion on the BusConnects proposal. I wish to speak to the Minister of State about how the proposal affects my constituency of Kildare North, especially the areas of Celbridge, Leixlip and Maynooth. Before getting into discussion of the proposal, I acknowledge the positive engagement I have had with both the NTA and Dublin Bus, which have been very helpful in explaining the document, saying what the proposed changes are and listening to the feedback I am giving them based on the reaction of the people in those three towns. I should say the

population of the three towns combined is in the region of 65,000. They are very heavy users of the public transport system that is there but it needs to be expanded and improved upon.

I wish to identify positives in the additional bus services and routes proposed in the BusConnects proposal. I have been campaigning for some of these routes for some time as both a councillor and now as a national politician, and it is nice to see them included. One is the proposed W8 route, which would connect Celbridge, Maynooth and Tallaght. This would have a massively positive impact because it would connect two colleges, one being a university, a hospital, the Luas and a number of train stations along the route. There is also the proposed 259 service, which would connect Celbridge and Leixlip, two towns with a combined population of 40,000 that have never had a public transport service connecting them directly before. What is important is that when this process in respect of the positive additional routes suggested in BusConnects is completed, the Department, the Minister and the NTA would act immediately to implement those routes, connecting up locations with services that they have never had. This would be a positive outcome. It should be remembered that Dublin at present is really a no-go zone to bring a car into. What we are trying to do is encourage people to use public transport, but they are not able to use buses or trains if the capacity or the service is not there. Right now all those modes of transport are at capacity.

One of the negatives I wish to touch on briefly is the proposed removal of the direct services to Dublin from Celbridge, which has a population of nearly 22,500, from Leixlip, which has a population of 15,000, and from Maynooth, which has a population of 15,000 and a further university population of 12,000. Those are the kinds of figures we are dealing with. I will pick just two examples as I am conscious of my time. The current 67X services Celbridge to Dublin, and there are nine express services from Celbridge to Dublin at peak times from 7 a.m. It is now proposed to reduce this to three services. If one looks at the statistics of each of those buses in the morning, one will see they are all at capacity. Four of the nine buses most mornings are three-axle buses, so, to get technical about it, they have 30% more capacity, which can bring 125 people, and they are all full. They are driving by bus stops leaving people behind them. The other buses carry approximately 90 passengers and are also all full at that time. What we need is to maintain the services we have and to support them by increasing capacity because the figures, which Dublin Bus can give the Minister any day of the week he wants, show that these buses are at full capacity, can take no more and are leaving people behind them. We need additional services and additional capacity to help people commute from Celbridge, Maynooth and Leixlip for work, college or whatever. That is not currently the case. We need to address that now. A way of dealing with that would be to put on extra buses.

If we were to look at Leixlip as an example, River Forest is an estate of nearly 725 houses in the Captain's Hill area. There is one direct service hourly from that location to Dublin. It is now being proposed to remove that completely and to replace it with one direct service a day and to bring in orbital services, which will obviously not work in that particular area. The engagement and feedback I am getting from Dublin Bus, and from the NTA in particular, is that they are going to take this on board. I hope that when they redraft this proposal, they will include the positives and will listen to us as public representatives and, more importantly, listen to the public transport users. I hope they will maintain the existing services and put on additional services to complement them. That is what we need. We cannot afford to lose any of the direct services we have coming in from satellite towns on the periphery of Dublin, such as Celbridge, Leixlip and Maynooth.

**Deputy Noel Rock:** This draft plan needs severe reworking and I am confident it will get

it. I represent the Dublin North-West quadrant of the city. As my colleague, Deputy Shortall, said earlier, it is somewhat unique in that it is singularly served by the bus. It is the only form of public transport we have. We do not have a Luas or DART in that quadrant of the city. We depend on the bus. There are many elderly people and disabled people in my constituency. They depend on the bus. I use Dublin Bus every single day to get in here. I am aware of the positives of Dublin Bus and I am glad to see Deputy O'Callaghan highlighting them, but I am also aware that it can be improved. Orbital routes are a potential improvement. Improvements in frequency are a potential improvement. Every day we see potential improvements being rolled out across the Dublin Bus fleet, such as the introduction of WiFi, Leap cards, etc.

The BusConnects proposals, however, are causing great and grave concern for people. Accordingly, I would advise such people to get involved, to play their role in the public consultation, and to make sure that their voices are heard in it. The public consultation only lasts one more week, until 28 September. It is vitally important not only that we have the debate ourselves as public representatives but that the people get to have their say, get their voices heard, and let the NTA, Jarrett Walker and the powers that be know that this plan could do with improvement, that the edges could be knocked off it, and that a better plan can be put forward in the future. That is why public consultations exist and I am confident that, when the public has its say, this plan will be changed and amended accordingly. I would love to speak more but my colleague, the Minister of State, Deputy Mitchell O'Connor, has a great deal more to say.

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor):** I thank all contributors to this debate. I have listened carefully to what has been said. The first fact to mention is that this is a consultation process document and not an implementation plan. It is also a matter of fact that Dublin city and its environs are growing, the economy is growing, employment is growing, and we need to plan the bus network to cater for that growth and, indeed, for all existing and prospective passengers.

Some 70% of people travelling into Dublin city each morning do so by sustainable transport. Some 57% of all public transport trips, or 136 million passenger journeys annually, are made by bus. As those numbers grow and as congestion worsens, it is obvious that we need a reliable bus system with sufficient capacity to cater for the needs of the region. The current bus network is complex which makes it hard to use easily. We acknowledge that there are few orbital routes, which makes it hard to move around the outer parts of the city. There are also many overlapping routes. There is a need to better integrate our networks of bus, tram and DART transport.

BusConnects Dublin aims to build a network of new bus corridors on the busiest bus routes to make bus journeys for passengers faster, predictable and reliable. It is redesigning the network of bus routes to provide passengers with a more efficient network which connects more places and carries more people. Dublin Bus is developing a state-of-the-art ticketing system and implementing a cashless payment system to vastly speed up passenger boarding times. It is revamping the fare system to provide a simpler fare structure for passengers. Dublin Bus is allowing seamless movement for passengers between different public transport services without financial penalty. It is rolling out new bus stops with better signage and passenger information, and it is increasing the provision of bus shelters. Starting now, it is also transitioning to a new bus fleet using low-emission vehicle technologies.

There will be many benefits. The revised bus network will see overall service levels increase by over a quarter - 27% - up to 200 million customers. This increased service level includes ser-

vices on 11 new orbital routes that will operate on a 15 minute frequency or better in the north, south and west of the network area. The number of people living within 400 m of a bus service that operates every ten minutes or better will increase by 35% from 480,000 to 650,000. There will be an increase of 10% in the fleet serving the greater Dublin area. Significant increases in weekend and post-peak frequencies will also be evident, and more than 200 km of cycle tracks and lanes will be either built or improved upon. This will allow bus commuting to become a viable and attractive choice with frequent services and better access.

It is important that I acknowledge that, as with any proposed change to public services, the necessary consultation on these proposals has caused some anxiety and worry to some members of the public. I am very aware of the anxiety in my own Dún Laoghaire constituency. I want to mention two specific examples which I know have been raised as part of the consultation process in my own constituency. The first is the proposed removal of the 84 and 84A bus routes which service the Luas stations at Cherrywood and Brides Glen. This removal will mean that older people and people with impaired mobility will have no direct access to the Luas. This is because of the grade difference between the N11 and the Wyattville Link Road. One solution has been put forward but BusConnects welcomes other proposals from residents.

The second issue with BusConnects in my constituency is the proposal to discontinue the No. 4 bus service, which will greatly inconvenience residents in parts of Blackrock, Monkstown and Sallynoggin. Many people who have contacted me on this are very anxious and upset.

*5 o'clock* We understand the anxiety. Under the proposed changes, two buses will be required to make previously simple journeys to places such as Blackrock Clinic, St. Vincent's Hospital, the Dún Laoghaire Institute of Art, Design and Technology, IADT, UCD and Trinity College difficult. This will affect a number of students attending school. The location of the nearest DART and Luas services are not within walking distance for many passengers of the No. 4.

This is a vital transport infrastructure for people living in the area. I also have grave concerns for those living in the upper half of Sallynoggin Road where it joins Rochestown Avenue that they will lose their service entirely. As an elected representative for Dún Laoghaire, I want to ensure constituents who have concerns make proposals. I urge them to take part in the public consultation process and to engage with the National Transport Authority, NTA, and Dublin Bus. These submissions will be examined carefully.

The current proposal should be reviewed in the context of all submissions received during the consultation process. Further consultation, including with Oireachtas committees, will be undertaken, if required, on the reconfigured plan. This is a consultation process and not an implementation plan.

**An Ceann Comhairle:** I call on Deputy Lahart who is sharing time with Deputy Troy.

**Deputy John Lahart:** Earlier in the summer, the NTA and the Minister for Transport, Tourism and Sport, Deputy Ross, announced the most radical transformation in the history of the State for public transport in Dublin. However, the Minister is not here now. That says it all. Need I say any more?

On this side of the House, we recognise there are eight aspects to BusConnects. We wholeheartedly support seven of them. Colleagues have gone through them, from the simplification of fares and ticketing to improvement to bus stop facilities, etc. Our issue is with the area

network redesign. What the Minister of State, Deputy Mitchell O'Connor, just said essentially supports our motion. Every Member who contributed, regardless of political hue, mentioned nearly every bus route in Dublin. Our motion speaks to the reversal of the decisions proposed.

Both the Minister of State and Deputy Rock said that this is not an implementation proposal. However, the NTA's consultant said that if 10% of the proposals were removed, then the BusConnects project would be a waste of time. Accordingly, it is an implementation proposal. It is also part of Project Ireland 2040 but there has been no great Government acclamation for this, aside from the Minister, Deputy Ross. I have not heard the communications unit go into overdrive about BusConnects. As one of my colleagues described, instead of connecting people, the evidence coming from public meetings is that people are fearful that it will disconnect them.

This side of the House acknowledges the gridlock facing Dublin city. In my constituency, upwards of 1,200 people have attended the public information meetings I have held. What we have heard at these meetings is that the public will buy into a system of public transport when they are offered segregated bus corridors which would essentially operate like a Luas tramline, get them from A to B and, regardless of whether it is early morning peak or the middle of the afternoon, the time of travel would be the same. They will buy into a system where there is an obstacle-free journey. Accordingly, we buy into the spines proposal where buses arrive on time and there are sufficient numbers of buses. If the infrastructure was created first, then people would buy into it and leave their cars behind because they would know there is a reliable system of bus travel spines going into and across the city.

We support the orbital routes proposal. However, this is really putting the cart before the horse. The NTA is proposing to implement BusConnects without any of the infrastructure being in place. Initially, it said it would be implemented from the third quarter of 2019 but it has now pushed it out to 2020. One cannot implement any of this. Not one driver will be persuaded to leave his or her car behind under this proposal. If they saw proper segregated bus corridors and cycle lanes which allow untrammelled journey from A to B, then people will buy into it.

Several bus drivers came to my public information meetings and spoke about the existing position. The existing bus corridors are not policed which causes bus drivers significant delays. We asked them about the No. 15 route in Knocklyon on which buses are full by the fourth stop. People asked why all buses have to start at the terminus. Why can one bus not start at five stops in on the route? The drivers said the NTA will not allow this as it micromanages the whole process. The No. 54A allows connectivity with Tallaght Hospital and county council and social welfare offices for people in Templeogue and Greenhills. The No. 123 allows connectivity from Templeogue and Greenhills to St. James's Hospital. Those routes are going while other routes will be overloaded.

Two questions the public asked more often than anything else were who is the NTA and is BusConnects a done deal. In all my public consultations, I gave the public all of the NTA's official material. I did not give them an unvarnished or varnished approach to it. The Minister of State claimed it is not a done deal. I told people at my meetings that the NTA is answerable to the Minister and the Minister is answerable to us. However, the Minister is not here. The public may take what it wishes out of that.

**Deputy Robert Troy:** It is disappointing that the Minister did not feel the need to wait for the full debate. Several questions were asked of him and he is not here to answer them. How was the consultant, Jarrett Walker, appointed? Were other consultants considered? Why is



there a lack of reference in the documentation to people with a disability? Will there be an extra period of public consultation? What is the timeline of how this proposal advances from here? We are no wiser than when we came in.

The Minister was critical of Fianna Fáil for representing the views of Dublin Bus passengers. I do not know where he has been all summer. Does he realise the concerns people have about these proposals? I was supportive of this project at its launch and I still am. However, I said in my press statement that the NTA must engage with local communities which will be impacted by changes to the bus network and must communicate effectively with people from start to finish. This is what this motion is about. This is about ensuring the consultation process is not a box-ticking exercise but that the people's views are heard.

When the Minister was in opposition, he was heavily critical of the NTA. In an article in December 2011 he referred to the NTA as a quango established to protect CIÉ and its political masters and stated the Government had the power under legislation to issue guidelines or policies to the NTA. Was that Shane Ross's opinion? Is he happy now as Minister that the NTA is in a position to protect its political masters?

I acknowledge the work the NTA has done in the past several weeks on the public consultations. However, it must be remembered that this offers an opportunity to get the redesign of the Dublin Bus network right from the beginning. The NTA has already come out and reversed some of the BusConnects proposals.

**Deputy Noel Rock:** That is not true.

**Deputy Robert Troy:** That in itself is an acknowledgement that the draft was wrong from the start. We do not apologise nor should we apologise for representing the views of the old, the infirm and the disabled. This motion calls for a meaningful consultation. That includes consultation with Dublin Bus drivers, the people who work at the coalface day in, day out, and who know what network will work. The draft network when reconfigured must go out for public consultation. The Government has the power to ensure that happens. What we all want is a public bus service that not alone will maintain the current number of people using it but will encourage more people to migrate from their cars to public transport. We need to see additional capacity. That needs to be provided now, not sometime in the next three or four years, because many of our routes and buses are bursting at the seams. We also need to see an acceleration in the roll-out of energy efficient hybrid buses. To date, the Government is still standing over a policy of purchasing diesel buses. Most importantly, we want a Dublin Bus service that meets the needs of its service users.

If those parameters are met everybody on this side, and I am sure on the Government side, of the House will be happy. The people in authority who are in a position to make sure those parameters are met are the Minister, Deputy Ross and his Cabinet colleagues. Let us not have the Minister, Deputy Ross, say, as he did in December 2011, that the National Transport Authority was established to protect the political masters. Let him ensure the NTA exists to implement Government policies that will ensure a better service for all service users.

Amendment No. 1 put.

**An Ceann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 20 September 2018.

## **Scoping Inquiry into the Cervical Check Screening Programme: Statements**

**An Ceann Comhairle:** I call on the Minister to make his opening contribution under Standing Order 45 and he has ten minutes.

**Minister for Health (Deputy Simon Harris):** Last week, I published the report of the scoping inquiry into the CervicalCheck programme and today I welcome the opportunity to speak about the issues at its very core. I want to acknowledge again on the record of this House the extraordinary contribution of Vicky Phelan as well as Stephen Teap and Lorraine Walsh and the other women and families impacted by the CervicalCheck audit.

Dr. Scally is clear that this crisis happened because of a failed attempt to disclose the results of a retrospective audit to women who had developed cervical cancer. There was significant public disquiet when it became clear that women themselves were not told about reviews of their own past screening history. The failure to disclose was absolutely wrong and I recognise the severe and real distress it caused to women and their families.

As is often the case with complex issues, some of the complexity was not fully reflected in the public discourse. I think it is fair to say there were people who believed women had not been told they had cancer - that assertion was made in this House - and people who believed that a diagnosis of cervical cancer in a woman who had been screened as negative was automatically negligence. Thanks to Dr Scally's report, there is a greater understanding now of the complexities involved.

He has provided welcome reassurance on the quality of CervicalCheck laboratories. He has found no evidence of any cover-up - his words - and, most importantly, he has crystallised what this is about. It is about women and their families who did not get the information they should have got and the devastating impact that it had on them. It is about unreservedly recognising that people have a right to their own medical information. It is about ensuring that our systems work and acknowledging that they completely did not work in this case. It is also about the impact of this disease at a human level and the need to do all we can to prevent it. Collectively, we should endeavour to effectively eradicate cervical cancer.

The report is the culmination of intensive work by Dr. Scally and his team done quickly and under intense scrutiny, for which I thank him sincerely. It is robust and comprehensive and it will help ensure that women can trust that our cervical screening programme is safe, effective and patient-centred.

I particularly want to extend my gratitude to the women and families who engaged with Dr. Scally. I do not underestimate how difficult this must have been. I thank them for their courage and commitment in ensuring that our cervical screening programme is improved. I was struck by a comment that was said to me many times by many of the women who had been impacted, namely, that the one thing they wanted to come out of this was a better screening programme, that lessons would be learned and that they were doing it for their daughters, granddaughters and sisters to make sure we have a screening programme that is robust and saves lives. Their generosity in how they engaged is something for which we should all be extremely grateful.

Dr. Scally's reports sets out the enormous impact this situation has had on those affected. Through my own interactions with them, I have gained some sense of the distress and pain that has been caused. He has made a number of key recommendations in regard to disclosure, which I intend to implement in full.

I intend as a priority to establish a new independent patient safety council that will, as its first take, carry out a detailed review of the existing policy on open disclosure. The resulting policy will have legislative underpinning and will operate right across the whole health service.

The establishment of a statutory duty of candour is a further key requirement. The patient safety Bill is scheduled to undergo pre-legislative scrutiny on 26 September and I ask Deputies on all sides of the House to prioritise the scrutiny of this vital legislation because it provides a legislative framework for a number of important patient safety issues, including mandatory open disclosure of serious patient safety incidents.

While these are key steps, disclosure is also about core values such as openness and honesty, and trust and confidence in doctors. This report presents a challenge to the medical profession but I believe the majority of doctors and the profession in general holds these values very dear in the care they provide. I also believe the dedication and commitment of the entire range of health professions, including doctors, is one of the key assets of our health service. I want to see constructive engagement on the part of the medical profession with these issues. There were failings on behalf of their profession and they must be addressed by them.

I want to be clear that the Government is committed to the continuation of the CervicalCheck programme, as well as BreastCheck and BowelScreen. We know that screening saves lives, and Dr. Scally has emphasised this. Crucially, he found no reason the existing contracts for the laboratory services should not continue until the new HPV regime is introduced. He is satisfied with the quality management processes in the laboratories, contrary to some information put on the record of this House by others in the past, and the report presents no evidence that the rates of discordant smear reporting or the performance of the programme fell below what is expected. He emphasises the very substantial contribution that CervicalCheck has made to women's health over the ten years of the programme, and I know that has been acknowledged by Deputy Alan Kelly and others in this House. A woman's lifetime risk of developing cervical cancer has substantially reduced since the inception of the screening programme, from one in 96 in 2007, to a one in 135 in 2015.

Dr. Scally also considers that the work which has been carried out by staff in the programme to keep the screening service operating in the middle of what was a very intense controversy is worthy of recognition. I want to thank the staff for that as well.

I do not downplay in any way the very serious gaps that have been identified in the governance structures of our screening services, but I want to emphasise that Dr. Scally has stated in unequivocal terms that he had found no evidence of conspiracy, corruption or a cover-up - his words. This speaks to the integrity of our public and civil servants. Some of the things that were said in the heat of this controversy questioned the integrity of some of those public servants in leadership positions and, I think, after an independent report makes a finding on that, it is important we acknowledge the actual position on the record of this House, as outlined by the independent expert that we as an Oireachtas put in place to establish the facts.

The report examined the provision of briefing notes on screening audit and disclosure to my

Department in 2016. These came into the public domain in May. I welcome the clarity provided - the inquiry considers that it would have been unreasonable to expect senior management in the HSE or, even more so, departmental officials to have intervened on foot of these notes. That is a finding of the inquiry. Subsequent problems were significantly associated with the failure to disclose, the report says, and it would have been difficult to predict this given the reassurance the briefing notes provided. As we have limited time, I will not quote from the report but they are there in the relevant sections.

Dr. Scally has based his findings on careful examination of contemporaneous records. He has had more than 12,800 records. I fully accept his conclusions in this regard and it is clear that my officials and my Department acted entirely appropriately.

Dr. Scally has been clear that the problems he has uncovered are systematic and relevant to a whole system failure, and I believe a whole system failure requires a whole system response. I have already taken steps to re-establish a board for the HSE, appointing a chair designate yesterday. This provides a foundation for proper governance and accountability. I intend to bring the Health Service Executive (Governance) Bill 2018, through the Houses of the Oireachtas during this session with a view to establishing the board this year. A priority issue for the new board will and must be the development and implementation of an effective performance management and accountability system in the HSE.

We are aware that screening alone is not enough to prevent all cervical cancers, but a well-organised screening programme, when combined with HPV vaccination for boys and girls, can bring us very close to eliminating this disease. That is the Government's goal and that is the Oireachtas' goal. I do not intend to play party politics with this issue. It is supported by politicians from all political parties in this House. We now need to get on and do it. We have a vaccination that can save lives. It can prevent girls getting cancer and can prevent girls dying from cancer. We all need to support that unequivocally. I am very pleased that the House supported Deputy Kelly's motion to extend the HPV vaccination to boys. We need to extend the vaccination to boys once we receive the HIQA health technology assessment in the coming days. We should look to extend it next year.

I have given approval to a switch to HPV testing as the primary cervical screening test, and work is under way to progress this change. This is vital. We know that of 1,000 women who will be screened, 20 will have pre-cancerous cells. Screening today will pick up 15 of those 20 women but when we move to HPV testing it will pick up 18 of those 20. There will still be limitations to screening, but sadly there will always be limitations to screening. We can, however, have an even more accurate system and, along with a small number of other countries, Ireland can lead the way as we move to HPV testing.

I want to be very clear that the Government accepts in full all 50 recommendations in this report. I expect to return to Government in three months with a full implementation plan. In June I established the CervicalCheck steering committee, chaired by the Chief Medical Officer and the assistant secretary of acute care in my Department. Crucially, the committee includes representatives of the affected women and their families. I thank them for their generous and constructive contribution to that work. The committee meets weekly and we publish its minutes, its agendas and its weekly report on my Department's website. It will oversee and direct the implementation of all 50 recommendations, and my Department has established a working group to drive the work of those recommendations. I have written to each of the organisations mentioned in the report about preparations for implementation. Through the Chief Medical Of-

ficer, I have also commenced engagement with the leadership of the medical profession, which is very important. An initial meeting in this regard took place earlier today, and I intend to meet them shortly, along with the Medical Council.

The first step I wish to take, which I believe is the most appropriate, is to meet patients and their families, and I look forward to this happening next week. I will then engage with the Opposition on what needs further inquiry and what is the best modality in which to do that. I do not believe we should make knee-jerk decisions on this. I want to try to reach a consensus in this House, but most importantly with the patients also, on how best to move forward.

Dr. Scally has reached a view on a commission of investigation and we should consider that view and explore it together over the next number of weeks. The Government's priority is equally with the women and families as well as with ensuring that our cervical screening programme is as good as it can be. Dr. Scally has given us the framework to fix the very many flaws he has identified. Our focus must now be on implementation. If we want to learn the lessons and if we want to fulfil Vicky Phelan's request that some good comes from this awful tragedy, we need to deliver on these recommendations. I look forward to working with each and every Member to make that a reality.

**Deputy Stephen S. Donnelly:** On behalf of Fianna Fáil I welcome the comprehensive report by Dr. Scally. It is fair to say that it is a more comprehensive report than many of us thought it might be, including those of us who agreed the terms of reference. Dr. Scally and his team deserve huge credit for very robust and professional work done in a pretty short period.

This came about because of the bravery of some extraordinary people, including Vicky Phelan, Emma Mhic Mhathúna and Stephen Teap. The types of improvements we hope to see are entirely down to their bravery in standing up and in not being forced and bullied into signing non-disclosure agreements by third parties, so I acknowledge the work they did and the role they played. I am particularly happy to see that Dr. Scally recorded the testimonies of the women and their families. This is something there is not enough of and we need to reflect on the fact that testimony is vital. It is vital in areas such as institutional abuse, it was vital in this area on non-disclosure and we all heard some of the testimony. It brought to life the types of challenges these women and families have been dealing with.

Fianna Fáil supports all 50 recommendations. We will work as hard as we can with the Government to see those recommendations implemented as soon as possible. In doing so, however, we have to see a step change in how things are implemented in all aspects of CervicalCheck. In spite of the fact that the Government was briefed on this and told that it was going to blow up in public, it was still allowed to blow up in public, which created widespread fear.

The Government promised these women an awful lot of supports, some of which are still not in place. Huge frustration and struggle has been endured by these women and their families because the supports were not put in place when they were told they would be. The women were told by the Taoiseach and by the Minister that they would never have to go back to court. I raised this in the House with the Tánaiste, and on the morning I raised it, Emma Mhic Mhathúna was back in court. Since the promise had been made, this was her fourth time in court. Even last week we saw it. I understood that the women and their families were promised they would be briefed before the report was published. I found that I and other Members of the House were being briefed and a very small number of the 221 affected women were briefed. The women and the families together should have been briefed by Dr. Scally before anyone in this House

or the media and before publication, but this did not happen. I am not saying this to the Minister for Health, Deputy Harris, to score political points. I say it because I do not believe the implementation has been there. I have cited real examples of where I believe the Government has dropped the ball with regard to these women. We will work with the Government, and we want to work with it, but we have to start delivering on time and according to the promises that were made.

I will turn now to the commission of inquiry. We would like to see the women and the families listened to. This whole thing comes back to other people deciding what the women should or should not be told about their own health. Once given time to reflect on the recommendations in the report, let us listen to the women. I would like to see face-to-face briefings, for any of the women who want them, with Dr. Scally and his team. Let us listen to the questions they still have after reading the report. Let us talk about the different options for getting those answers. Whatever the women and their families want to do, let us do that, regardless of whether we think it is the right method. Let us for once do just what they want and put them at the centre of this.

The medical community needs to reflect on some of these issues, as do the Members. If we can implement these recommendations, not just for CervicalCheck but across the HSE, we would see a lot of improvements in governance, patient safety, patient voices and clinical voices in the future.

**Deputy Lisa Chambers:** In the two and half years I have been in this House we have spent quite a lot of time discussing female gynaecological issues. I believe that the women of this State are fed up with the failures of our health system to serve their interests and needs. When this scandal broke there was widespread fear and panic across the country. Every woman who had been through the screening process woke up that day wondering if her tests were okay and if she was okay. I rang the helpline but it was most unhelpful. The person to whom I spoke did not offer me any sort of consolation or direction. By the time I got through, I felt quite frustrated with the process.

It seems that our labs and our screening process are okay and up to good standards. What is not okay is that while going through the screening process, it is not clear that when one receives a result, it may not be accurate. We need to work on that. There was an adversarial approach taken towards women who went through this process. It is frightening to think that we almost did not know about this issue. We came very close to never learning about the withholding of information from these women and the difficulties in our processes.

We now need to restore confidence rapidly in the screening programme. The Minister's response at the outset was lacking. It was not a rapid or adequate response and it allowed the problem to get worse. The screening programme saves lives so we need to restore confidence in it. We need to educate people properly about what a screening programme entails and that if a woman has symptoms in between her smear tests, she must go to her GP. A woman may have received a result that said she was fine, and she thought she was fine, but may have ignored possible symptoms. We have to learn from this to ensure it does not happen again.

**Deputy Mary Butler:** Fianna Fáil welcomes the final publication of the Scally report and urges the swift implementation of its 50 recommendations. The report is a truly shocking indictment of a key public health service. Public confidence in the CervicalCheck system has been shaken. The trust thousands of women had placed in the system has been breached. From

the perspective of a woman, mother, daughter and sister, I felt disappointed and let down by the system in which every other woman and I had put our trust. Thank God for Vicky Phelan, that courageous and amazing woman. Many thanks to Stephen Teap who lost his wife, the mother of his two boys. That family's life for the past few years must have been a nightmare. What about the bravery of Emma Mhic Mhathúna who is living with terminal cancer? Imagine her having to turn to her five children and asking where they would like to live after she dies. I cannot even imagine what that must have been like.

Patients cannot be left in the dark again. The priority is to listen to the women involved and see what their preferred choice is regarding a commission of investigation.

Some of the testimonies we heard about how a number of women were spoken to by their consultants were shocking. I hope no woman in Ireland will ever again be spoken to in that way. Imagine telling a woman who had just asked about how she would be informed to watch the news. It is disgusting.

**Deputy Fiona O'Loughlin:** Recently I read that it was a wonder that women did not spontaneously combust with rage on a regular basis. It sometimes feel like all we do is discover another failure by the State to take care of our health, children, right to equal pay, right to a fair pension and right to bodily autonomy. The voices expressed in the Scally report made me furious about how those women had been treated and kept in the dark by a paternalistic and misogynistic health system. I was furious about how many of them had been spoken to when the bad news was eventually broken to them. I was furious that the trust they had placed in the health system had been so grievously breached. A total of 206 women, with families and loved ones, missed out on earlier interventions. Lest we ever forget, 18 of those women have since died.

The report is a shocking indictment of the mismanagement of a public health system that is vital for women's health. It indicates that the system was doomed to failure and that the policy and practice of open disclosure were deeply inadequate. Are we ever going to listen to women's voices? If not for women like Vicky Phelan and her determination to bring this scandal to light, how many women would still be in the dark about a cancer diagnosis? How many men like Stephen Teap would not be facing life as a widowed father? It should be these women's voices who decide about the commission of inquiry. It is no longer acceptable for decisions to be made on their behalf, as they have lost their trust in the system. The report's recommendations must be implemented as quickly as possible and women must never again be left in the dark about their health. The Medical Council's code of ethics states patients are entitled to honest, open and prompt communication. We can only hope young women will not be failed as their mothers have been.

**Deputy Louise O'Reilly:** I will be sharing my time with Deputies Mary Lou McDonald and David Cullinane.

**An Leas-Cheann Comhairle:** Agreed.

**Deputy Louise O'Reilly:** Despite what we are discussing, I urge women to engage with the screening programme and have smear tests. Without a doubt, screening saves lives. We must never lose an opportunity to remind women that, notwithstanding what they are reading in the press, they should engage with the service.

The events of the past few months in what we now call the CervicalCheck scandal form another difficult period in the history of women's health in this state. It has been a difficult

time for the health service, as well as for those who work hard within it and try to do a good job. Sometimes, it must feel like they are trying to swim backwards against the tide, as they are working hard, but the system is letting them down.

There were many strands to the events that led to the Scally report. The report covers many of them in great detail. I the opportunity to thank Dr. Scally and his team. I join others in thanking those women who were affected and contributed to the report. Their evidence and testimony were invaluable to this process, as well as to the final report's conclusions.

The report outlines that the women affected wanted to see a screening programme that would deliver a patient-centred service and put the rights of women at its centre. Patient-centred care and the upholding of patients' rights are what we expect from health services. The women came back repeatedly to the issue of how their own medical histories had been withheld from them and that doctors knew information about them but did not tell them. Why was it withheld? Dr. Scally is clear, in that there was a degree of misogyny. I hope doctors will read that point and reflect on their role, as well as on the way in which they speak to women.

I have addressed in the House issues related to women's healthcare. I have spoken to the Minister many times about mesh implants and sodium valproate. We know that there are issues with the delivery of women's healthcare by the health service that must be addressed.

The doctors operated a hands-off policy. The literature pointed out that screening was not 100% effective and they knew that figure. They just did not bother to tell the women.

Dr. Scally has done a good job. As the Minister stated, he has given us a framework. However, the work is not finished, as Dr. Scally acknowledged when we spoke to him. Many more questions remain. If we need a commission of investigation to get to the bottom of them, we should have one. Women are still being dragged through the courts and let down. Information is still being leaked to the media. All of the things we said could not and should not happen are still happening. This has to stop. The only way to stop it is with accountability.

**Deputy Mary Lou McDonald:** Táim buíoch as an deis labhairt ar an ábhar tábhachtach seo um thráthnóna. I welcome the publication of the Scally report. We would all like to know who leaked it. The Minister might shed some light on that matter.

**Deputy Simon Harris:** I would like to know, too.

**Deputy Mary Lou McDonald:** Screening saves lives. In the course of this debacle, our debate and everything that flows from them, let us be clear - any woman listening who is concerned should have a smear test. It may well save her life; it has saved others.

It is welcome that the Minister has accepted all of the recommendations made. He shares a view about having them implemented. We look forward to working with him in that regard.

The report makes difficult reading, not least because it is empathetic in reflecting the views and experiences of women, including the gross disrespect shown to them. The Minister has made the point that no evidence of a cover-up or conspiracy was unveiled, but he will agree that a finding of institutional misogyny is a damning reflection on the system-----

**Deputy Simon Harris:** Yes.

**Deputy Mary Lou McDonald:** -----and may, in and of itself, beg for further investigation



and a commission.

The default position of the State apparatus when it became clear that problems had arisen in a screening system that was, of course, not 100% effective - there are very few 100% figures in life - was to deny, obfuscate and leave women in the dark. I commend Vicky Phelan, Emma Mhic Mhathúna, Ruth Morrissey, Lorraine Walsh and Stephen Teap. They are victims. More to the point, they are an inspiration for us all.

Dr. Scally has made an open and shut case for the necessity to provide for mandatory open disclosure. That debate is over. For anyone who doubted it, the report puts the matter to bed.

Dr. Scally has made positive soundings which we must welcome about quality assurance. He points to the 80% positive predictive value in the laboratories. He makes the point that it is not stellar but it is more than within acceptable boundaries. He also raises very worrying insights into quality assurance, with the theme in the report of cost efficiency outstripping other considerations. He criticised the efficacy of quality assurance visits, which were very thin on the ground. I am struck by the fact that even though the contract between the screening service and the laboratories allowed for a number of mechanisms where difficulties arose, including a Health Information and Quality Authority, HIQA, type investigation on quality matters, that never happened. I am not raising the issue of quality to cause distress and certainly not to cause panic or to dissuade anyone from availing of the service and having a smear. I want to place on record that while we have a general reassurance in the report about issues of quality, these beg further investigation in order that we will learn from them. Ultimately, open disclosure and treating women as autonomous adult individuals entitled to our medical information is an absolute must. So too is robust quality assurance.

Many questions arise in this report. I know the Joint Committee on Health and other committees will address this. I hope the Minister has a keen eye for that and may even consider a HIQA intervention for the inspection of those laboratories. That would be worthy of his consideration.

**Deputy David Cullinane:** I welcome the publication of the Scally report. There is universal acceptance that Dr. Scally has done a good job in the timeframe given to him and with the terms of reference that governed his work. He admits that he was unable to establish the full facts and the truth in many areas because of a lack of time, access to information and so on. An awful lot more work needs to be done to establish the full facts and the truth. If that means a commission of investigation, that should happen. Let there be no doubt about that.

What Dr. Scally uncovered has raised serious questions about the Department of Health, the HSE and CervicalCheck with regard to systems, practices and procedure failures. We know from the report that one of the company laboratories, CPL, outsourced part of its work to four laboratories that were not accredited or certified to the standards demanded by CervicalCheck. The problem is that Dr. Scally says in his report that CervicalCheck knew of that, yet did not take the appropriate action. Dr. Scally asks a number of questions on page 56 of his report. He asks what volume of CervicalCheck tests was performed in each of these four laboratories, what their compliance with quality and standards was, if CPL informed CervicalCheck of workload being transferred to other sites and whether such transfers were approved. He asks questions that he cannot answer in his report. It is incredible that that is the case. On outsourcing of contracts, there were questions about rolling over of tenders and procurement which I am sure the Committee of Public Accounts will examine.

Dr. Scally was damning about the non-disclosure issue. That is important because we cannot explain all of this away as simple systems failures. Some of this happened by design with individuals taking decisions to withhold information from women. I am not about witch-hunts or looking for people's heads for the sake of it but surely people must be held to account for this. We have had this far too often and seen it in many areas, not just health but across the public service. When failures occur, the wagons are circled and they are explained away as simple systems failures when individuals made very bad decisions and need to be held to account. One way to do that is through a commission of investigation. I hope the Minister will be able to say that it is still on the table and something the Government could and will support.

**Deputy Alan Kelly:** I will not be able to cover one quarter of the issues I want to talk about in ten minutes. We could have written the first page of the Scally report. It refers to systemic system failure. We all knew that. I am a member of the Joint Committee on Health and the Committee of Public Accounts. Systemic system failures happen because people either make or do not make decisions. Human enterprise is involved. This is not something that happens from on high and we have to find out why it happened. Who made or did not make decisions and who acted in certain ways such that we ended up where we are today? If not for the bravery of Vicky Phelan, we would not be talking about this today. It is incredible and I want to acknowledge her, Stephen Teap, Lorraine Walsh and everyone else. I have spoken to many people on this, many of whom do not want to be named.

I welcome the Scally report and having spoken to Dr. Scally on a number of occasions since its publication, I welcome his frankness. This was a scoping inquiry, not a full report. It is nowhere near being one because the issues are too large and it is not of that scale. It is limited but it is excellent in its findings. The 50 recommendations of the report are the priority for all of us in this House. Everything else is secondary. The 50 recommendations have to be implemented. The move to the HPV vaccine is a priority. The Minister needs to resource the laboratories and the personnel to be able to implement that. He must also implement the resolution that I and my Labour Party colleagues passed in the Dáil to extend vaccination to boys to create herd immunity.

Non-disclosure will be dealt with and has to be a priority. Loss of trust between clinicians and their patients has been spoken about an awful lot. I do not want to dwell on it except to say it was enlightening. It is something on which the medical profession and many different medical representative bodies need to reflect, not just in this area but in a number of other areas too. Many of these clinicians met during this process. This was not known to the public until we pulled out the minutes of colposcopists' meetings that took place in the middle of this crisis. That needs to be investigated. Clinicians were aware that there was a serious issue but there was no urgency. We need to find out why that was the case.

There are structural issues with the HSE. As I stated, this happened because people made or did not make decisions. It has gone beyond a matter of debate that we will have some form of inquiry or investigation. Any investigation should be short, must not get in the way of recommendations and should have tight terms of reference. We need to find out who did what, when, where, why and how with regard to the HSE CervicalCheck and possibly the Minister's Department.

There is a jigsaw for where we are going with regard to cervical cancer. The priorities are the recommendations, HPV, and herd immunity and extending vaccination to boys. That is one component. The second is the review of the slides by the Royal College of Obstetricians and

Gynaecologists, which is critical. The third relates to Mr. Justice Meenan's work. I hold the Taoiseach, not the Minister, accountable for this. On more than one occasion, the Taoiseach did not know what he was talking about. He did not know what he was talking about on "Six One News" when he said that the women affected would not have to go through the courts, the laboratories would be chased and they would settle with the women. He was wrong and I knew the second he spoke that he was wrong. He subsequently met Vicky Phelan.

Mr. Justice Meenan's work has two components. The broader component is due in a number of months but his first findings will be in a couple of weeks. I do not believe the judge can achieve a great deal other than making recommendations, which means the Taoiseach has overpromised a second time. I find it almost impossible to envisage a scenario in which women will not end up in the courts again and that is disgraceful. Please bring that message back to the Taoiseach.

The fourth component of the jigsaw is what we need to discuss in the coming weeks as regards investigating who did what, when, where and how in the HSE and other organisations, the issues related to a forum to deal with what clinicians did or did not do and, in particular, the manner in which they behaved. In addition, there are elements related to how contracts were managed with the laboratories.

I am delighted with what Dr. Scally said about the laboratories. I dare say it helps the Minister and all of us in this country in ensuring we have a screening programme. We must all behave responsibly in the future in order to have a screening programme. I welcome that, but we need to ensure there will be an investigation into how the contracts were managed, or not. I will come back to that point.

Before I speak about the laboratories, I wish to deal with one other matter, namely, the commentary over the summer on the purpose of some of the work being done by many of those affected in this country. It almost amounted to revisionism. The view was that their pursuit of justice and their legal rights was, in some way, damaging the future of screening. That insinuation was wrong and affected people who had ensured the matter became public in the first place. As far as I am concerned, such revisionism should be avoided. I know Vicky Phelan, Stephen Teap and Lorraine Walsh and their number one priority is not self-interest. They have families or, in the case of Lorraine, she does not because of what happened. Their number one priority is ensuring screening is available for future generations, my children and everyone else's.

I welcome what the Scally report states about the laboratories, but I have some questions. I am concerned about the manner in which the contracts were managed by the HSE. The *laissez-faire* manner in which the contracts were managed by the HSE must be investigated. We know of 221 cases. There are accepted errors in some cases. We all know that negligence must be proved, but in some cases we know what happened. Has CervicalCheck or the HSE investigated what happened in these cases? It is such a simple question, but it is so obvious that it does not occur to people. We know of cases, as they are public. As of today, have they been investigated? In any scenario where a public body has such issues, surely it looks at its contracts and investigates what happened in each and every case? Surely, it looks for patterns and examines every detail. I deliberately raise these questions with the Minister.

The new information provided in the Scally report on CPL and outsourcing to other laboratories across the United States is very welcome. No provision was made for this. How did the HSE or CervicalCheck not know it? Who was monitoring the position? Who was not doing

his or her job? That is not acceptable. We have had scenarios where the CervicalCheck service was in operation, contracts were in place and we now know outsourcing took place about which CervicalCheck did not know. We now know that there were errors and issuing about how women were dealt with. I am still not sure who in the HSE has been investigating that matter, who has gone through the contracts and whose job it was to look at the contracts and ensure there was quality assurance because there was not. That is a component of an investigation, with who did what, where and when in the HSE, in addition to the other issues I identified. We will need some inquiry to be agreed to. It should be agreed to in the next two weeks consequent on the Minister, me and others meeting patient advocates and those who have been the victims, to whom reference has been made.

**Deputy Bríd Smith:** I wish to share time with Deputy Ruth Coppinger.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Deputy Bríd Smith:** I wish to start by stating something obvious. I am not being smart, but I hope it is obvious that I am a woman, that I have access to CervicalCheck services and that I support the screening programme. I have received a lot of criticism for scaremongering. I am not scaremongering; rather, I am querying why the outsourcing issue has not been properly addressed. Privatisation and outsourcing are at the core of the crisis women face in this country.

Yesterday I attended a protest outside the gates of Leinster House with a busload of women from Cork whose organisation was called Women's Lives Matter. A number of women in the group had been misdiagnosed and had false negatives returned. They were very upset that they had not been told properly by the clinicians. They were also very upset at the scandal concerning disclosure, but most of all they were extremely upset that their lives and future ability to have children had been jeopardised by outsourcing. They demand the repatriation of the service.

The Scally report shows that there was a deep problem with outsourcing, even though Dr. Scally himself said to me that he did not have a problem with the continued outsourcing of the test to the US laboratories. He said that if he was a woman, he would have faith in Quest Diagnostics. I refer to his report to indicate why I believe it shows that there was always a problem with outsourcing. First, the US laboratories were not ISO accredited. I tabled two parliamentary questions to the Minister for Health in May and he said they were accredited. It may be the case that they were ISO accredited in May 2018, but they were not ISO accredited when the contracts were awarded and renewed from 2008 onwards. That is a fact.

There are different standards in the US laboratories than there are in ISO accredited laboratories. US laboratories perform 100 screens a day, whereas generally the accepted norm and standard in Irish public laboratories is 60 a day. There is a big difference already, one that could jeopardise the scrutiny of the tests. Irish laboratories have screeners who are educated to degree level and often go on to undertake postgraduate studies in cervical screening. They are overseen by clinical pathologists, which is not the case in the US laboratories. According to Dr. Scally, the cost of the service in the tender from the State to the US laboratories was overemphasised. The Irish laboratories scored very highly when they tendered, except for costs. They were not as cheap as the US laboratories. CPL, the company that settled with Vicky Phelan, was found to have problems on the site in 2011 that were not adequately addressed, yet we still awarded it another contract in 2012. We may never know why and how that happened because we discovered from Dr. Scally's report that the tender documents had been destroyed in 2017.

Will the Minister, please, explain why that would happen? I worked in the public sector, in the library service, and we had to keep a record for years and years of every penny that came into or went out of the library, even though libraries do not normally handle money. Why would the tender documents have been destroyed?

Outsourcing is at the heart of the issue. I have asked the Minister twice about it. I asked Mr. Tony O'Brien when he was *in situ* as director of the HSE. I asked the Tánaiste here one day and the Minister for Finance who had replaced the Tánaiste one day during Leaders' Questions if he could, please, tell us the laboratories from which the 221 false negatives had come. I was assured I would receive the information. I asked the clinical professionals if it was difficult to find out. They replied absolutely not because each slide had its own identity and as soon as a problem was triggered, the first thing that would have to happen was an audit at the point where the slide had originally been tested. The audit has to happen in the laboratory from where the slide came. Could we, please, get a simple answer to the question of from where the 221 false negative slides came? I believe that is at the heart of the matter.

The definition of outsourcing and the privatisation of women's health are at the core of this problem. The reason I raise the issue is the Minister is about to sign off on, if he has not already done so, the continued outsourcing of the service to Quest Diagnostics and MedLab Pathology, a subsidiary of CPL.

Is that not the definition of insanity - doing the same thing over and over again but expecting a different result?

**Deputy Simon Harris:** It is a recommendation of the Scally report.

**Deputy Bríd Smith:** I ask the Minister to address that issue, please, because I am worried about the future of the service as well as its past.

**Deputy Ruth Coppinger:** Many people found it highly ironic that at a time when the country was voting in the referendum on the eighth amendment and many Members were campaigning to put women at the centre of their own lives and healthcare, the Government was ensnared in a scandal which involved women's health and views being utterly diminished. It has been confirmed in the report that paternalism ran and runs through women's medical care. Medical misogyny is a term that has been used in that regard. Doing medicine on the cheap is another term I would use because the Minister has stated that he is satisfied with the quality management of the labs and that that was confirmed by the report.

**Deputy Simon Harris:** That is what the report states.

**Deputy Ruth Coppinger:** That is not confirmed by the report.

**Deputy Simon Harris:** It is.

**Deputy Ruth Coppinger:** The central issue is the testing service that led to the errors in the first place. It is not true that the labs were given a clean bill of health.

I wish to mention a group which came up from Cork yesterday, Women's Lives Matter. It had a petition with 1,200 signatures and its members wanted to meet the Minister. I know that is not always possible but they were disappointed that they could not do so having travelled from Cork. They asked if the Minister will meet them. Those women have been affected by

this scandal and I think the Minister should agree to meet them because their ultimate request is that the testing not be outsourced to companies in other time zones but rather be conducted in the not-for-profit public health system in this country where multidisciplinary teams can confer on issues.

Ten minutes' speaking time per group is not enough to discuss this issue properly. It is unfortunate and very frustrating. Having read the report, there are many points I wish to make but will not have time to do so.

**Deputy Simon Harris:** The allocation of time was not my decision.

**Deputy Ruth Coppinger:** More time should have been allocated. This is the biggest issue of recent months.

**Deputy Alan Kelly:** Agreed.

**Deputy Ruth Coppinger:** I will have to cut my contribution short but there are important issues that need to be thrashed out. I wish to mention Vicky, Stephen, Emma, Lorraine, Ruth and many others who never wanted to be household names but now are for all the wrong reasons. They have made a great difference and I acknowledge that.

On the laboratories, chapter 6 of the report outlines that the US-based labs, Quest Diagnostics and Clinical Pathological Laboratories, CPL, never held the required international accreditation. There were two levels of accreditation and many of the labs did not hold the international standard. CPL, which is owned by Sonic Healthcare, examined 300,000 Irish samples, but one third of those were outsourced to other labs, with the tests being carried out in places such as Honolulu, Las Vegas, Victoria and San Antonio, without the knowledge of CervicalCheck. How can the Minister claim that everything is hunky-dory in the labs?

**Deputy Simon Harris:** I did not say that.

**Deputy Ruth Coppinger:** In the report, Dr. Scally also examines the nature of the testing, how many tests were carried out and the compliance of the labs with quality and regulatory standards. This is of current relevance because Sonic Healthcare is the mother company of MedLab Pathology, which is proposing the outsourcing of testing of Irish samples to Australia. In terms of quality assurance and the visits that were made, it is true that Dr. Scally states that the labs met the standards for the country or region in which they were located but they were not up to international standard. The local standards varied depending on location. CPL was asked about its standards in 2011, but Dr. Scally states that there is no record of what happened when errors were identified in regard to the under-reporting of low-level cervical cancers, which is very dangerous because those cancers might develop further. Consistent error by a pathologist responsible for training others was identified but nothing was done. No consideration was given to the wider impact of that on the training of other staff.

Another issue is the fiddling of figures by Quest in 2014. Some 1,224 false negatives were identified. I will have to rush through these figures as I am running out of time. Quest claimed an error rate of 3.19% but the Scally report identified the rate as 17.6%. This may be explained by labs in different countries with differing testing and definitions of abnormality being used.

Cost is another major issue. Why did costs become an increasingly relevant consideration in contracts being awarded? In 2008, it made up 20% of the criteria but by 2010 it was 35%

and by 2012 it was 40%. The country was in a bailout programme, things had to be cut and cost became far more important. Does the Minister claim that that would not impact on the testing of women's samples? In 2016, there were mini-competitions in which cost accounted for 80% of the criteria. This is doing medicine on the cheap.

Quest Diagnostics has generated profits of €7.7 billion and Sonic Healthcare had net revenue of €3.5 billion. The testing should be carried out in the public health system in this country. It is not fair or right to say that there is no issue arising from the report.

**Deputy Simon Harris:** I did not say that.

**Deputy Ruth Coppinger:** Further investigation of these issues is needed.

**Deputy Catherine Connolly:** I welcome the opportunity to participate in this debate. I echo the comments that the time allocated to it is very short. I have read all 170 pages of the report and it would be helpful if Members had more time to go into its details.

I welcome the comprehensive report and the blunt, clear language of Dr. Scally. He overstepped his brief, however, when he said we do not need a commission of inquiry. That was not for him to say. I checked the terms of reference and do not think he was asked to give an opinion on that. That was one mistake. He was asked to scope the issues and the questions that arise from this scandal.

I am not a Member of this Dáil to reassure women that they should have cervical smear tests or any other test. That is not my job. My job is to ensure that we have an open and accountable system which instills confidence in women and allows them to make up their own minds. That is what was and is sorely lacking in this matter. It is the responsibility of this House to ensure that confidence is engendered by having open and accountable systems rather than on the reassurance of Members. I will leave it to women to decide what they wish to do based on the information available to them in an open and accountable manner.

The report raises serious issues. As has every speaker, I thank Vicky Phelan, without whom we would not be discussing this today. I also thank Dr. Scally and his team for meeting women affected by the scandal throughout the country and abroad. He met 67 women and their supporters in my city, Galway, 130 in Dublin and 60 in Cork. He examined more than 12,500 documents. On occasion, he had to apply pressure to access those documents and needed an extension of time.

He has carried out a scoping exercise. I fully agreed with the scoping exercise when it was proposed by the Taoiseach. I thought it the best and wisest way to go prior to any investigation to establish the issues. Dr. Scally has repeatedly pointed out throughout the report that there are other issues regarding the outsourcing of samples from American labs to Honolulu in Hawaii and many other cities and that, apparently, CervicalCheck and the Health Service Executive knew nothing about that. He wants more time to examine that issue among others. He also highlights an absence of documentation in one of the laboratories and also in Ireland following the procurement because it has been destroyed. As such, he can only reach limited conclusions.

I reiterate the comments by Deputies that outsourcing is a major problem, notwithstanding that the report contains some positive comments in that regard in terms of the standards being good, based on Dr. Scally's observations. The contract stated that the labs should have the IPL accreditation but they did not. No one seemed to think that was a problem. The labs had

accreditation under the American system and met those specifications but that is not what was specified in the contract. They did not have what was specified in the contract. The contract also seems to have been loose enough for the tests to be sent to Honolulu and for the labs not to inform CervicalCheck, the national screening service, Mr. Tony O'Brien or whoever was in charge.

This scandal involves a whole systems failure to which I will return because I am not happy that some person, organisation or government allowed it to happen. I will address it now in case I run out of time. The comment was made by the women that, when we rolled out CervicalCheck in 2008, we also guaranteed the banks in the same month. As we pulled back on resources, staff and money for cervical smear tests, we had no problem rolling out money for the bank guarantee. Notwithstanding that, they struggled on gallantly to provide a screening service as an independent entity, reporting to an independent board with an independent chair that had oversight and outside monitoring. Subsequent Governments of Fine Gael, the Labour Party and Fianna Fáil in their wisdom saw the need to change and allow the Health Service Executive to change its structure, with the resulting consequence that there was less accountability and no independent board to which to report. In fact, before the board was abolished, we had directors of services talking to civil servants in the health sector. There was no accountability whatsoever. We have not had a single accountable person in CervicalCheck for the past number of years. I ask the Minister where the responsibility lies for that. We have also had a number of vacancies.

We then had an open disclosure policy that was really a close policy. It was a case of do not tell, or only tell if it we have to, and only after all of this correspondence between CervicalCheck and the consultants and general practitioners, and we will not tell the women. It was a case that we had a policy of open disclosure but that it really meant that we do not tell at all because there might be screaming headlines and difficult issues we have to cope with and, in true Irish fashion, on a certain level we will not cope with anything like that. It was a case that we will pretend it is not happening and if the person is dead, just put it on their medical notes. That is what is reported throughout this report.

Those of us in the Dáil asked for mandatory disclosure. The Minister saw fit not to support us and now we will have to bring it in by way of legislation and force the situation.

There were serious governance gaps at every level. There were serious problems with a risk register and what was put on a risk register. A systemic failure was not identified as something that should go on a risk register. Can the Minister imagine that?

There was an absence or a limited amount of public health medicine and a limited amount of input from public health physicians. Parallel with the bank guarantee, the withdrawal of the money for the service and the outsourcing at the lowest cost, which I will come back to, we were getting less and less accountability.

I sat on a health forum for ten years. I became a member when it was set up and spent ten years of my life on it. In my first year on the forum we were under pressure from the people working in the laboratory in Galway and elsewhere not to outsource this service. They said not to outsource, that they were in the process of building up their expertise, and that this should remain in Ireland or else they would envisage serious problems. Notwithstanding that, it was outsourced. Now, Dr. Scally, who is very cautious and gives positive results to the laboratories on what his limited time allowed him to do, confirms that one of the firms, the Australian one,



Sonic Healthcare, has been in the process of repatriating the system to Dublin with one of its companies because it sees it is far easier to have it based in the country rather than going to New York, for example, with Quest Diagnostics, where there are delays of two or three days and so on. If we read Dr. Scally's report we see that even the private companies are coming back to Dublin. I cannot recall the actual name of it. The CPL one is gone. It is the sister company that is now back in Dublin.

**A Deputy:** MedLab Pathology.

**Deputy Catherine Connolly:** I thank the Deputy. I have many questions but little time. The audit was suspended. Will the Minister tell me the position on that and the implications of the suspension of that audit?

Regarding the foreword addressed to the Minister in the form of a letter, Dr. Scally asks for an independent monitoring of his 50 recommendations. I do not see the Minister addressing that. He talked about implementing them. He gives specific timeframes of three months and six months. I would like the Minister to confirm that is precisely what he will do because we have been down this road before where Kevin Toland and his team offered to monitor independently the implementation of the recommendations in respect of the Department of Justice and Equality and he was not taken up on it.

According to Dr. Scally, the cost of the cervical screening test is €23.9 million. That is all. There is an extra sum in respect of the hospitals. Will the Minister tell me now what is the cost so far of the consequences of the failure to give information to the women? What are the legal costs and the awards to date in terms of the number of women who have managed to get through the labyrinth of the Courts Service? What does the Minister believe the final cost will be compared with €23.9 million to roll out a service? Would it not have been much cheaper to have complied with the open disclosure policy and ensured it was in place at every level? Will the Minister confirm for me the audit and in regard to the recommendations?

What system is used for sending out these samples to the various companies, including the Coombe Hospital? Is there a public private distinction? Is there a public private patient distinction or a public private hospital distinction? How is it decided which hospital or which laboratory is chosen?

**Deputy Michael Harty:** I am sharing my time with Deputy Mattie McGrath. I thank the Minister for taking this debate. There are a number of issues regarding this report and the first and most important concerns open disclosure. Mandatory open disclosure will now be part of the patient safety Bill, which will come before the Committee on Health for pre-legislative scrutiny next Wednesday. That will be a very important meeting in terms of defining open disclosure.

Regarding CervicalCheck, and I am not in any way trying to explain what happened, there is a difference between organisational open disclosure and individual open disclosure. In terms of what happened in CervicalCheck, the lines of responsibility on disclosure were blurred. They should have been clarified and quickly identified. The failure to identify the lack of open disclosure in CervicalCheck was because there was no independent oversight of the scheme and there were no patient advocates on the structures of CervicalCheck who would have spotted that difficulty very early on, because when one openly discloses an incident, it is usually contemporaneous. Something happens and, within a few days, it has been identified that there has been

a problem and one openly discloses. CervicalCheck, however, referred to historical events that had happened several years ago. It failed to identify the difficulties that would pose and who was to be the responsible person regarding disclosure. That has led to this failure.

The difficulty was in respect of disclosing to women but also the communication gaps that developed within CervicalCheck regarding where the lines of responsibility lay and the appalling shortcomings in the manner in which disclosure was eventually made when the scandal broke. It was rushed, ham-fisted, amateurish and did not reflect very well on the medical profession.

The second point is that Dr. Scally identified CervicalCheck as a dysfunctional organisation that lacked governance and accountability, that there was no clear responsibility among the various sectors in CervicalCheck and no clear job description. There was a lack of clarity in the way people should function within the system, in particular, how information was transmitted up and down the line. Dr. Scally identified a whole systems failure, and he was restrained in identifying particular individuals. If particular individuals are to be found wanting, I have no problem with that, but the blurring of lines in terms of the organisation, governance and accountability of CervicalCheck make that very difficult. There was nobody in charge. There was an absence of governance and poor oversight by the HSE. There is an absolute urgency in reinstating the HSE board. I note that the Health Service Executive (Governance) Bill will also come before the Dáil very soon. It is absolutely essential that we have a reorganised, slimmed down, very clear governance structure within the HSE, not just in respect of its board but going right down through the organisation. It is a substantial part of the Sláintecare report that there has to be huge governance reform within the HSE. As we have spoken about that on many occasions I will not go into it again.

There is a necessity for no-fault compensation in respect of what happened. To have women go through the adversarial court system, as we have seen Vicky Phelan, Emma Mhic Mhathúna and others do, is not fair. We are talking about dealing with people who have offered themselves voluntarily, who are perfectly healthy when they go for screening, in the same way that when children present for vaccination they are perfectly healthy children. If they suffer an injury, whatever the case may be, there should be no-fault compensation. They should not have to go through the adversarial system. Mr. Justice Charles Meenan is to report on alternative methods. We have to look at how we deal with people who are injured by our health system. They should not have to go through the adversarial system. Gabriel Scally identifies that.

Another aspect of the report is data sharing. There was a breakdown in data sharing in that the National Cancer Registry and cervical screening service had different lists of people who had cervical cancer and they were not sharing that information with each other. Even the gathering of data was a problem in respect of CervicalCheck and the gathering of data is a big problem in the health service in general. We discussed that briefly at our health committee meeting this morning. Data is king. Without data, we cannot plan a health service. That was a deficiency within CervicalCheck.

I refer to a journalist who wrote about this during the week. He wrote that the shortcomings of CervicalCheck indicate a whole-of-system failure, a wider failure within the health service, where the welfare of patients got lost in the political and bureaucratic manoeuvres operating in a cocoon of detachment. That summarises what happened here. There was no outside vigilance on what was happening within cervical screening. People got locked into a bubble and were not thinking properly or putting the patient at the centre of the service. It is so important, whatever

service we provide, that we put the patient at the centre. That is why it is important that we have two patient advocates on the HSE board. We should have two patient advocates on every board at local, regional and national level to make sure this does not happen again.

**Deputy Mattie McGrath:** I am happy to make a few remarks on this very important issue this afternoon. The Scally report has laid bare a scandalous catalogue of failures right across some of the most sensitive areas of health care in this country. The women and the families who have been affected and, in some cases, utterly devastated by these failures are the true heroes of this entire sorry saga and their bravery cannot be commended enough.

The report indicates that we have reached a tipping point in the level of dysfunction that afflicts the HSE. We have all known that for a long time and the Minister must know it after two years in office. When will he do something about it? Dr. Scally observed how apparent it is that there are serious gaps in the governance structures of the screening services. In the specific case of CervicalCheck, there was a demonstrable deficit of clear governance and reporting lines between it, the National Screening Service and the higher management structures of the HSE. This confusion, according to Dr. Scally, complicated the reporting of issues and multiplied the risks. We need to let that sink in. Here we have a so-called healthcare service that actually multiplied the risks to women and their families. They were going in there for checks in their own interest. As the Deputy from Galway stated earlier, she is not here to tell people to go for checks; it is up to people themselves but they must have confidence. To think that this is where they ended up - how can we have confidence?

Dr. Scally also noted that there were serious gaps in the range of expertise in the professional and managerial staff directly engaged in the operation of CervicalCheck. In one of his recommendations, Dr. Scally says the Department of Health and the HSE should revise their policies in respect of document management. The implication here is that HSE document management at present is not reliable and does not ensure accountability. I honestly feel that is a deliberate act at this stage, so that there cannot be any accountability. Indeed, Dr. Scally says the view was expressed to the scoping inquiry by some working within National Screening Service that screening was downgraded after being absorbed into the HSE and that they felt they had little influence within the HSE as a whole. That is a common practice. We have seen that no matter what service is absorbed into this monstrosity, it just gets lost. There are lots of good people who have been absorbed into the HSE but it is such an unaccountable and unwieldy organisation now that it must be disbanded.

Among other findings, the report noted that there continues to be a somewhat negative relationship and clear disconnect described by the programs between themselves and the HSE chain of command. Issues of isolation, suspicion, lack of trust or support and poor or non-existent communications were cited. We are going to continue with this. The Minister walked into Cashel hospital one day with Deputy Healy, myself and others and he was shocked to see it lying idle. There are so many instances and the Minister has done absolutely nothing about it - an abject failure. Then there was the selective leaking of the report. I am not blaming the Minister but it was only a handful of people who had it. That was despicable as well. It is a case of covering backsides all the time and allowing the HSE senior management and the Department to cover themselves and then wheel in the barristers in court if anything happens. It is despicable, degrading and disgusting. The Minister is presiding over that. I have called on him several times to resign and if he had any moral compass he would do so.

**An Leas-Cheann Comhairle:** To clarify, there are 26 minutes left and the Order of the

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House gives the Minister 20 minutes. With his approval, I do not want to deprive the Green Party or Social Democrats Deputies. If it is agreeable to him, the Minister will have 16 minutes rather than 20.

**Deputy Simon Harris:** That is fine.

**Deputy Alan Kelly:** Agreed.

**Deputy Róisín Shortall:** I welcome the Scally report. It is excellent and extremely comprehensive. It has established many of the facts and truths of the CervicalCheck issue. I believe it has gone a very long way to answering many of the questions we have all had over recent months. The most important thing about the report is that it puts women and families front and centre in respect of this entire matter. Most importantly, Dr. Scally met with the women and families concerned. He listened to them and recorded their views and feelings. He really gave them a very strong voice in this whole process. Their experiences as recorded by Dr. Scally are undoubtedly a disgrace and raise many important issues for us.

The most significant finding and one of the most significant recommendations is the need for early legislation for mandatory open disclosure. It is extremely regrettable that, at the end of last year, the Government and Fianna Fáil conspired to delete the provision for mandatory open disclosure and, instead, as a result of a strong lobby, went with a voluntary disclosure regime. The shortcomings of that have been shown up very starkly.

I welcome the heads of the patient safety Bill. It provides legal liability in respect of disclosing basic information to patients. It is very important that we get clarification from the Minister that the legal liability will actually apply to individual clinicians and not to healthcare providers. That, I think, is the obvious interpretation of the heads of the Bill as they stand at the moment but it is not good enough. The Minister has to go much further than that.

This legislation is absolutely critical in changing the culture that Dr. Scally discovered. He has lifted the lid on a highly paternalistic culture which, as he said himself, was bordering on misogynist, in respect of many of the 30 consultants who were involved in this. Stephen Teap referred to the God complex that was a factor in this matter. We are all too familiar with the God complex that some members of the profession display. Not only did these doctors fail to disclose key medical information to their patients but when, thanks to Vicky Phelan, this issue came out into the open, the attitude and approach of those consultants were disgraceful. There must be early follow through in respect of those clinicians engaging with and apologising to the women and families concerned, as recommended by Dr. Scally.

Dr. Scally found major shortcomings in CervicalCheck relating to governance, quality assurance, risk assessment, understaffing and accountability. This was only a microcosm of the HSE. Dr. Scally said that everywhere he went within the HSE, there were problems. Many of these issues have been addressed in the Sláintecare report but we need to ensure we take the steps recommended by Dr. Scally with the principal one being the reinstatement of the independent oversight board. It is important to point out that 88 Members of this House voted to abolish that independent oversight board five years ago. There must, therefore, be accountability in here as well in other places. The political mishandling of this issue needs attention. There was certainly competitive outrage and many of the comments and much of the behaviour of Members of this House, including members of the Government, did little to help the situation.

The issue is how the Government and Minister respond to these 50 recommendations. The

Minister needs to tell us what mechanism he will put in place to ensure those recommendations are implemented swiftly and we keep the focus on this issue until they are implemented in full.

**Deputy Eamon Ryan:** I want to focus on one important political point that has not received much attention. There is a clear recognition that a mistake was made in 2011 when the HSE board was abolished. That mistake must be rectified and Dr. Scally puts that front and centre. I say this because to a certain extent, we must be careful that in our work we do not always view the public service as bad or believe that structures relating to it will inevitably be bad. At the time, the then Minister for Health, Senator James Reilly, said he would take all the responsibility, that he was sweeping away all those structures and that he would be the great single-handed orchestrator of everything. We must be careful in the political system and we must work with our public servants to make sure we deliver the services our people need.

This colours my second comment, which is that the Scally report has done the country a great service because it highlights a problem in our public service relating to the nature of communications between doctor and patient, particularly, as has been said on several occasions here, between male doctors and female patients in terms of the sharing of information. It concerns attitude. It is very hard to define that, to regulate for it and to be scientific about what empathy is, how one listens and how one fulfils the Hippocratic Oath in sharing information that belongs to a patient with him or her. There is a huge amount of learning here because how we share data in the modern world is of increasing importance, as is the ownership of data. The ability to get access to one's data, particularly health data, should be enshrined after this crisis - this terrible disaster for those patients. Hopefully, we will get one good thing out of it, namely, a system under which patients have full transparency and access to data. Where the State makes a mistake, and in some instances the mistake will be unavoidable because there will be screenings that are inaccurate, we must develop a mechanism whereby the State can share information about those failings without it becoming a legal wrangle and where it is not doing down the State or the public service to admit mistakes. I hope this is at least one positive outcome of what has been a terribly trying process for the more than 250 women involved.

The way in which the report was written, with the women and their comments being put centre stage, was correct. It indicates the general approach we should take in terms of the medical profession, the sharing of data and how the public administrative system works. Dr. Scally has done us a great service, as have those women who did an incredibly difficult thing in speaking publicly about their tragedies. They have done us a service, as has Dr. Scally. We should live up to that in the work we do from now on.

**Deputy Seamus Healy:** It is important to commend the bravery and determination of Vicky Phelan and the other women involved. Without their courage, we would probably be blissfully ignorant of this scandal. I welcome the Scally report and its 50 recommendations and hope those recommendations will be implemented immediately. I also welcome the certainty of mandatory open disclosure.

Dr. Scally rightly highlights the outrageous treatment of women by their doctors and correctly states that the doctors involved should apologise to the women involved. That must happen. We also need accountability for this debacle. I have no doubt that we need a full public inquiry that can compel witnesses and documentation. Without such an inquiry, senior management, Ministers, Secretaries General and chief medical officers will be able to avoid having to take responsibility for what has happened. Without such an inquiry, having to make fundamental changes to the health governance model can also be avoided. I believe this model

is at the root of this scandal. It would also mean that there would be no investigation of the highly problematic outsourcing of these tests, which is a very important point. Without such an inquiry, similar outrages and scandals will happen in the future. Such an inquiry is necessary and should be set up forthwith.

**An Leas-Cheann Comhairle:** We have 15 minutes left. A number of questions were raised. The Minister will take three minutes to respond to those as best he can. I then have indications from Deputies Donnelly, Bríd Smith, O'Reilly, Kelly and Shortall that they may wish to raise questions.

**Deputy Simon Harris:** I will be as quick as I can so we can have as many questions as possible. In response to Deputy Healy's point about ministerial responsibility, the Scally report is very clear that I did not know so while I did not cause this problem, I have a responsibility in the office I hold to fix it and to make sure the recommendations are implemented in full. That is what I want to do.

This is a scandal about women not being told and about what Dr. Scally called a laudable audit in terms of its objectives being botched in terms of its execution and the pain it caused. I take Deputy Connolly's point about it not being the job of Members of the Oireachtas to promote screening but there were Members of the Oireachtas - not Deputy Connolly - who allowed the perception that laboratories were not safe to seep out. I do not know about the Deputy but the largest number of queries I received in my office and from women in my own life involved queries about how safe their smear tests would be in terms of the labs to which they were going. Dr. Scally, who we asked to do a job, said they are safe, which is a really important point for us to make.

All Members focused on implementation, which is key to this. I was asked what the implementation structure will be. Dr. Scally has offered to continue to work for the next 12 months on the delivery of the recommendations and to oversee their delivery from an external point of view. I have taken him up on that offer and intend to meet him in the next week or so to finalise how best to do that. Patients will be involved. I would suggest that he attend the Oireachtas Committee on Health. He has already been invited by the Chairman and I know Dr. Scally would be very willing to attend. I suggest that, through that committee, the Oireachtas could play an oversight role in making sure we are making progress and sending reports. I intend to keep to the timeline, as envisaged by Dr. Scally's report in which he asks me to publish a full implementation plan for all 50 recommendations within three months, which is December. That is the timeline to which I am working.

I do not like being adversarial about this but Deputy Bríd Smith said that outsourcing is at the heart of this issue. It is not. We cannot have our own facts. The Deputy can and has every right to believe we should insource screening. She can and does believe we should do it here in Ireland. That is a perfectly legitimate view to hold.

**Deputy Bríd Smith:** We have not got the ability to do so.

**Deputy Simon Harris:** I, too, would like to build capacity in Ireland, but outsourcing is not at the heart of this scandal. We cannot say that and allow it to hang there such that women would have a doubt. Dr. Scally who, frankly, knows a hell of a lot more than the Deputy or I do reviewed 12,800 documents. He and his team visited the laboratories and interviewed all of the key people. They - four doctors, a senior counsel and a barrister - have said the laboratories

today are safe.

**Deputy Bríd Smith:** Today.

**Deputy Simon Harris:** Yes. Therefore, outsourcing is not at the heart of this scandal. We can have ideological debates all day long about outsourcing, but the source of the scandal is non-disclosure of personal information - women's information - that was withheld from them. Let us be clear that that is the scandal.

On open disclosure, yes, we need legal changes. Deputy Róisín Shortall is entirely correct and I will work with her and anyone else in this House to ensure it will apply to individuals. They did not do this in the United Kingdom where they watered it down. We need it to apply to individuals and, I believe, institutions. That is my intention and it is Dr. Scally's recommendation. I will work with the Deputy and others to make sure it will happen.

As we have all said, we do not just need legal change, we also need cultural change. While it might not have had legal underpinning, clearly the policy of open disclosure was not implemented and was contradictory. I do not buy into the narrative that we blame all doctors and that all doctors are bad. We have many dedicated healthcare professionals. However, the ones who said what we read in the report and the ones who said what Deputy Joe O'Reilly illustrated to me on the issue affecting women who used transvaginal mesh - those who speak to women like that - have let us all and their profession down. We need a cultural change.

Let me be clear that there will be a further investigation because Dr. Scally is clear on it. While I do not have it in front of me, from memory, there are at least three places where he calls for a further inquiry. The CPL laboratory is not used today and we cannot let anyone suggest it is. That is one issue.

On the issue of procurement in general, Dr. Scally is not suggesting anything was illegal, but, clearly, more work needs to be done on the issue of procurement and contracts. He also makes the point about having a common data set in order that we can see the same data about all of the laboratories in a transparent way.

Deputy Mary Lou McDonald asked about the issue of leaking. Let me say whoever leaked it was absolutely cruel. While I do not speak for the patient advocates, like many in the House, I have got to know them extraordinarily well. Obviously, the report was not leaked, but someone who knew something about some element of it leaked it. It was suggested that was the report. It caused huge upset and was absolutely cruel to do it.

On governance, I agree with the points made about the HSE board and that there is a need to have two patient representatives on it. We need to use the report as momentum in delivering in that regard.

Deputies Catherine Connolly and Alan Kelly asked about the continuance of the audit. Dr. Scally said the idea of an audit was laudable and we all get that, given that we know the way that it was done was so poor. There were two key recommendations on the issue of an audit among his 50 recommendations, recommendations Nos. 26 and 27. They state, effectively, that patients must be at the heart of developing and designing audits. We will work to deliver this before an audit recommences. It is very important that the audit be correct and that we do not see a repeat of the mistakes made.

On the issue of political mishandling, Deputy Róisín Shortall makes a fair point. I include myself in that regard. Mistakes were made by everyone, including me. I think many of us made mistakes in trying to do the right thing, but there are serious lessons to be learned by all of us, on all sides of this House, and elements of the media in how we deal with an issue in a calm, rational manner and establish the facts, which is what the people affected always want to happen.

**Deputy Stephen S. Donnelly:** I would like to come back to the women involved and the briefing. My understanding was that they would be briefed before the report was published and that this was the commitment the Minister had made to them, but it has not happened, except in a very few specific circumstances. Will the Minister liaise with the women involved and their families as a matter of urgency to offer a briefing directly with Dr. Scally? We were briefed by him and it was very useful to be able to ask him directly about various parts and get his thoughts on things that one would not necessarily write in a report. Is anything under way and when can the women involved and their families expect to receive a briefing directly from Dr. Scally and be able to engage with him and his team?

**Deputy Simon Harris:** I have heard the Deputy make this point a number of times and accept that he makes it from the point of view of wanting to achieve good and stand by the people who have been impacted on. My understanding is that Dr. Scally first made the decision about how best to brief those who had been impacted on, as was appropriate, given that it was an independent process. He took the view, which I share, that the best way was to brief Vicky Phelan, without whom we would not have had the report, and the two patient representatives on the CervicalCheck screening committee, Lorraine Walsh and Stephen Teap. Dr. Scally wrote - it was circulated via email - to all of the women for whom he had contact details or their next of kin, providing them with a view on the report and also a copy of it. The advocacy group which is independent but funded by my Department through the Irish Cancer Society and the Marie Keating Foundation held a meeting in Athlone on Sunday at which those who had been impacted on had an opportunity to discuss the report. I am absolutely open to providing for a further briefing, as I am sure Dr. Scally is, although I cannot speak for him. What I suggest is that I ask the advocacy group which seems to be the best representative forum whether it would like that to happen. If it would, there would be no issue in arranging it.

**Deputy Bríd Smith:** I am glad that the Minister has qualified that the laboratories are safe “today”. It is an historical question and there is a need for an investigation into outsourcing. I again ask the Minister, probably for the sixth time, if he will give the Oireachtas the information on from which laboratories the 221 false negative test results came. I am told by reliable scientists that it would be very simple to find out. I, therefore, ask him the question again.

I welcome the Minister’s statement that he would like to see the repatriation of the service. I further ask him whether he would consider investing in laboratories and the training of clinical scientists in our colleges since we let go hundreds of them ten years ago.

**Deputy Simon Harris:** My priority is the continuance of the service. Some of the comments made in this House make that harder. The laboratories we are using today are safe.

**Deputy Bríd Smith:** The Minister keeps saying “today”.

**Deputy Simon Harris:** I would appreciate it if the Deputy said that the next time she speaks. The laboratories we are using today are safe. That is what Dr. Scally found. On what happened pre-2012, he did not find that they were not safe but said he would like to do more



work. Whether, contractually, they had the right to use that laboratory, he believes not. He should and will investigate that matter.

**Deputy Bríd Smith:** What about before today?

**An Leas-Cheann Comhairle:** Order, please.

**Deputy Simon Harris:** Deputy Bríd Smith is very interested in this issue. She has read the report and seen what Dr. Scally said about the laboratories we have used in the past, yet she is trying to create a cloud of doubt for an ideological reason.

**Deputy Bríd Smith:** He said they were not ISO accredited. There are different standards.

**Deputy Simon Harris:** The Deputy is correct that they are not. He did say that. I was misinformed in the past. However, there are women watching this debate. He is not suggesting those laboratories are in any way inferior from a safety or quality point of view. That is what the report states and that is what he said. If the Deputy had met him, that is what he would have said to her.

As we move to HPV testing which I expect to happen in 2019, it will provide an opportunity and an obligation to retender and reconfigure our use of laboratories. We need to look at capacity in this country. If it is possible to do more here, of course, we should do more here. However, the continuance of screening which is saving lives has to be the priority. I do not have the data the Deputy is seeking. It is not as simple as referring to 221 tests because many of the women would have had multiple smears sent to multiple locations.

**Deputy Bríd Smith:** I do not believe that.

**Deputy Louise O'Reilly:** What is the Minister doing about the leak? He said it was cruel, with which we all agree.

On quality assurance, it is not enough and is a little paternalistic, if the Minister will forgive me saying so, to say the laboratories are safe. We need to have it demonstrated. They are not ISO accredited. From where are they receiving accreditation? How is the Minister satisfied that they are safe? Will he agree that HIQA has an oversight role? We all need to put people's minds at rest and get rid of the paternalistic attitude.

**Deputy Simon Harris:** I have never been accused of having a paternalistic attitude just because I am a man. I am the Minister for Health and have a duty to tell people who rely on me the fact that the laboratories are safe today.

With regard to the leak, the Taoiseach has said he is going to investigate it and I hope he will do so. As the Deputy knows, it is often not possible to find out how these things are. A number of people had it, both in and outside government. The report was not leaked, but I take the point that it was cruel that an element of it was leaked.

As regards HIQA, I think the suggestion made by Deputy Louise O'Reilly and her party leader is very constructive. I am not going to make a knee-jerk announcement on the floor of the Dáil, but I will consider it and will engage with them on it.

**Deputy Louise O'Reilly:** What about accreditation?

**Deputy Simon Harris:** Dr. Scally has said there are different accreditations but that it is

still safe in terms of quality. He has made a very important recommendation on accreditation but also on the use of data. He suggested we make an English HTA, health technology assessment, in order that we can measure them. That is what we will do.

**Deputy Louise O'Reilly:** That is not what he said.

**Deputy Simon Harris:** It is what he said.

**Deputy Alan Kelly:** I have asked the following question before, but I would like an update on it. When will the audit recommence? There are ongoing issues if it is not continued. We will all be responsible if it does not recommence because it could potentially result in other issues being delayed because it is not happening. Can we have some urgency in that regard, given that carrying out the audit is good practice?

While this does not relate to any specific case, obviously, there have been legal cases and liability and errors have been admitted. I have great confidence, having heard Dr. Scally say the laboratories are safe. I read the report and questioned him on it. I agree wholeheartedly with the Minister that it is very important that everyone here acknowledge that. However, I presume that in the individual cases where errors were found and admitted, the HSE has been in contact with the laboratories, flown over and investigated what has gone on. That would be normal practice in every other scenario.

**Deputy Simon Harris:** In relation to the audit, I appreciate what Deputy Kelly has said. Audit is a good thing. Dr. Scally found that. No one wants the outcome of this to be that people in the clinical community are less likely to audit. In fact, while the CervicalCheck audit was completely botched and I do not defend it in any way, had it conformed to the concept behind it, it would have been in line with one of the best forms of intended open disclosure. Not every country does that. I do not have a timeline for recommencement as Dr. Scally has made two key recommendations. However, this will be prioritised and we will come back with a timeline for the implementation plan. I do not know the answer to the Deputy's second question and I am not going to guess. Presumably, the laboratories produced expert reports, but I will find out. There is a benefit in the process under Mr. Justice Meenan. I agree with the Deputy that under the Constitution no one can tell a person not to go to court, but we must provide people with other avenues of redress. That is with what Mr. Justice Meenan has been charged.

**Deputy Róisín Shortall:** What is the timeline for the Health Service Executive (Governance) Bill? I welcome the confirmation by the Minister that there will be two patient advocates on the HSE board. My other question is on the mechanism to implement the 50 recommendations and looking at issues outside those. What does the Minister envisage in terms of Dr. Scally's involvement continuing until all of the issues are resolved?

**Deputy Simon Harris:** The plan is to have the Health Service Executive (Governance) Bill passed during this session. I would like to see the HSE board take office at the start of 2019. While the Bill must go through the normal process, including before the health committee, that is why I put forward a chair designate yesterday to get the ball rolling. Regarding implementation, I assume the Deputy is getting at the point that Dr. Scally has a major role to play. He has the confidence of those who were impacted and of all parties and groupings in the House. Crucially, he has the confidence of the public, an important clinical record and vast experience. I would like him to remain involved until we implement the recommendations. He has said he would be happy to remain involved for the next 12 months and I would like his reporting

mechanism not only to link with me but also to include going before the health committee on a regular basis.

**Deputy Anne Rabbitte:** I welcome the offer by Dr. Scally of his services for the next 12 months and that the Minister has taken him up on it. What is the timeline for the implementation of the 50 recommendations? Will it be within 12 months? Is the HPV test on track to be rolled out in October or did I mishear the Minister say it would be in 2019?

**Deputy Simon Harris:** The Deputy did not mishear. It will be 2019. A great deal of work has been going on, including liaising with other countries which have introduced this and rolled it out. It is the major priority with the continuance of laboratories in order that we can keep our screening programme going in the interim. The report asks that I come back with a full implementation plan within three months. As such, we will have identified timelines, actions and identified owners against each action within three months. Crucially, the voices of patient representatives will be included in the development of the implementation plan. I hope some of those who have worked so constructively with us will continue to be involved. I would also like Dr. Scally to be involved and to be satisfied that the implementation plan is robust. Within three months, we will have a published and detailed implementation plan.

**An Leas-Cheann Comhairle:** I thank all contributors for their co-operation. That concludes statements on the scoping inquiry into the CervicalCheck screening programme.

### **Home Building Finance Ireland Bill 2018: Instruction to Committee**

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I move:

That, pursuant to Standing Order 200, Standing Order 154 is modified to provide that it be an instruction to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach that it has power to make provision in the Home Building Finance Ireland Bill 2018 in relation to the Finance (Local Property Tax) Act 2012 (as amended) to:

(a) extend the Mortgage Interest Deferral Relief for local property tax liabilities for one year in respect of 2019 liabilities; and

(b) continue to provide for the administration and collection of local property tax by employers in line with PAYE modernisation changes due to come into effect on 1st January, 2019;

and to make other consequential amendments required to take account of the changes above.”

The purpose of the following remarks is to explain the background to and the need for amendments, tabled by the Minister for Finance, to the Home Building Finance Ireland Bill 2018 in relation to local property tax, or LPT. The changes encompassed by these amendments are required to provide for an extension of the mortgage interest deferral relief for local property tax liabilities for one year in respect of 2019 LPT liabilities. The proposals also involve continuing to provide for the administration and collection of LPT by employers in line with PAYE modernisation changes which are due to come into effect on 1 January 2019. The Ceann

Comhairle has ruled that provisions concerning the LPT are not appropriate for inclusion in the Finance Bill. As the proposed provisions must have an operative date of 1 January 2019, they must be provided for in law before that date. Hence, we propose their inclusion in the Home Building Finance Ireland Bill 2018.

It is currently possible to defer, in certain circumstances, the payment of LPT liabilities. Deferral is most commonly availed of by property owners whose annual income is less than €15,000 for a single person and €25,000 for a couple, whether this is a married couple, civil partners or certain cohabitants. The income threshold can be increased in the case of property owners paying mortgage interest. In relation to such mortgage interest payees, the higher income threshold will cease to apply for tax years after 2018, unlike the standard income threshold which will continue for an additional year. The next valuation date for LPT is 1 November 2019, which will determine tax liabilities for the years 2020 to 2021. Arrangements in this regard are being considered as part of the review of LPT being carried out by an inter-departmental group. Consideration is also being given to how payment deferrals will operate in future. Pending the Minister's consideration of the report of the review group and any Government decisions that may arise therefrom, the higher income threshold applied by section 133 of the Finance (Local Property Tax) Act 2012 is being extended until 31 December 2019 in line with the standard income threshold. This proposed amendment is contained in section 36.

The bulk of the proposed amendments are necessary to allow for the continued collection of LPT when the PAYE system is modernised with effect from 1 January 2019. There are a range of methods for paying LPT and, as many people choose to have their LPT liability deducted from their wages under the PAYE system, this will be affected by the PAYE modernisation project. This project is the most significant reform of the PAYE system since its introduction in 1960 and is designed to deliver benefits for employees, employers, policy makers and the Revenue Commissioners. PAYE modernisation is designed to ensure that employers, employees and Revenue will have access to the most accurate and up-to-date information available relating to payment of wages, income tax, PRSI, USC and LPT deductions. This will ensure the right amounts are collected at the right time from employees and that employers pay their correct liabilities when required. It will further allow Revenue to manage taxpayers' records in an effective manner to ensure individuals pay only the correct amount of tax and receive the full benefit of their entitlements during the year.

*7 o'clock*

The PAYE modernisation changes were introduced by the Finance Act 2017 and involve a move for employers to a real-time electronic system for engaging with Revenue from 1 January 2019. As will happen with income tax, PRSI and USC, employers who are directed to deduct local property tax from the salary of a liable person will be required to notify Revenue of the making of the relevant deduction on or before the making of salary payments to that liable person. Employers must also file a monthly return to report the local property tax deducted each month.

The changes to the collection of local property tax mirror income tax changes introduced in the Finance Act 2017. The changes do not make any changes to the local property tax system itself. Rather, they simply involve a change to the way in which the local property tax deducted by employers is reported to Revenue and the documentation to be used for this purpose. The tax itself will be deducted at the same time as heretofore and the amount will be exactly the same, with no change in rates, computation or reliefs.

The amendments related to local property tax are procedural and technical in nature and are necessary to facilitate the continued operation of the PAYE system, including the deduction of local property tax by employers and its remittance to Revenue. The legislative changes underpinning the continued administration and collection of income tax under PAYE modernisation were enacted in the Finance Act 2017. The changes proposed for the Home Building Finance Ireland Bill 2018 simply mirror for local property tax the changes already enacted for income tax in the Finance Act 2017 in this regard.

I hope my remarks have been of assistance to Members. We will have an opportunity on Committee Stage of the Home Building Finance Ireland Bill 2018 tomorrow to discuss further.

**Deputy Michael McGrath:** It is important to put the motion in context. We are not discussing the substance of the Bill or indeed of the proposed amendments at this point. What we are discussing is a motion which would allow the committee to consider the amendments in question. That is my understanding of what the House must decide on. In this sense it is a technical question on which the House needs to decide. From a Fianna Fáil perspective, we have no difficulty supporting the motion to allow the amendments to be taken on Committee Stage of the Home Building Finance Ireland Bill 2018, which will be taken tomorrow.

It would be remiss of me not to express the serious disappointment of our party with the delay in bringing forward this legislation. We are now heading for the first anniversary of the announcement of this initiative for the provision of finance for the construction of residential developments. It has taken this long. I know the process of drafting legislation, taking it through all the various channels within the apparatus of Government, is not quick or straightforward. I ask the House to consider, however, the evidence given by representatives of the Construction Industry Federation to the Committee on Budgetary Oversight yesterday. I asked them about the environment for finance, for construction, and they made it clear that while the pillar banks are lending a certain proportion of the costs of developments, perhaps up to 60%, the balance, as the Minister of State well knows, in many cases is coming from international funds and is very expensive debt. It can be 10%, 12%, even 14% or higher; therefore, this Bill and what it provides for is urgently needed. That is why we want to see Committee and Remaining Stages taken as quickly as possible. Obviously, we must get this right, but we need that funding to be available. It is quite a modest measure overall but is necessary and important.

It is worth remarking on the proposed amendments which give rise to this motion. They are related to the local property tax, which would not normally sit within this Bill but rather within more relevant legislation. I understand, however, that the Ceann Comhairle has ruled that the Finance Bill is not the appropriate place for these changes and that, because these amendments were not envisaged and were not really part of the original Bill as published, this motion is required to allow the committee to take them. The amendments themselves are technical in nature and provide that mortgage interest deferral relief can continue through 2019, pending further changes to the local property tax. This really just allows for a continuation of the existing system for mortgage interest deferral relief, providing for the higher qualifying thresholds, which would allow people to defer the LPT bill. This deferral mechanism is a very important provision for many families paying for mortgages and in many cases paying high interest rates. We therefore support the retention of this relief through 2019 and in advance of whatever reforms being brought in being enacted.

We are very much aware of the PAYE modernisation programme, which will come into effect on 1 January next year, and the provision whereby LPT can be deducted from salary by an

employer. That this has a legal basis through 2019 is important and is a measure we support. Under the existing provisions, as I understand, it is due to end at the end of this year, whereas any change to the LPT will not kick in until 2020, following the re-evaluation if it takes place, as is currently envisaged, in November 2019.

We look forward to the review of the LPT. We made a submission as a party in this regard some months ago. I ask the Minister of State to look at the proposals we made, which included increasing the qualifying income threshold by which people could avail of the deferral mechanism because it is quite low. It is as low as €15,000 for a single person who does not have a mortgage. There are many people, particularly elderly people, with high fixed costs who may have a modest occupational pension on top of the State pension but for whom the LPT bill is a serious burden. I do not think it comes as a cost to the State if that deferral mechanism exists. The money will be collected. It is the first charge on the property, and consideration should be given to increasing the deferral thresholds. We have suggested such an increase. Similarly, we have suggested a change to the rate of interest charged - or the interest penalty, as such - for a deferral, which is currently 4% a year. I understand it is simple interest but, given the environment of very low interest rates we are in, I do not believe this is justified. I think the Government should look to reduce it. We have suggested 2%, which in our view strikes the right balance between there being some cost associated with a deferral but not an unnecessarily punitive one. We will come to these issues when the LPT is actually being reviewed. I am not sure if the Minister has the report yet. The Sunday newspapers certainly seem to have it, or have received leaks from it in recent weeks.

**Deputy Michael D'Arcy:** We do not have it yet.

**Deputy Michael McGrath:** I am sure the Minister of State will publish it and we can all consider it when it becomes available.

Overall, we look forward to debating the Home Building Finance Ireland Bill on Committee and Remaining Stages. We will support the amendments the Minister of State has flagged in the course of this debate, but the purpose of the debate is to decide whether the committee would be allowed to consider the amendments. On that question Fianna Fáil supports the consideration of these amendments in committee, so we support the motion before the House tonight.

**Deputy Jonathan O'Brien:** I will be very brief. As Deputy Michael McGrath has outlined, we are not even discussing the Bill itself tonight or the amendments being tabled for tomorrow. We are only discussing whether they can be moved and discussed tomorrow. The Ceann Comhairle has ruled that this is what needs to happen and we agree with him. It is unfortunate. I hope it is not something we will have to do continually but I honestly believe the Government in this case is genuinely doing it for the right reasons.

The Minister of State knows our position in respect of the local property tax. We are completely opposed to it. While the amendments which are being proposed tomorrow offer some little protection to people in terms of being able to pay in instalments and in terms of the mortgage interest relief, we will debate those amendments tomorrow. I understand that we have tabled a number of amendments ourselves which will be discussed on Committee Stage tomorrow. I am not going to get into the pros and cons of those amendments or even those of the Government's proposals. The purpose of this motion is just to allow us to discuss them tomorrow and, therefore, we will be supporting it.

**Deputy Richard Boyd Barrett:** This Bill is apparently technical in nature. I got a call last week asking if I would have a problem with this Bill going through the Dáil without debate. I said I did have a problem with it going through without debate because it deals with two issues that are of considerable importance to the people of this country. One of these issues is the local property tax, a tax which, frankly, is despised by huge numbers of people, which I resolutely oppose, and which is causing very great hardship for huge numbers of our citizens.

Although this particular measure just talks about extending the deferral period for people, we need to point out that, in most cases, these people have to defer it because they do not have enough money to pay it. I was just checking the Revenue statistics for this. In discussing the local property tax we need to point out that 96% of the deferrals being sought in respect of the property tax, and for which there is now going to be an extension, are sought by people because their incomes are so low that they cannot afford to pay it. This was our point about the property tax when we marched, when we opposed it and when we encouraged a boycott which the Government cleverly got around by handing the tax over to Revenue. The Minister of State should not think for one minute that bringing in the heavy hand of Revenue to collect it from people forcefully makes it okay.

It is certainly not okay for people who are clocking up a debt in respect of this property tax, a debt arising from the fact that they do not have enough money to pay it. What is fair about that? That debt is clocking up and it is now going to clock up an extra year. Those who cannot pay it are probably glad that they can defer it for an extra year but the debt is clocking up. These deferrals are for people whose income is less than €15,000. How does anybody survive on €15,000, never mind pay a property tax?

It is worth taking the opportunity to say this tax was justified at the time it was introduced on the basis that it would be a sustainable source of income and that it would be a progressive tax. The proposers said that it was a tax on wealth. It is not. It is a tax on the least well off who are then forced to defer it because they cannot pay. To that can be added the fact that 85,000 have it taken forcefully out of their wages by their employers at the behest of Revenue. Why? The Minister of State can be certain that it is because they are low-income workers who cannot afford it.

Is Deputy Mick Barry speaking on this? Am I sharing time?

**Deputy Mick Barry:** Yes.

**Deputy Richard Boyd Barrett:** How much time am I supposed to have?

**Acting Chairman (Deputy Eugene Murphy):** The Deputies have seven and a half minutes between them.

**Deputy Richard Boyd Barrett:** Okay. I did not know Deputy Mick Barry was speaking. I am sorry. It is very important to flag this. It is very strange that it is hidden in a housing building finance initiative Bill. I do not quite know why it cannot go in the Finance Bill. It is a bit odd.

The property tax has proven to be unfair and it continues to be unfair. The other great justification for it at the time was that it was going to dampen the property market. That was the big thing. Has it dampened the property market? Not at all. The property market has gone out of control. It has had no impact whatsoever. If the Government wanted a wealth tax that would

impact on the property market, it should consider a windfall tax on all the vulture funds, corporate landlords, and the people benefiting from section 110 who are hoarding land and speculating. Why do we not tax them and get rid of this unfair regressive property tax?

**Acting Chairman (Deputy Eugene Murphy):** I thank Deputy Boyd Barrett for his contribution and mid-term intervention.

**Deputy Mick Barry:** I want to make a few points about the Home Building Finance Ireland Bill. This is a market-based policy aimed at fixing a housing crisis which was caused by the market in the first place. It aims to route more public resources to private developers who have failed to invest during the greatest housing crisis the State has ever seen. The Bill aims to finance developers to whom, in many cases, banks will not lend at the moment. The Bill provides for a better deal for developers than that currently offered to them by the banks. Why else would they use the proposed new lending system? In this sense the Bill aims to nationalise risk. It would be far better to use the €750 million which the Bill provides for loans to developers for direct State-led investment on public lands. In this way, social and genuinely affordable housing can be delivered.

Just a few days ago, property developer Cairn reported its 2018 half-year results. The report showed that Cairn owns zoned landbanks suitable for more than 14,000 homes. Some 95% of these are in or close to Dublin. It completed just 399 homes up to September 2018, which represents less than 3% of its zoned home capacity. In its report it stated “housing market conditions remain very positive”. What better illustrates the fact that the housing crisis benefits the wealthy few at the expense of the many than that particular quote? Cairn also tells shareholders that the shortfall in new homes required during the past five years was more than 100,000 homes and that a large shortfall is expected to remain for many years. This is good news for Cairn, which says that it expects to achieve average new home sale prices of €428,000 in 2018-2019, far above what is affordable for most people. It is no surprise, therefore, that Cairn reported a sevenfold increase in profits to €18.1 million in the first half of 2018. The total assets it owns are now worth €1 billion.

Developers like this are brimming with confidence. They are allowed to continue hoarding land and drip-feeding the supply of new homes to make sure that prices and profits keep rising and that the crisis keeps going. The Home Building Finance Ireland Bill will achieve nothing other than making more public funding available to increase developers’ profits. Developers are part of the problem, not the solution. The Government needs to stop throwing public funds at them. We oppose this Bill and demand that developer-owned zoned landbanks be brought into public ownership and developed rapidly with genuinely affordable housing. A manufactured housing crisis will not end until we have new public house building on a large scale. The Government needs to stop greasing the palms of its developer friends and start building public homes.

**Deputy Mick Wallace:** It is almost a year since home building finance Ireland was first announced. The Minister for Finance, Deputy Paschal Donohoe, told us that it would deliver 6,000 homes with funding of €750 million. It has not delivered any houses yet. At the time, the Minister of State might remember, I thought that maybe this might be a worthwhile exercise because I thought the funding would be given to the builders. I find the Government’s failure to deal properly with the housing crisis and the dysfunctional nature of how housing is supplied in this country soul-destroying at this stage. We have had a problem for a long time. It did not start under the Government. It started a long time ago, but it is continuing under the two



Governments there have been since I was elected to the House. They have failed to deal with it properly. This proposal is about lending money to people to build. The Government's Land Development Agency will seek to have buildings provided on State lands, with the figures of 10%, 30% and 60% for social, affordable and private housing, respectively. Considering that private developers and landbankers are sitting on so much land as they watch its value rise, why is the Government giving in to them and providing them with State land on which to build private housing? I am all for building private housing. However, the State is not the one that should be building it. I am okay with the Government giving money to builders to build houses on condition that it would be affordable.

What is affordable? Last week the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, spoke about an affordable price being between €325,000 and €350,000. That is not affordable for most people today. The price will not stand still either. There is a big difference between the builder and the developer, but the Government keeps mixing them up, as did the previous one. The developer is looking for a profit of between €60,000 and €80,000 per unit. The builder is not. The Minister of State and I know plenty of builders who, if they made a profit of €10,000 on every unit they built, they would be happy bunnies. However, that is not the case with developers. The Government talks about engaging developers, but it is not going to small builders who can work for a fair price. Instead, it is going to the big boys, just as NAMA did.

The principle on which NAMA has been working for the past four years is not much different from this proposal or that for the Land Development Agency. NAMA has given money to its favourite chosen ones to build on its land. For example, it funded a development at Maryborough Hill in Cork, where the price of four-bedroom houses starts at €470,000. Why would a State body give money to a developer to provide housing at a cost of €470,000? I cannot understand it. NAMA funded the Piper's Hill development in County Kildare and got Sean Mulryan to build it. The price of a three-bedroom house starts at €345,000. NAMA funded the Coill Dubh development in Malahide where in 2016 four-bedroom houses were going for €465,000. There are other schemes, several of which I have mentioned before, where the position is the same. There is no rationale for this and it is actually inflating the price. The Government is throwing diesel on the fire by allowing the likes of NAMA to fund developments where developers can end up charging a price that is unaffordable for most people. It does not stack up.

The Government has an immense amount of land on which to build. It claims, however, that local authorities are not fit for purpose when it comes to housebuilding. I cannot understand why it does not make them fit for purpose. They cannot build the housing, meaning that they will hire builders, not developers, to do so. Why does the Government not opt for that model? If the expertise is not available in the local authorities, why will it not provide it in and have it run on a county basis? The local authorities could then hire builders in their areas to build schemes and provide houses at a certain price. They could pick one builder out of ten at a fair price. It is not rocket science.

Since 2011, the position has got worse. The Government is not dealing with the issue in the right way. I am frustrated because I know how the industry operates and where the bodies are buried. The Government is just throwing diesel on the fire, which does not make any sense. I wish it would stop listening to the wrong people. It is listening to people who have a vested interest in housing being very expensive. I can guarantee that within three years from now the price of property will fall again. We have not dealt with the fundamental problems of the last recession and are not handling this matter properly. We are moving in the wrong direction and

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walking into trouble. We are not going to be supplying affordable housing in the next couple of years, which is crazy. Somebody needs to get a grip and stop listening to the vested interests who want property to be very expensive.

In July I brought forward a Bill which proposed a 25% tax on land banks. That is where the expensive supply of housing starts. Fine Gael obviously represents a better-off clientele than other parties. I can assure the Minister of State that 99% of Fine Gael supporters would benefit from cheaper housing if the Government dealt with this problem. The kids of the wealthy cannot get mortgages and cannot afford most of the houses which have been built. It is nuts.

Question put and agreed to.

### **Coroners (Amendment) Bill 2018: Order for Second Stage**

Bill entitled an Act to amend the Coroners Act 1962 and to provide for related matters.

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor):** I move: "That Second Stage be taken now."

Question put and agreed to.

### **Coroners (Amendment) Bill 2018: Second Stage**

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor):** I move: "That the Bill be now read a Second Time."

On behalf of the Minister for Justice and Equality, Deputy Flanagan, who very much regrets he is unable to be here in person, I am pleased to have this opportunity to move the motion regarding Second Stage of the Coroners (Amendment) Bill 2018. The Bill makes a series of amendments to the Coroners Act 1962, in a far-reaching and important modernisation of our coronial law. First, the Bill will significantly strengthen and clarify the powers available to coroners in the reporting, investigation and inquest of deaths. Second, it responds to the Private Member's Bill brought by Deputy Clare Daly regarding maternal deaths, and addresses similar concerns that have arisen in some perinatal or infant deaths. Third, it will provide for a wider scope of inquiry, where necessary, at inquest, and makes a range of other changes that will enhance our compliance with our obligations under the European Convention on Human Rights.

On behalf of the Minister, I wish to acknowledge the contribution of Deputy Clare Daly, through her earlier Private Member's Bill, on the issue of maternal deaths. Arising from her Private Member's Bill, significant work was undertaken in the Department of Justice and Equality to introduce a suite of reforming legislative provisions in addition to her proposals. The Minister, Deputy Flanagan, is deeply committed to these reforms and he has informed me that Deputy Clare Daly and her office kept in very regular contact with his Department to ensure that this Bill reached the floor of the House at the earliest opportunity. I again thank Deputy Clare Daly on behalf of the Minister, Deputy Flanagan, for her steadfast commitment to these issues

and for her work.

Deputy Clare Daly's Bill addressed the findings of inquests and inquiries in a number of high-profile recent cases that have caused great public unease. Some maternal deaths occurring in hospitals, which should have been reported to coroners - because they raised issues of medical error and were "unnatural deaths" under the Coroners Act 1962 - were not so reported. I am conscious that these cases remain live for many of the people present tonight. Bereaved families and, in some instances, even coroners, experienced considerable difficulty in obtaining basic information that should have been provided to them. This was, and is, not acceptable.

Deputy Clare Daly's Bill received broad support from all sides of the House and was not opposed by the Government. The Government Bill I am introducing tonight accordingly incorporates all the amendments sought by the Deputy regarding maternal deaths.

This Bill will require mandatory reporting to a coroner, mandatory post mortem examination and mandatory inquest in all cases of maternal or late maternal death. It also will extend the legal aid scheme for family members at certain inquests to cases of maternal or late maternal death. The coroner will have a discretion to make an exception to mandatory inquest, after consulting with the family, if having regard to specified conditions, including the views of the family, the coroner is satisfied that the death is a natural one.

In addition, the Bill provides for mandatory reporting to a coroner of all stillbirths, intra-partum deaths, and infant deaths. As I mentioned, this requirement responds to similar public concerns, which have arisen in a number of cases regarding perinatal and infant hospital deaths. However, we are not proposing mandatory post mortem examination or inquest in these particularly sensitive cases. Post mortem examination and inquest in such cases will remain, as currently, at the coroner's discretion. The wishes of the bereaved parents are a key consideration for coroners in such cases.

These provisions fit logically into the overall purpose of the Bill, which sets out in a more clear, comprehensive, specific and stringent manner the legal framework for reporting and investigation of certain deaths.

Section 6 specifies the situations where a death must be reported to the coroner. They include any death which appears to be violent or unnatural, where the circumstances may in the public interest require investigation or simply where the death is unexpected and the cause is unknown. In addition, the Bill inserts a new Schedule setting out specific types of death which must be reported to the coroner, including, for example, all maternal or late maternal deaths and all infant deaths. Section 6 also sets out clearly what persons are legally responsible for reporting a mandatory reportable death to the coroner, and provides for updated penalties where this is not done. In a limited range of situations, which I will outline shortly, the Bill provides for mandatory inquiry or mandatory inquest by the coroner. I should emphasise that in the vast majority of other cases, mandatory reporting does not result in a post mortem examination or an inquest. Most reported deaths are cleared by the coroner, but mandatory reporting does ensure that in situations of concern or doubt, coroners have the necessary information to assess whether the death is one that requires further inquiry.

Regarding post mortem examination, section 16 inserts a new section 33A which sets out in a clearer, more comprehensive and more stringent manner a limited range of situations where a post mortem examination is always required. These include deaths which following inquiry by

the coroner, appear to be violent or unnatural, or where the death is unexpected and the cause is unknown. They will also include, more specifically, any death occurring in State custody or detention, any maternal death or late maternal death, as well as certain deaths where a post mortem examination is a statutory requirement. The coroner retains a discretion to direct a post mortem examination into other deaths, under proposed section 33.

Regarding inquests, section 7 amends the 1962 Act to expressly set out the situations where an inquest is already required by law - including where the death appears to be violent or unnatural, or to have occurred unexpectedly and from unknown causes, or in certain situations where an inquest is a statutory requirement - and specifies that, in addition, an inquest must be held into any death occurring in State custody or detention, and into any maternal death or late maternal death. The coroner retains a discretion to direct an inquest in other cases under section 8.

The Bill introduces other important reforms. It strengthens the coroner's powers to summon witnesses to an inquest, to direct production of relevant documents or to enter premises and take possession of relevant records. It updates sanctions for a person obstructing an inquest. It also requires family members to be informed regarding post mortem examinations or inquests. I wish to inform the House that, on behalf of the Minister for Justice and Equality, Deputy Charles Flanagan, the Government has agreed to priority drafting of a number of further amendments, which the Minister intends to bring forward on Committee Stage. Subject to the advice of the Attorney General these will include: providing a statutory basis for a coroner to inquire into a stillbirth where there is cause for concern, for example, arising from matters raised by the bereaved parents; permitting a coroner to seek directions from the High Court on a point of law relating to his or her functions; providing a power for the coroner to direct a hospital or other health institution to make available relevant medical records of a deceased person for the purposes of the post mortem examination; and empowering the Minister to make regulations, which will be developed together with the Minister for Health and relevant professional organisations, to guide the best conduct of a post mortem examination for coronial purposes, and the proper storage and ultimate disposal of human tissue or organs removed for the purposes of the post mortem.

Many of the Bill's provisions build on an extensive review by the Department of Justice and Equality of the Coroners Bill 2007, which also proposed to modernise and strengthen coroners' powers but had become, in some respects, outdated. The 2007 Bill also provided for a major administrative restructuring of the coroner system. Due to the major challenges then confronting public finances, this aspect of the 2007 Bill was not progressed following Second Stage in the Seanad, and now needs significant updating. We must, however, continue to examine the optimum organisation of the coroner service. Further elements of the existing law and structures will require significant improvement.

I will now address the main provisions of the Bill. Section 1 is a standard provision stating that the principal Act referred to in the Bill is the Coroners Act 1962.

Section 6 of the Bill inserts into the principal Act a new Part IIA on reporting of death. It consists of two proposed new sections. Proposed section 16A sets out comprehensively the general types of deaths that must be reported to coroners. It should be read in combination with the new second schedule contained at section 28 of the Bill, which sets out a list of concrete examples of mandatory reportable deaths. This list expressly includes any maternal death or late maternal death and any death of a stillborn child, a death intra partum or an infant death.

There is a power for the Minister to amend the list of reportable deaths by statutory instrument.

Proposed section 16B sets out comprehensively the various persons who are under a duty to report a mandatory reportable death to the coroner. Reporting does not mean the death would automatically be subject to a post mortem examination or an inquest. A doctor reporting the death to the coroner must indicate whether he or she is satisfied, in the circumstances, to certify that the death was due to natural causes. Where no cause for concern arises, such a certificate is sufficient under the Coroners Act. The section also updates the penalties for failing to report a reportable death.

Section 7 updates section 17 of the principal Act to provide that an inquest is mandatory if the person has died in State custody or detention, and also in all cases of maternal death or late maternal death. Section 7 also provides for the possible exception to mandatory inquest in maternal death cases, subject to a number of specified conditions. The coroner must be satisfied that the death was a natural one and there are no matters of concern requiring inquest, after consultation with the bereaved family and taking account of four specified conditions, including the outcome of the post mortem examination, the family's views and whether sufficient information has been provided to the coroner regarding the death.

Section 8 amends section 18 of the principal Act to provide that the coroner has discretion to inquire into the circumstances of death and if the coroner thinks proper, to hold an inquest if a medical certificate of the cause of death has been provided but the coroner considers that the certificate is not completed in a satisfactory manner.

Section 9 is a significant provision, which extends the scope of the inquest to include establishing "the circumstances in which the death occurred". This is a key issue in certain inquests, for example, those occurring while the deceased was in State custody or detention, and for strengthening our compliance with the European Convention on Human Rights. It will remain the position that an inquest does not make any finding of civil or criminal liability.

Section 10 requires the coroner to give at least 14 days' notice to family members and interested persons regarding the holding of the inquest. Section 12 modernises the current provision for identifying the body of the deceased person.

Section 13 of the Bill amends section 30 of the principal Act, to delete the restriction that an inquest shall be "confined to ascertaining the identity of the [deceased] person ... and how, when, and where the death occurred". This change flows from the new provision at section 9, widening the scope of the inquest.

Section 14 amends section 31 of the principal Act to include reference to the findings made at inquest, in that section's prohibition of censure. Section 16 replaces sections 19 and 52, and amends section 33, of the principal Act concerning post mortem examinations directed by the coroner. It introduces four new sections, 33A to 33D, providing for: a modern process for directing the post mortem examination; a requirement for information about the post mortem examination to be given to a family member; a more detailed statutory framework where there is a mandatory post mortem examination; the making and reporting of a post mortem examination by a pathologist; and a new power for the coroner to direct a further post mortem examination of the body of the deceased, if the coroner thinks necessary.

Section 17 amends section 37 of the principal Act to provide that if a witness fails to attend the inquest without reasonable excuse, the coroner can seek a High Court order directing the

witness to attend.

Section 18 amends section 38 of the principal Act. It will empower a coroner to direct a witness to reply on oath or affirmation, or to answer a question, and to direct a person to produce to the inquest documents or objects in that person's possession or control. It also allows the coroner to seek a High Court order that a person comply with the coroner's direction.

Section 20 amends section 40 of the principal Act to remove the requirement that the coroner must sit with a jury in every road traffic death case. This change has long been sought by coroners. Currently, the jury requirement even applies in straightforward cases where no other vehicle is involved. Coroners advise that it is increasingly difficult to empanel juries for such a large volume of cases. The coroner would instead keep the discretion to empanel a jury in any road traffic case, where appropriate.

Section 22 provides a significant new power for the coroner, acting under a warrant from the District Court, to enter and inspect premises and to take copies or possession of any document or material relevant to the inquest.

Section 23 is a new provision whereby the coroner may obtain advice and assistance from an expert, if he or she considers it necessary, on a particularly specialised subject relative to the death.

Section 26 extends the scheme of legal aid in the principal Act for a family member of the deceased at inquest, introduced in 2013 for certain categories of deaths, to cases of maternal death or late maternal death.

Section 27 inserts a new provision whereby if a body corporate commits an offence under the Coroners Act, its officers may also be personally liable if they consented or connived in its commission.

Section 28 provides for the new Second Schedule, which sets out for the first time in statutory form a specific and detailed list of concrete examples of deaths that must be reported to a coroner.

The proposed changes to the law in the reporting of deaths will ensure clarity for responsible persons, including hospital authorities, and will support the development of transparent and accountable oversight for checking and investigating certain types of death. Most importantly, they will support timely and transparent provision of information by health and other authorities to bereaved families. The Minister hopes that, with the co-operation of all sides, we can facilitate the Bill's swift passage. I commend the Bill to the House and thank the Acting Chairman for the extra time.

**Acting Chairman (Deputy Eugene Murphy):** I allowed the Minister of State to run over for a few minutes. Given what she was describing, it was important to let her conclude.

**Deputy Fiona O'Loughlin:** Less than two hours ago, I spoke in the Chamber about the Scally report and how it sometimes felt that all we seemed to be doing was discovering another failure of the State in how it looked after women's health, their children, their rights to equal pay and pensions etc. Here we are again speaking about even more failures. I also mentioned how the trust that women placed in our health system had been let down.

Fianna Fáil supports this Bill, which strengthens and modernises the law governing coro-

ners' inquests. I pay tribute to Deputy Clare Daly, who proposed a set of changes in 2015. Her proposal was prompted by inquests into maternal deaths between 2007 and 2013 that returned verdicts of medical misadventure.

My party, Fianna Fáil, supports the requirement that a maternal death automatically be the subject of an inquest. The Bill will allow a coroner to inquire into a stillbirth where there is cause for concern, for instance, raised by the bereaved parents.

Between 2011 and 2013, there were 27 recorded maternal deaths. That is almost 14 per year. It is a high number. Of these, only three were the subject of an inquest. I have reason for being close to this matter, as one of those three involved a friend who was married to another friend of mine. She was Nora Hyland. I remember her death in February 2012 well. Many times afterwards, I sat with her bereaved husband and her motherless son, a very small baby who had been born approximately two hours before Nora passed away. I remember trying to understand the grief, the trauma and the many unanswered questions as to why this lovely woman had died. The other two cases that were eventually granted inquests were those of Savita Halappanavar and Sally Rowlette.

I will mention one other woman, Dhara Kivlehan, who suffered complications in Sligo and was referred to Belfast's Royal Victoria Hospital, where she died. I mention her specifically because I spoke to Stephen Hyland an hour ago about the difficulties he went through at the time. When I was first elected to the Dáil two and a half years ago, he texted me to say "Well done" and that he might need to contact me about an automatic right to an inquest after a maternal death. This debate was effectively arranged at the last minute, so I rang him to say that I would now have the opportunity to repay our friendship and discuss the situation. He told me that lives could have been saved had there been an automatic inquest. Sadly, Dhara died after being referred to Sligo and then brought to Ulster. Her family had to fight and fight to get an inquest. During that fight, another woman died, Sally Rowlette, who had also been referred to Sligo. After both inquests were concluded, it turned out that both women had died of the exact same syndrome. Had an inquest been held into Dhara's death, the hospital would have known what to watch out for and Sally's life could more than likely have been saved. The doctors would have recognised the symptoms.

Here we are five years later. The proposed changes should have happened before now, but at least they are being made now. Other changes also need to be made, but we need to move on this and discuss the good elements proposed in the Bill.

The Bill addresses a key problem, one that the Minister mentioned, that continues to cause great public unease. In a number of high-profile cases, and some not-so-high-profile cases, of maternal and perinatal deaths, deaths occurring in hospitals that should have been reported to coroners because they raised issues of medical error and were unnatural deaths under the Coroners Act 1962 were not actually reported. This has certainly led to inconsistencies in the way in which maternal deaths have been recorded in official statistics. A strengthening and modernising of the current law will allow lessons to be learned to prevent the recurrence of errors and such deaths.

The Bill will allow a coroner to inquire into a stillbirth where there is cause for concern raised in particular by the bereaved parents. We must remember that these are incredibly sensitive and private matters for traumatised mothers, husbands, partners and families and need to be dealt with in the most sensitive, but professional, manner.

They should not have to fight to obtain basic information at a time when they are at their most vulnerable. Families have wasted years fighting for inquests into the deaths of their loved ones. The fact that it has, in the past, proved difficult to persuade a coroner to hold inquests into maternal deaths has resulted in a lack of transparency about the incidence and causes of maternal deaths. This prevents lessons from being learned which could prevent the recurrence of errors. The inconsistency with which maternal deaths have been recorded has led to significant under-reporting of these incidences. I was quite shocked when I learned of 27 maternal deaths within two years.

8 o'clock

Decisions of the European Court of Human Rights have stressed the obligation of states to investigate unexplained deaths or those that occur in circumstances that involved official persons or authorities. The court has explicitly pointed out that the State's obligation can extend to deaths that occur in hospitals, to be able to establish the cause of death and any liability on the part of health professionals. It is clear that this legislation is required to ensure Ireland is compliant with the European Court of Human Rights. On a broader note, bereaved families and coroners have experienced considerable difficulty in obtaining basic information which should have been provided to them. They should not have to fight to get this information. The increased powers afforded to coroners by this Bill is welcomed. My party will bring forward amendments on Committee Stage to help strengthen these provisions. A complete reorganisation of coroner services under a national coroner services body, as envisaged by two previous Bills, including a Government Bill in 2007 and Deputy Clare Daly's Private Members' Bill in 2015, is not provided for in this Bill. This Bill did not go through pre-legislative scrutiny and so it is not clear what the Government's rationale is for limiting the extent of the overhaul. We want to know why. Once the Government has outlined the reason for this, we will consider the merits of that decision or decide not to support that and to bring in our own amendments on it.

It is important to look at the most significant and important provisions. The first is to provide for new categories of deaths that must be reported to a coroner, including maternal deaths and late maternal deaths. The definition of late maternal death is the death of a woman more than 42 days but less than 265 days after the end of her pregnancy. Other new categories include stillbirths, deaths of infants during birth or in the first year of their lives, deaths by suicide, deaths by drug reactions or overdoses and deaths that may be due to healthcare-acquired infections.

The Bill allows inquests to examine the circumstances surrounding a death and not just the cause of death as is currently the case. This will not entail the coroner considering questions of civil or criminal liability but the coroner will be concerned with establishing the circumstances of the death as distinct from making findings in respect of it.

The Bill enhances the powers of the coroner to procure post mortem examinations; to obtain documentary and other evidence; to summon witnesses; to apply for search warrants; to take evidence from a witness who is likely to be outside the State at the time of an inquest at any time before the inquest; and to obtain expert advice or assistance.

The Bill introduces new offences for failing to abide by requests of the coroner. Failure to answer a question at an inquest is an offence and there will be a new offence of giving false or misleading evidence to an inquest.

There will be improvements for families of deceased persons, including for families of deceased persons to be kept informed about the work being undertaken by a coroner. Communi-



cation is vital for families that are going through grief. I mentioned the Scally report earlier. A doctor's response to a woman when she asked when she would know was that she would see it on the news headlines or television. We do not want that here. The Bill provides for civil legal aid to be provided for families of deceased persons. I acknowledge that the Minister indicated that he will, subject to advice from the Attorney General, seek to put forward amendments on Committee Stage to authorise coroners to inquire into stillbirths where there is cause of concern; to allow a coroner to seek directions from the High Court on a point of law in relation to the performance of their function; to provide for coroners to direct a hospital to make available the medical records of deceased persons; and to provide for the Minister to make regulations on the proper storage and disposal of any material removed during post mortem examination.

When the Minister of State spoke earlier, she mentioned the public unease that all of these very sad cases brought about. She was right in that because there was huge public unease. We have to remember the private grief, trauma and sorrow of lost daughters, sisters, wives, partners, mothers and friends. I would love to stand here and say that we will never have a maternal death again. Of course we will but we have to ensure that when there is a maternal death, all the supports needed for the mother's family will be met and there will be a post mortem examination into the death and all the circumstances surrounding it. I commend this Bill and I again commend Deputy Clare Daly.

**Deputy Louise O'Reilly:** I join with Deputy O'Loughlin in thanking Deputy Clare Daly, who I know had her own Bill covering mandatory inquests for maternal deaths. I believe in many ways that her work has forced this onto the Government's agenda. I hope that Deputy Clare Daly is happy with this legislation and that the families who have suffered with regard to maternal death are happy with it too. We in Sinn Féin believe it is incredibly important that the remit of inquests is extended to look beyond the medical cause and into the circumstances leading to the death. Issues relating to deaths can be tragic and it is vital that a coroner can look at these matters holistically if the situation necessitates it. I am glad that this Bill will eventually extend the powers of the coroner when requesting witnesses and evidence and allow for questioning if required. I feel that the powers this Bill gives to the coroners are proportionate to the job they have to do, especially in cases where a thorough investigation is needed, such as in the case of a violent death or medical misadventure. In such cases, as we have seen many times before, such as in the cases of maternal deaths and others, coroners' powers have proven to be ineffective in investigations. This Bill seeks to give the coroner powers of warrant, of search and seizure of documents, and also penalises those who refuse to co-operate with inquests. I am glad to see that mandatory reporting to the coroner will be extended where cause of death is unknown and if deaths are somewhat suspicious or unnatural, such as where a death has occurred in a violent or unnatural manner or by unfair means, by misadventure, or in other areas.

As stated at the outset, this Bill responds to Deputy Daly's Bill introducing mandatory inquests in all cases of maternal death or late maternal deaths, and extends legal aid to family members of the deceased. As it currently stands, maternal deaths are treated as deaths which must as a rule or practice be reported to the coroner. However, inquests are not automatically granted in these cases. Between 2007 and 2013, eight inquests were held following maternal deaths. All eight cases resulted in rulings of medical misadventure. It is the duty of the State to investigate deaths that take place in suspicious circumstances or in circumstances that leave them open to question. Too many families in this State have been left facing the wall of bureaucracy on their own without any supports. However, if we are to correct the situation and ensure there are mandatory inquests, then we must also address the failures which lead to the need for

inquests. For instance, Ireland has the lowest number of consultant obstetricians per 100,000 women in the OECD. That is one consultant obstetrician for every 597 births per annum. To illustrate how poor the service we provide to women is, the comparable rate in Scotland is one obstetrician for every 268 births.

The shortcomings in maternity services are numerous and have directly led to heart-rending incidents involving mothers and children, including in some cases tragic death. As legislators, we must acknowledge that while it is right to ensure there are mandatory inquests in the event of maternal deaths, we must also act on the national maternity strategy and other relevant measures. The national maternity strategy has no statutory underpinning and huge swathes of it have not been implemented. We must also address the issues while ensuring there are mandatory maternal death inquests. However, it is unfortunate that the Bill does not appear to facilitate what has become known as Jake's amendment. That would bring about a change in coroner legislation that my colleague Senator Pádraig Mac Lochlainn has been advocating for many years. In 2013, 14 year old Jake McGill Lynch was prescribed the antidepressant, Prozac. He ended his life using a firearm. Jake was diagnosed with Asperger's syndrome, and was given the antidepressant drug despite research stating that the drug has no benefit for children with Asperger's and despite the emerging evidence of harm. The coroner in Jake's case rejected a suicide verdict. That was due to an email that Jake wrote 24 hours before he took his own life. When writing to a friend he conveyed his concerns about the medication he was taking, and said that he was feeling worse because of it. The Bill Senator Mac Lochlainn introduced some years ago proposed to amend the Coroners Act in order that it would be possible to return a verdict of iatrogenic suicide, which is essentially suicide brought on by side effects of prescribed medication. Despite many assurances to Jake's family from Ministers for Justice and Equality, the Bill does not cater for the measures they wish to see included. Sinn Féin will submit an amendment on Committee Stage to introduce the measure.

That will not be the only way in which we will seek to strengthen this legislation. I am sure many will agree with us that we should include a provision to provide a statutory basis for a coroner to inquire into a stillbirth where there is cause for concern, for example, arising from matters raised by the bereaved parents. We also believe it is essential that this legislation provides for the Minister to make regulations on the proper storage and disposal of any material removed for the purposes of a postmortem examination, including return to a family member for disposal where requested and appropriate, and to provide power for the coroner to direct a hospital or other health institution to make medical records of the deceased person available for the purposes of a postmortem examination. Those are just a number of areas in which we will seek to be constructive and to strengthen the legislation.

I ask the Minister to look at an issue before Committee Stage to see if there is scope for it in this Bill. While it might be the case there is not, we wish to have the issue examined. I refer to a situation whereby the family of missing persons would be allowed to deal with any immediate financial issues for missing persons, and to allow a family to apply for a declaration of presumed death to a coroner or the Circuit Court. That is a very sensitive issue. My colleague, Deputy Pearse Doherty, introduced a Bill in the Dáil entitled the Civil Law (Missing Persons) Bill. The Bill aims to provide for the effects in civil law of persons who are missing, including arrangements for interim management of a missing person's property, and to provide for the civil status of a missing person where the circumstances of his or her absence leads to a presumption of death. I may correspond with the Minister in writing on the issue to ascertain if it will be possible for such a measure to be included in the Bill.

Overall, Sinn Féin supports the aims and objectives of the Bill. I again thank the many Deputies who in one way or another have been raising issues concerning inquests into deaths in the State for many years. This legislation is the result of their tireless pursuit of justice on behalf of many bereaved families.

**Deputy Clare Daly:** It is absolutely incredible in some ways that we are dealing with a situation where the coronial service is operating under legislation dating back to the 1960s and in spite of the considerable changes that have taken place in society since then, we have not been able to get our act together to modernise the legislation. I am aware that secondary legislation behind the scenes did change the situation somewhat. I had the privilege of attending a coroners' conference two years ago. I know the good work they do, how under-resourced they are and how they have striven might and main to demand of this House that legislation be changed to allow them to do a job they could do in the public good. In that sense it is tremendous in some ways, while shocking in others that we are operating against that backdrop, but at least we are here now with the first legislation that I hope will be enacted by the House to update the situation somewhat.

I will not go very deeply into the details of the legislation. The Minister has done that and other speakers have also done so. However, the provisions in the Bill do arm coroners more and give them more power, which is to be welcomed. I reiterate the point made by the Minister that we have been in discussions about the amendments that, unfortunately, did not make it into the original draft of the Bill, but there has been a commitment by the Minister and the Department to ensure that when we reach Committee Stage, some important amendments will be included. I assure people in the Gallery that we have gone over those amendments that will be included in the later Stages with a fine-tooth comb and, by and large, we are very happy with them. I thank Brendan McNamara and Madeleine Reid in particular. This House is very good at criticising the Department of Justice and Equality in particular, which comes in for a justifiable kicking a lot of the time, but it is also very important to recognise the good work done. Any delays to the Bill were not as a result of the staff at the coalface.

Neither were the delays due to the Ministers either, given that the Minister, Deputy Flanagan, said it is a priority for him and it was most definitely a priority for the previous Minister, Deputy Fitzgerald, who elevated the Bill as a key project item for the Department. One could ask what it says about society that in spite of not one but two Ministers prioritising this important area, it has been an almighty uphill battle to get where we are today and to get a recognition, which was not there in 2015 when we introduced the legislation. That was despite the fact that the Government of the day largely welcomed the Bill but it had reservations about many clauses in terms of mandatory inquests in cases of maternal death, which are now being incorporated in the Bill.

While that is great on one level, it is a tragedy that it has taken so long for us to get here. We must be honest. The only reason it is here is because of the heroic struggle led by the people in the Gallery in support of the victims of the lack of mandatory inquests, namely, the people who have been at the coalface, whose human tragedies have been turned into a movement to try to change the law for the betterment of others. It is quite incredible to meet the families of the women who died in maternity hospitals. I will mention them all later. I refer to people like Sean Rowlette who lost his partner in childbirth and came home to three children, including a new baby, who had to run a farm and who probably never did a household chore in his life before. He had to deal with all that, raise his children on his own and he still had the courage and the decent humanity and empathy to turn his grief into something constructive in order that

no other family would have to do that. That is what people like the partners of many of the women who died, the midwives and the foot soldiers in the Elephant Collective have done to get us here. I have no doubt but that this would not have happened without their efforts. That is a recognition of them but it is also a shocking indictment of our system.

We have a problem with women in this country: the women are not the problem but, rather, the healthcare that is given to them before, during and after they give birth. Our health system has infected women with hepatitis C, taken hacksaws to their pelvises, unnecessarily removed their wombs and refused them abortions in the most unspeakable circumstances. The pain of women affected by the recent vaginal mesh scandal was dismissed as being in their minds. Women went to doctors and reported their appalling pain and problems but not a single doctor reported that to the Health Products Regulatory Authority, HPRA, which continues to prescribe vaginal mesh for the treatment of women. Women have been refused treatment and treated as incubators even while their families begged the State to let them go. The State has threatened to imprison women who did not want to undergo an unwanted caesarean section. It has insulted women and ignored them when they tried to speak up. It has left them traumatised and reeling. After all that is done, the State inevitably gears up for another go at women, dragging them and their families through the courts. That is the backdrop to this issue.

This is particularly shocking in the case of maternal deaths because it involves healthy women who entered our hospitals with the justified expectation that their experiences in hospital would not leave them psychologically or physically scarred. They justifiably considered it almost unimaginable that they would die in hospital. They held the justified expectation that, should something go wrong, they and their families would be dealt with honestly, openly, respectfully and transparently. How often is that expectation fulfilled in our health system? It gives me no comfort to say that it is rarely lived up to. It took the victims of the hepatitis C scandal years to have their issues addressed. The victims of symphysiotomy are still fighting for justice in the latter years of their lives.

Women have walked into our maternity hospitals and walked out days later with post-traumatic stress disorder. According to Nurture, a charity which supports women, thousands of women experience post-traumatic stress every year following treatment in our health service. We are told that the Coombe and Holles Street hospitals are not war zones, although some of the midwives in the Public Gallery may disagree with that. However, if they are not war zones, what causes the post-traumatic stress suffered by pregnant women in our hospitals? Among the 15 problems identified in that regard are impersonal treatment, problems with hospital staff, not being listened to and a lack of information or explanation. Dismissing, ignoring or denying information to patients has real lifelong consequences for them. It is not minor but, rather, a frightening mark of the paternalism that still infests our maternity services that we are so far behind the curve in terms of being honest with women about what is happening to them and why.

Families whose healthy babies suffered catastrophic birth injuries leading to lifelong disabilities have had to fight for a decade or more to get resources for their children. It has taken ten or 15 years for the HSE finally to cough up. A sample of 30 baby deaths due to negligence in Irish hospitals between 2008 and 2016 was compiled. In each of the cases in which an apology or settlement was recorded, it was received three to nine years after the baby died and many of the cases involved no admission of liability. Why are innocent people subjected to this abject cruelty? Why is it happening? We can re-examine such issues but part of this discussion should be about looking forward. What causes those delays and hesitations? Is it to keep insurance companies happy or premiums down? Is it institutional inertia? Is that why our hospitals sub-

ject people to what in some ways constitutes arbitrary torture? All of the international evidence indicates that if doctors and healthcare staff are open and honest with patients when something goes wrong, the patients are far less likely to sue. It suggests that many of those who sue do so to get answers rather than redress. I make that point because it is very relevant to inquests and getting information.

Exactly one year ago, Deputy Wallace and I sat down with senior officials of the HSE to discuss mandatory open disclosure. The officials were totally against it. The only reason we were given a meeting with them was that some of our amendments to the Civil Liability (Amendment) Act 2017 were unexpectedly accepted and called for mandatory open disclosure. Suddenly, the officials wished to meet us to tell us it was a bad idea, without offering any supporting information for that view, and to persuade us to reverse the amendments. Now, of course, mandatory open disclosure is the order of the day because of the CervicalCheck scandal. Everybody wants it, including those who voted it down last year when we had the chance to provide for it in legislation. It is a sad indictment of this House that victims could have obtained answers in the past 18 months if we had enshrined it in legislation at that stage.

This Bill is very much aligned with the push for open disclosure because we need a health system that works for women and their families and does not compound their suffering by denying, defending or covering up in the face of tragedy. That is why we need mandatory inquests and mandatory open disclosure. We need pre-action protocols to get the lawyers out of our hospitals. That is not news. A recent editorial in the *Irish Medical Journal* stated that in many hospitals the medico-risk management department is larger and better staffed than the library. There is something deeply wrong with a system that spends more on damages and legal fees than on funding our maternity services. This Bill should be part of a suite of measures to address that. There is often discussion of a litigious culture in this State. Is it any wonder that people are forced to take recourse to the law when they do not get answers? This Bill is a start in addressing that issue. It has been a long road to get to this point but the Bill will move things onward.

I became involved in the issue of maternal deaths more than seven years ago, in May 2011, when I was contacted by AIMS Ireland, which sought help in raising parliamentary questions as to why there had not been a full inquiry into the tragic death of Bimbo Onanuga in the Rotunda Hospital in March 2010. We have stayed in touch with the warriors who are present in the Public Gallery since we first tabled questions on that case. We did what we could to support them in the effort to get an inquest for Bimbo. On 12 December 2012 the coroner finally agreed to hold an inquest. In November 2013, after four long days of hearings spread over eight months, he recorded a verdict of medical misadventure in Bimbo's death. I attended the inquest, which was shocking and devastating in equal measure. What is more shocking is the fact that before her inquest took place six women lost their lives in our maternity services in the autumn of 2012. There were inquests into only two of those deaths. In the autumn of 2014 three further inquests were held, each of which returned a verdict of medical misadventure.

The onus was on all of us to do everything we could to prevent more tragedies and step up the fight in honour of the women who died and their families, so we introduced the Bill in 2015. It has been a long road since then. Between 2007 and 2014 the families of Tania McCabe, Evelyn Flanagan, Jennifer Crean, Bimbo Onanuga, Dhara Khivlehan, Nora Hyland, Savita Halappanavar and Sally Rowlette, not satisfied with the partial explanations offered to them by the HSE, had to fight tooth and nail for inquests. They needed to know why healthy women who attended early and appropriately for ante-natal care and were fully in the care of our system died.

19 September 2018

They needed to know that for all of the reasons earlier pointed out by Deputy Fiona McLoughlin and in order to learn lessons and prevent it happening to other women. That is the step we must reach. Two or three maternal deaths occur in all categories in Ireland each year. We need to know in full what happened and what lies behind the deaths. We cannot rely on confidential or internal inquiries and so on because hospitals and the HSE hide the truth behind them. It is timely and relevant that we are having this discussion on the back of the earlier statements on the Scally report. We need public inquests for the families involved in these awful tragedies in order to enforce genuine accountability for the terrible failures in the known cases but also in all the cases where an inquest should have been held but was not.

The pain does not go away for people. Only last week, I happened to meet a Polish man, who has lived in Ireland for many years, whose wife died in childbirth in 2011. That man's family, story and name has not appeared in any statistic or book, and I will not reveal them here tonight, but his pain is as fresh today as it was seven years ago. He still has not got answers. Because of what happened during the traumatised birth of the child, the child was also damaged at birth. He has been raising that child alone for the past seven years. He has not got any answers since the time he was sedated in the chamber as he begged the staff to save his wife's life, only for it to be too late.

There are cases where people never got the answers. I want to put on the record the names of the partners of the women who championed this issue but I do so in the spirit that there are names of women, their partners, their families and their children who have not made it onto the Dáil record who never got an answer. I mention the names of those we do know out of respect also for those we do not know. They are Sean Rowlette, Michael Kivlehan, Abiola Adesina, Aidan McCabe, Stephen Hyland, Francis Crean, Padraic Flanagan, Praveen Halappanavar and Alan Thawley. Let us be clear. Since we introduced this legislation the first time, Malak Thawley has sadly died an unnecessary death that had to be dragged out through litigation by her partner, Alan, yet it happened again. The reason people sacrificed their time and energies and laid bear their most personal tragedies was to ensure it would not happen again. That is the reason we are here.

People want to thank me but there is no need. I am an office, a brand. The brains behind my office are the ones who did the work, namely, Aideen O'Sullivan, who is in the Gallery, and also Liz Cassin and Ronan McCourt in my office, who regularly fight this battle and liaise with all the people we have had the honour to campaign with. There is no need to thank us. That is our job.

However, the people in the Elephant Collective have been tireless campaigners in the run-up to this Bill. They travelled the country with their "Picking Up the Threads: Remaking the Fabric of Care" exhibition. They have written letters, postcards and press statements and they have talked to local councils. We have the privilege of knowing that many local councils the length and breadth of this country, with members of all parties and none, have supported their call for mandatory inquests in cases of maternal deaths. Those in the Elephant Collective are the most amazing group who have ever come together. Their work on this campaign, and their doggedness, tirelessness and kindness have been incredible. It is a lesson in terms of the type of approach we should have in our health service: that of caring, collective empathy and human understanding.

Everybody makes mistakes. The best health service in the world will make mistakes. Women will go into hospital healthy and happy and they will die in childbirth this year. Sadly,

that is a fact of life, but we can minimise those cases if we learn the lessons, and mandatory inquests are part of that. To that end, this legislation will be a testament to Jo Murphy-Lawless, who is retiring tomorrow - that is why she is making me cry - having given a lifelong service to women, and pregnant women in particular, and to student midwives. Trinity College Dublin has been so lucky to have the brains, the passion and the commitment of this tiny woman who is an absolute giant. The fact she is retiring from this active phase of her life with Trinity College and going on to bigger and better things is an incredibly fitting testament to her that we are here tonight. We owe it to her to ensure that we try to get all Stages of the legislation passed and enacted before Christmas.

**An Leas-Cheann Comhairle:** The next slot is the Rural Independents. I call Deputy Michael Collins, who is sharing with his colleagues.

**Deputy Michael Collins:** I welcome the opportunity to contribute to the debate and I thank Deputy Daly for her work on the Bill.

The purpose of the amendments is to clarify, modernise and strengthen the legal powers of coroners regarding the reporting of deaths and the conduct of post mortem examination and inquests. I support that going forward.

The death of a loved one can be a deeply distressing time. It has been brought to my attention that when an Irish person dies abroad, his or her death cannot be registered in Ireland. That is heartbreaking for the families and loved ones of the deceased, and I sympathise with any family left in that position. That is such a difficult time for the family, and we need to consider ways of supporting bereaved families and allowing for these deaths to be registered in Ireland. According to my information, registration of the deaths of Irish people who have died abroad is short of being resolved and has cross-party support. Why has this not happened? This is an urgent issue that needs to be looked into.

When a person passes away in Ireland, this Bill retains discretion for the coroner, having consulted family members of the deceased, to hold an inquest into the death. If the coroner is satisfied, taking account of the specified matters, including the views of the family members, that the death was natural, an inquest will not be needed.

In the cases where an inquest is required, it should be carried out in a timely and efficient manner. Having spoken to some of my constituents who have relayed their experiences to me, I know these families can have problems receiving farm payments, etc. if the farm is in the bereaved's name until the inquest is completed. It is important, therefore, that strong supports are put in place for such families.

This Bill further provides for mandatory reporting to a coroner of a stillbirth death or an infant death. I have 100% sympathy for any parent who loses a child and the Bill should not place an additional burden on grieving parents at such a difficult time. I ask that this part of the legislation be examined and implemented in a way that will not cause further distress to grief-stricken parents.

I welcome that the Bill will make provision for information to be provided to a family member of the deceased. It is important that families of the deceased be kept informed during this difficult time.

I welcome also that the Bill will widen the scope of an inquest from investigating the proximi-

mate medical cause of death to establishing the circumstances in which the deceased died. It will provide new powers for a coroner to enter a premises with a warrant to inspect a copy or seize documents required for a coroner's inquiry into the death of a person and it will direct a witness to answer questions at an inquest.

Overall, I support the amendments in the Bill but stress that they need to take into account the difficulties of the families, the loved ones and the bereaved. These amendments should help to support people who have been bereaved.

**Deputy Michael Harty:** I am grateful for the opportunity to contribute to the debate. Mandatory reporting and having automatic inquests on all maternal deaths should be enshrined in law. Very shortly following my election to this House, I met a lady in Ennis, Ms Martina Hynan, who brought to my attention that all maternal deaths did not require a mandatory inquest. I was quite shocked to hear that. I worked as a junior doctor in the Coombe hospital and if a maternal death occurred in that hospital it was taken seriously by the medical and nursing personnel, who viewed it as a failure on their part that somebody would die in the maternity services. I understood the internal inquiries led to inquests at a later date. I was quite shocked to find that was not the case.

Martina Hynan is an artist who is part of the Elephant Collective, which is a multimedia expedition that travels around Ireland. It commemorates the deaths of those who died in our maternity services and tries to heighten awareness of those deaths. I was impressed by her. I also saw Anne Marie Green's documentary, "Picking Up the Threads: Remaking the Fabric of Care", again highlighting the issue of those who die in our maternity services or shortly after their deliveries.

The Bill mentions indirect maternal deaths, direct maternal deaths and late maternal; it covers all aspects of care. It is shocking that, in 2018, we do not have automatic mandatory reporting. Those ladies, and men, who have campaigned tirelessly for this legislation visited county councils throughout the country. Deputy Clare Daly has mentioned many councils - Clare, Sligo, Donegal, Wexford and probably many others - that have endorsed the campaign to have mandatory inquests on all maternal deaths. I know Deputy Daly does not want to be thanked but we Rural Independents Deputies generally end up speaking after her and we do want to thank her for all the work she has done in this regard and in many other campaigns. It is very important that this aspect of the Coroners (Amendment) Bill is taken seriously. If amendments need to be made to it, they should be made. It is absolutely essential that women get proper care but also that the families of those women who died, their husbands, parents and the children who were left behind, get answers on what the circumstances were in respect of their deaths. That does not in any way imply that there was any negligence in those deaths but it is very important that they are properly investigated so that those in caring roles can learn from what happened to prevent it from happening in the future.

I commend the Bill to the House and hope it makes a rapid passage through the Oireachtas.

**Deputy Danny Healy-Rae:** I am glad to get the opportunity to talk on this very important Bill and also to thank Deputy Clare Daly for her input and her long-standing work on this matter. The coroner services, which are operated by the local authorities, are in many instances the final verification of what happen to a family's loved one and on all occasions it is a very sad time for families. So many families have to endure and wait for this inquest which in some cases takes a very long time. I would ask that going forward these inquests be expedited. If



they go on for a long time while families are getting back and starting to live without their loved one, the inquest brings it all back again maybe two or three years later. That is not good enough; inquests should happen a lot sooner.

The key provisions of the Bill include clarifying that the purpose of the inquest goes beyond establishing the medical cause of the death and establishing the circumstances in which the death took place. In the case of farm accidents or road accidents, it is very final and very sad to know how the person died medically, but it is very important to determine what caused the accident so that we could eliminate that cause or prevent a case like it ever happening again. Another key provision is strengthening the coroner's powers to summon witnesses to an inquest and to direct a witness to produce documents and evidence and to answer questions. I think that is only fair because, again, families are waiting for the truth and that is very important. In some cases, witnesses may be after travelling from very far away. When the inquest takes place they have to travel a very long distance and maybe they do not have finances. Things like that have to be taken into account and it should be possible to try to help or finance someone who is having a difficulty coming to the inquest.

Another key provision is new powers for the coroner acting under a warrant from the District Court to enter and inspect premises and to take copies or possession of documents or material relevant to the inquest. That is very important because otherwise cases and the truth will not be made available. There will be appropriate penalties for witnesses not co-operating with the inquest and I believe that is very important also.

At this juncture, I would like to thank our own coroner in Kerry, Terence Casey, who retired last year after giving more than 20 years' service to south Kerry. He did a wonderful job in tough conditions. It is always tough when we go through the real aspects of what happened. We need good people to be able to withstand what they see. We are also very lucky, in respect of farm accidents and road accidents, that we have Inspector Jim O'Brien, who operates out of Tralee and is doing a tough job brilliantly. He has vast experience and is most helpful. We respect him for his expertise and his honesty and the great work that he is doing.

There is greater clarity and transparency in the mandatory reporting of certain types of death including a detailed list of specific examples of mandatory reportable deaths. I hope that suicide is not going to be one of these mandatory reportable deaths. Suicide is such a tragic death when it happens in a family and I do not think the general public needs to know what happened in those instances, that it was suicide. Families are going through enough and are trying to retain their dignity. I think it would be very unfair on these people if it had to come out publicly that their loved one's death was caused by suicide.

It will be an offence for a responsible person not to report a mandatory reportable death to the coroner. That is very important. There is to be updating and modernising of the provisions regarding post mortem examinations to take account of forensic developments and current practice. That is very important as well because as technology has improved we need to make provisions for it.

Reflecting on the provision of Deputy Clare Daly's Private Members' Bill regarding maternal deaths, I think that is most important and should have been there before but at least we hope it is to be in place going forward. When a couple loses a baby before it is born, in mid-birth or whatever, that should not be public knowledge to anyone beyond the family. It is very tough on a couple who may be trying to have a child and loses it before it comes into the world.

I am grateful for the opportunity to speak and I support the Bill.

**Deputy Mattie McGrath:** Ar an gcéad dul síos, ba mhaith liom buíochas a ghabháil le Teachta Clare Daly. I thank Deputy Daly, although she said she did not want any thanks, and her team and the other people she mentioned as well. It is not only this piece of legislation; Deputy Daly has championed many a piece of legislation since coming in here. I worked on one or two of them. We can differ on many issues but she is tenacious and she will fight the battle to have these very sensitive and delicate issues sorted out. I want to support her on that.

The principal changes proposed in the Bill include new categories of deaths that must be reported to a coroner. These include maternal deaths and the deaths of children during birth or in the year afterwards. It is such a sensitive, delicate and emotional time. One can never understand such a tragic loss unless one is involved. We cannot walk in those people's shoes so it is timely that we make necessary changes in a sensitive manner.

It concerns deaths of children during birth or in the year afterwards subject to limited exceptions. These exceptions are very important. The powers of the coroner to investigate not just the approximate cause of death but also the surrounding circumstances are very important. I salute coroners for the job they do, which is not an easy one. I also salute jurors who turn up. Normally the same people turn up. However, I have issues and campaigned in the last Dáil with some siblings whose loved ones died, mainly by suicide. In respect of the media having to be present, I know it is public and transparent but I appeal to the media not to report the minutiae where the circumstances are harrowing. I salute Trudy Lawlor, a renowned singer from County Laois who lost her brother to suicide, who has championed this cause and who has done so much work to make inquests user-friendly because they are not user-friendly. This Bill and others do not address it, which is a pity, but we might be able to introduce some amendments. First, the inquest should not be held in an adversarial courtroom, which courtrooms normally are. A courtroom is a cold place that intimidates people. Anyone going into a court, be they a juror or observer or, worse, on a charge, is intimidated. We tried very hard with the previous Minister for Justice and Equality, Alan Shatter, to move inquests to a different location such as a hotel or some other place with a soft ambience away from that adversarial environment with lawyers where other cases are taking place. It is not a suitable venue. We must be sensitive to the families who have been traumatised enough and as Deputy Danny Healy-Rae said, might have waited for the inquest for six, 12 or 18 months. It must be removed from that cold and archaic system. I am not saying we should lock the press out but the press has strict guidelines because there is no need at times to report some of the gory details of a sad and tragic accident or, worse, a self-inflicted death. It must be changed.

There will be increased powers for the coroner to procure post mortem examinations and to obtain documentary and other evidence. This is vital and long overdue. Sadly, there have been cases that have never been solved because of a lack of powers for the coroner. This must be done. There is provision for families of deceased persons to be informed of decisions relating to examinations and inquests and for civil legal aid to be provided. Of course, they must receive civil legal aid. It is a cold enough place. The coroners do their best but it concerns the whole system. The loss of a loved one is so traumatic and we need to have full disclosure. Getting the balance between deciding what are important facts to discover, what the family must go through and what the public needs to know is a sensitive and delicate matter. I know it must be transparent.

Farm accidents and road fatalities are very difficult for families. It is punitive if the inquest

goes on for so long that insurance claims, payments or income are affected. The spouse and children might be left without any income waiting for this. We must always be conscious of that. Strengthening the powers is very welcome. Inquests must take place in the most sensitive venue and there are plenty such places. We know that with counselling and other issues. We have moved on a lot from the inception of the State and must ensure these sensitive issues are dealt with sensitively. It is not a matter of skipping any laws but making it more user-friendly for those unfortunate people or families who must live with the loss and grief and also try to get the result of the inquest. I wish the Bill well and hope there might be room for amendments to deal with the issues to which I referred.

**Deputy Eamon Ryan:** I join the other Deputies in congratulating Deputy Clare Daly, her team and the people who have been campaigning on the reporting of maternal deaths. I commend the Deputy on that work. I will not go into the details of it because it is not an area in which I have expertise but I hope they will not mind if I use the opportunity to raise an issue and, hopefully, raise amendments that we will present to the Minister and Department on another related area concerning the Coroner's Court in which I do have an interest and some experience that might improve the coroner's process. This concerns fatalities from cycling accidents. It could apply to other traffic accidents but I have a particular interest in that area. I know we mentioned a great academic - a giant from Trinity College mentioned by Deputy Clare Daly. My comments are very much based on the analysis of Dr. Mike McKillen from Trinity College who, on behalf of the Dublin Cycling Campaign, has been trying to attend as many coroner's hearings as possible relating to road fatalities in Dublin involving cyclists in recent years to use that avenue or mechanism to ensure that we learn the lessons of each tragedy that occurs and that we try to understand what is happening, why so many cyclist fatalities are happening and what we can do to avoid them. In talking to Dr. McKillen, the amendments we will present will come directly from that experience in the Coroner's Court. They are coming from a very positive and constructive attitude and approach. The timing of this Bill is very useful for us. I am thinking very much of Luby Maryori Ramirez. I could name a host of other people who, unfortunately, have been involved in tragic deaths on the roads but I will mention her. She died in March 2017 on the roundabout from Whitehall Road and Templeville Road. Typically, so many of these incidents and cycling deaths involve an accident where a truck turns left and the cyclist is caught under the wheels. We all know of other cases. Several friends have died in such circumstances. The inquest into Ms Ramirez's death happened two or three weeks ago. It was attended by Dr. McKillen. Arising out of that, our suggestions are very practical and specific and I hope this Bill might be a useful opportunity to provide that insight into the running of the Coroner's Court.

These suggestions are very practical but that is what we need. In many instances in such hearings, evidence is presented to the jury often in respect of the vehicles involved, the mechanical evidence around the nature of the vehicle, the technology or the state of the vehicle. Based on our experience - I am talking about Dr. McKillen - that evidence is not presented in a public way. It is not on the record and we believe it should be. We believe that sort of evidence should be presented not just as evidence for the coroner and jury to consider but be made available publicly, which is not the case in our experience, so that the knowledge is shared and the full evidence is presented in a very public way.

These suggestions are very technical and specific and I will return to them on Committee and Report Stages if they are ruled in order. In respect of the evidence that is often presented in the Coroner's Court regarding traffic accidents, young gardaí might report on the evidence but

it is often uncertain as to what their real expertise and their training is regarding the understanding, reporting and analysis of road traffic accidents. There is a real science around the recording, reporting and understanding of what is happening on our roads and what happens when fatal accidents or indeed any accidents occur. Dr. McKillen's experience in attending all these hearings is that it is often very uncertain as to what experience or expertise a Garda has and a lack of understanding of the training and development of the skills of the Garda.

I am not blaming the gardaí. They are put in an unfortunate situation if they end up attending a coroner's court where they do not have skills and expertise. One of the recommendations we have in that regard is that the relative experience, expertise and training of the gardaí in such circumstances should be shared and made clear to improve the quality of the forensic analysis, reporting and understanding of what is happening in such fatal cases.

I listened with interest to the Minister of State refer in her speech to section 20 and the possibility of removing juries from dealing with some traffic fatalities where it is clear what happened, for example, a single vehicle accident. I am slightly nervous about weakening the provisions of any analysis of road fatalities, although I fully accept the difficulties that may arise where a jury cannot be empanelled and there is a series of adjournments, which is the last thing we want the family to go through. I accept, therefore, the need to be flexible. We need to raise the importance and significance of, and the attention given to, the coroner's court process because 160 fatalities is an intolerable number. We should use the process to bring in people with expertise to understand how we could avoid these accidents.

In addition, we believe there is a case to be made - and we will try to draft an amendment on this - that in coroner's court cases involving traffic accidents, particularly cycling accidents, although every fatality is a tragedy, there should be a provision that, for example, the National Transport Authority or another suitable authority such as a local authority should have a road engineer with expertise on hand to give evidence to the coroner's court regarding what might be possible. I will give an example to demonstrate why we call for that. Following a tragedy on a roundabout, one might hear it said at the coroner's court, "Nothing could be done. You can't put a cycle lane through a roundabout", when the cycling fraternity campaign knows that it is possible. It requires a different design perspective in terms of how our roads are designed, and that needs to be brought into coroners' reports. In that way, the highest level expertise is available to the coroners so, if there has been an accident at a particular junction, a complete reconfiguration of the road is possible. One needs the best experts in the court to present that evidence, so the coroner's findings and direction to the local authority has real effect. In our experience, that is not happening under the current system, as noted in the report of Dr. McKillen to the cycling fraternity. We are looking for a technical provision where the highest level of advanced road design engineering capability the State has is directed in such a way as to ensure it appears in any such hearings.

These are technical but important provisions. A final point is that the scheduling and information relating to coroners' hearings are often not easily available. Dr. McKillen might only hear of a coroner's court hearing if the family directly communicates to say, for example, it is coming up next week. We would like greater public notice and provision for NGO organisations such as the Dublin Cycling Campaign or others interested in road safety, including the Road Safety Authority, to attend and contribute, and to have clear notice regarding such hearings. They are of huge public importance, particularly to those who are involved in trying to reduce the level of road fatalities.

I hope that is not inappropriate. The Bill relates to the issue of technical and other important amendments to the coroner's process. It is correct to add some of the experience we have on how we might reduce road fatalities and improve the process of coroner's reports in that regard. I welcome the opportunity to contribute on that basis.

**Deputy James Browne:** I wish to share time with Deputy Eamon Scanlon. I welcome the opportunity to contribute to the debate on the Bill, which aims to strengthen and modernise parts of the Coroners Act. I welcome that the Bill allows for wider scope of inquiry and seeks to address public unease regarding high profile cases, including maternal deaths. In the past, deaths relating to maternity care that should have been reported because there were issues of medical error, and were unnatural deaths, were not reported. Bereaved families experienced difficulty obtaining basic information with which they should have been provided. The increased powers afforded to the coroners in the legislation are welcome in this regard. In particular, I support the requirement that maternal deaths will now be the subject of an inquest. The introduction of mandatory reporting, post mortem examination and inquests into maternal deaths will now, hopefully, deliver the transparency, accountability and oversight that is long overdue. Hopefully, no more families who have had loved ones lost to them will have to struggle and fight to get the answers they are entitled to.

I commend Deputy Clare Daly and her team for pursuing this Bill, and the families who have had to suffer in the absence of these rights and powers. The Bill will also allow a coroner to inquire into a stillbirth where there is a cause for concern, for example, if this is raised by bereaved parents. In effect, all stillbirths, perinatal deaths and maternal deaths should now have to be reported to the coroner. I believe this is the way it should be and it is not before time. I hope the Bill will pass through the Oireachtas in a timely fashion.

**Deputy Eamon Scanlon:** I am glad to have the opportunity to contribute to the debate. I knew Michael Kivlehan and his wife, and Sean and Sally Rowlette. I remember being in the hospital that night with Sean Rowlette as his young wife, a healthy woman, was in a hospital bed on a life support machine, with him having to make the decision as to when they would turn off the machine. Honestly, it is unbelievable to think that happened. It does happen, unfortunately, and it will happen again.

Afterwards, what I could not believe was the difficulty the Kivlehan and Rowlette families had and the trauma they went through to try to ensure inquests were held. It took a long time to ensure they were held. Those families had to go through a lot of unnecessary hardship to get what should be a natural right. After that, Sean Rowlette mentioned to me that Deputy Clare Daly had put forward a coroners Bill and I want to acknowledge that the Deputy pushed this Bill. Sean Rowlette asked me to support the Bill and that is the reason I am here tonight. I will support the Bill in any way I can and I am delighted the Fianna Fáil party is supporting the Bill.

Like previous speakers, I hope the Bill will pass through the Dáil quickly and that it will be dealt with long before Christmas. I would not like to see any family go through what I have witnessed two families go through, which was wrong and unfair. The only right way forward is to make sure this Bill passes as quickly as possible.

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor):** I will try to answer some of the questions. My officials have taken note of other questions and we will come back to the Deputies at a later stage.

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In response to Deputy Fiona O'Loughlin, the reason we have proceeded with the reform of the coroners law in advance of reorganising the entire coroners system is to ensure the urgent changes needed on reporting deaths, including maternal deaths, and changes to the legislation on coroners' powers can be made quickly. As I indicated earlier, the Minister is also considering optimal organisation of the coroner's service. While this may take further time, we all agree that the urgent measures contained in the Bill are needed now.

Deputy Clare Daly referred to the delay in bringing the Bill forward. The Minister for Justice and Equality has acknowledged that it has taken much longer than he wished to finalise the legislation for publication. I acknowledge that the Deputy thanked the Minister, his predecessor, Deputy Frances Fitzgerald, and my officials, Mr. Brendan McNamara, Ms Madeleine Reid and Ms Róisín Hennessy, who accompany me in the Chamber. Deputies Clare Daly and Fiona O'Loughlin also referred to the need for the legislation to bring about a change in communication and culture. I agree with them that ignoring people and dismissing their concerns must change. We must deal with patients and their families with empathy and respect. Deputy O'Loughlin raised the Scally report. I add my abhorrence at the treatment by some doctors, as outlined in the Scally report, of women in a disgusting, misogynist manner. We need basic humanity in all areas in our hospitals to deal with patients and their families.

Deputy Louise O'Reilly referred to missing persons. I have noted the Deputy's views on the Private Member's Bill proposed in this regard and I will bring them to the attention of the Minister. However, I understand the proposer of that Bill has agreed, following advice, that a reference to the role of coroner is not required to achieve the Bill's objectives. The Deputy referred also to iatrogenic suicide. The Minister says that the introduction of a verdict of iatrogenic suicide at an inquest was proposed on Second Stage of a Sinn Féin Private Member's Bill in the Seanad on 18 October 2017. The Government opposed the proposal and the Seanad voted not to approve the Bill. The Government cannot accept a proposal now to introduce a verdict of iatrogenic suicide. The position remains that the proposal, while well-intentioned, risks an inquest apportioning liability to a medical practitioner who may have prescribed the treatment or medication for the deceased person. A coroner's inquest cannot consider questions of civil or criminal liability. Section 30 of the Coroners Act 1962 provides against such considerations specifically. The Office of the Attorney General has advised that the Private Member's Bill was legally unsound in that a new verdict would be capable of ascribing criminal liability to a person or persons who would be readily identifiable.

I note in response to Deputy Danny Healy-Rae's concerns that we all agree that it is desirable to reduce the delays in the holding of inquests, which can occur despite the best efforts of coroners. The strengthening of coroners' powers and other reforms contained in the Bill should help to reduce unnecessary delays. I have taken note of Deputy Mattie McGrath's proposal that the Coroner's Court convene at a less adversarial and more sensitive site. We listened with interest to Deputy Eamon Ryan's comments on cycling fatalities. One change proposed in the Bill is relevant, namely section 14, which introduces the possibility for an inquest to make general recommendations arising from a death in the interests of public health and safety. That is all of the answers I have now but my officials can revert to anyone who wants further questions answered.

Question put and agreed to.

**Coroners (Amendment) Bill 2018: Referral to Select Committee**

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor):** I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

The Dáil adjourned at 9.15 p.m. until 10.30 a.m. on Thursday, 20 September 2018.

*9 o'clock*