

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM IOMPAR AGUS CUMARSÁID

## JOINT COMMITTEE ON TRANSPORT AND COMMUNICATIONS

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*Dé Céadaoin, 10 Meitheamh 2015*

*Wednesday, 10 June 2015*

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The Joint Committee met at 11 a.m.

### MEMBERS PRESENT:

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Deputy Michael Colreavy,	Senator Terry Brennan,
Deputy Timmy Dooley,	Senator Eamonn Coghlan,
Deputy Dessie Ellis,	Senator Paschal Mooney.
Deputy Alan Farrell,	
Deputy Michael Fitzmaurice,	
Deputy Tom Fleming,	
Deputy Brendan Griffin,	
Deputy Noel Harrington,	
Deputy Seán Kenny,	
Deputy Pádraig Mac Lochlainn,	
Deputy Michael McCarthy,	
Deputy Helen McEntee,	
Deputy Finian McGrath,	
Deputy Eamonn Maloney,	
Deputy Michael Moynihan,	
Deputy Patrick O'Donovan,	
Deputy Brian Walsh,	

In attendance: Deputies Denis Naughten and Thomas Pringle.

DEPUTIES JOHN O'MAHONY AND DAVID STANTON IN THE CHAIR.

*The Joint Committee on Transport and Communications met in private session until 12.28 p.m. and met in joint sitting with the Joint Committee on Justice, Defence and Equality from 2.30 p.m.*

### **Potential Impacts of Hydraulic Fracturing: Environmental Protection Agency**

**Co-Chairman (Deputy John O'Mahony):** The purpose of the earlier part of this meeting is to engage with representatives of the Environmental Protection Agency in regard to the interim report prepared by it on the potential impacts on the environment and human health from unconventional gas exploration and extraction projects. On behalf of the committee, I would like to welcome from the EPA, Mr. Dara Lynott, deputy director general, and Dr. Brian Donlon, research manager.

I draw the witnesses' attention to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to this committee. However, if they are directed by the Chair to cease giving evidence in relation to a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. Witnesses are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. I also advise witnesses that any submission or opening statements they have made to the committee will be published on the committee website following the meeting. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable. I call on Mr. Dara Lynott to make his opening statement.

**Mr. Dara Lynott:** I thank the Chairman and the committee for inviting the Environmental Protection Agency in to discuss progress on the unconventional gas exploration and extraction joint research programme. As the Chairman said, I am joined today by Dr. Brian Donlon, who is the Environmental Protection Agency research manager. I will provide a short opening statement and then I will be happy to answer any questions that committee members might have. If I cannot answer them today, I will provide written answers later on.

The EPA is an independent statutory body. It was established in 1993. We have a wide range of responsibilities, including the regulation of large-scale industrial and waste facilities, monitoring and reporting on the state of the environment, overseeing local authority environmental responsibilities, co-ordinating environmental research in Ireland and, recently added, radiological protection. The main role the EPA will have with regard to unconventional gas exploration and extraction, UGEE, projects will be its regulatory role through the integrated pollution control licensing process, whereby a licence will be required for onshore extraction of shale gas on a commercial scale. The EPA does not have a regulatory role at the exploration stage of these projects but the agency will be a statutory consultee with respect to any environmental impact assessment, EIA, conducted by the Department of Communications, Energy and Natural Resources in assessing any applications it might receive for exploration licences.

The agency has also commissioned and is administering a joint research programme co-funded by the EPA, the Department of Communications, Energy and Natural Resources and

the Northern Ireland Environment Agency into the environment aspects of UGEE, in particular, hydraulic fracturing of shale gas, on behalf of a steering committee comprising the EPA, the Department of the Environment, Community and Local Government, the Department of Communications, Energy and Natural Resources, the Geological Survey of Ireland, the Commission for Energy Regulation, An Bord Pleanála, Northern Ireland Environment Agency, the Geological Survey of Northern Ireland and the Health Service Executive. I will discuss these roles in more detail presently.

We are responsible for the development, co-ordination and management of environmental research in Ireland. We have fulfilled this role since 1994. Our research is focused on major environmental challenges and the provision of policy-relevant analysis and solutions research.

In May 2012, we published a small-scale study entitled, Hydraulic Fracturing or ‘Fracking’: A Short Summary of Current Knowledge and Potential Environmental Impacts. This small-scale study provided an introduction to the environmental aspects of fracking, including a review of regulatory approaches used in other countries. The main findings included the importance of well integrity for preventing groundwater contamination, the importance of a knowledge of local geology regarding potential impacts on groundwater quality, the uncertainty regarding the carbon footprint of shale gas and the small number of published peer-reviewed scientific studies in this area. This preliminary research project and a public consultation in 2013 were used to finalise the terms of reference of a more comprehensive research programme. The UGEE joint research programme began in August 2014 and is scheduled to be completed in July 2016. It is funded by a number of agencies.

The research is being undertaken by a consortium of independent organisations, comprising CDM Smith, British Geological Survey, University College Dublin, Ulster of Ulster, Queens University Belfast, Foster Wheeler and Philip Lee Solicitors. I have provided more detail on each of these members in appendix A in the document provided to committee members.

This joint research programme is designed to produce the scientific basis to assist the assessment of environmental impacts associated with high-volume hydraulic fracturing or fracking in Ireland. The programme of research will assist regulators North and South in making informed decisions about fracking. Ministers in Ireland and the North have publicly stated that the issuance of fracking licences will be dependent on the outcome of a thorough independent investigation of potential impacts on the Irish environment being completed by this consortium. This precautionary approach to fracking is unique to Ireland. The research will not replace or diminish the need for any of the statutory processes needed to seek permission for a fracking licence or development.

There are five main areas to this research. These include the impacts on surface waters, groundwaters and ecosystems; the impacts on seismic activity; the impacts on air quality; international operational practice and impact mitigation; and regulatory regimes for fracking in different countries. This research project will examine the potential health impacts derived from impacts on environmental media, for example, exposure to chemicals, vibration, light, noise as well as pollution of soils, air and water. The project will also examine the prevention of environmental factors from degrading human health. The consortium will explore the potential role of health impact assessment in the regulation of UGEE projects based on the experience in other countries. Recommendations will be made towards developing a protocol in Ireland.

No hydraulic fracturing will be undertaken as part of this joint research programme. This is a comprehensive programme of research and there are many elements to it. At present, there

has been good progress on the UGEE JRP. However, I emphasise that no report has issued from the EPA regarding this research programme other than periodic status updates provided to the other funding partners. The latest status report has been included in the documentation provided to the committee as appendix B. This provides an update on the progress of each task as set out in the terms of reference, dated 22 April of this year. The final report will be made publically available on the EPA website. Further details on this research programme are available on a dedicated website referred to in the documentation.

The licensing role of the EPA is restricted to class 9.1 of the first schedule of the EPA Acts. This covers the extraction, other than offshore extraction, of petroleum, natural gas, coal or bituminous shale. Any proposed project involving the commercial-scale extraction of shale gas would, therefore, need to apply to the EPA for, and be granted, an IPC licence to operate. Any licence issued for such an activity would also regulate the environmental aspects of any hydraulic fracturing operations taking place as part of the extraction facility. No such application has been received by the EPA to date. Any application received in future will be assessed on a case-by-case basis in accordance with the requirements of the EPA Acts. Key environmental issues to be addressed in any future application include potential for groundwater contamination from methane migration, the impact of any chemical additives to the fracking fluid, treatment and disposal of flow-back fluid, greenhouse gas emissions and water usage.

Research reports commissioned by the EPA are intended as contributions to the necessary debate on the protection of the environment. Further research is required to fully understand the potential impacts on the environment from the use of this technology. The key questions this research needs to answer are whether this technology can be used while also fully protecting the environment and human health, and, if so, what is best environmental practice in using the technology. The question of whether the existing EU environmental regulatory framework is adequate for unconventional fossil fuels projects is also being addressed.

This joint research programme aims to inform policymakers and other stakeholders on a range of questions in respect of environmental protection. The research programme will result in a series of reports that will help regulators North and South in coming to an informed decision if and when a licensing application is received for UGEE in the coming years. I hope I have given the committee an overview of this project and I am happy to answer any questions committee members may have.

**Co-Chairman (Deputy John O’Mahony):** Thank you, Mr. Lynott. At this point I have to leave the meeting. Deputy Brendan Griffin will take over as Acting Chairman.

*Deputy Brendan Griffin took the Chair.*

**Senator Paschal Mooney:** I thank Mr. Lynott and Dr. Donlon. Given that the EPA is at such an early stage in this research, we are somewhat limited in the type of information that we can extract from the agency. The appendices have been helpful in that regard. I wish to focus on Appendix A, about which I am sure my colleagues will have something to say also.

There is serious concern about the involvement of CDM Smith in the research project. The note on the company’s activities fails to acknowledge that it has been heavily involved in fracking in the USA and Europe, most particularly in Poland, as well as Ukraine. I have read the contents of its website and comments made by its CEO and it seems that the company is, at best, in sympathy with the concept of fracking. In that context, serious questions must be asked about its independence. I ask the delegates to address that issue because from an initial reading

of the EPA's notes on CDM Smith one would not get the impression that the company had been involved in fracking operations. I am sure others will quote from press releases issued by the Love Leitrim group which is actively involved in anti-fracking activities in County Leitrim and expressing alarm in this regard.

Another issue of concern relates to submissions on the terms of reference. I am a little confused because the Love Leitrim group has stated the study, as it stands, does not answer the question as to how it will look at the issue of health but focuses on the second section of its terms of reference relating to best practice in regulating the gas industry. However, from what I had read of the EPA's documents, I was satisfied that the health implications of fracking would be part of the research. I, therefore, ask the delegates to reassure the committee on that point. I made a submission at the time and raised the matter at the committee because it was a serious omission from the terms of reference and the EPA, in correspondence I had received, had acknowledged that health was a matter that would be looked at in the study. In its submission the EPA also makes reference to health. I, therefore, ask the delegates to clear up the confusion in that regard.

On the progress made in undertaking various tasks, the EPA states one task is nearly complete, namely, A1, an "assessment of existing baseline monitoring (best) practices, including water quality aspects, the location of existing monitoring points with specific regard to geological/hydrogeological conditions to inform best practice for an island of Ireland geological context ... This assessment should also make reference to the legislative requirements to develop an environmental monitoring programme." The EPA makes the point that it would not be involved in the regulation of fracking were it to happen here. Is that correct? The presentation document states the, "EPA does not have a regulatory role at the exploration stage of these projects".

**Mr. Dara Lynott:** I will take the last point first.

The EPA does not have a role in issuing an exploratory licence. It is not intended as part of the research that exploratory drilling for hydraulic fracturing will take place. Rather, in the first task to which the Senator referred we have to carry out an assessment of how much information we have on groundwater in the area. To pull it back a little, the EPA has a role in assessing groundwater quality in Ireland. We report on a regular basis to the European Union on the quality of groundwater. As part of that process, the EPA has sunk wells all over the country to fill in knowledge gaps in order that we can obtain a national picture. However, for this type of research and particularly because it is focused on shales in counties Clare and Leitrim and parts of Northern Ireland we need more information on groundwater than we would need for a national programme. First, we need to ascertain how many groundwater wells are there, what state they are in and whether they are usable. Then, through the steering group, we propose having "X" number of wells. These wells will tell us where the groundwater is, its depth and volume, in what direction it is flowing and assist in obtaining an accurate, underground picture of the groundwater in the area. There is no exploratory drilling associated with hydraulic fracturing as part of this research. If there was to be exploratory drilling, the researchers would have to obtain a licence from the Department of Communications, Energy and Natural Resources, but that Department has stated there will be no exploratory drilling licences issued until the research has been completed. The expected date for completion of the research project is 2016. Once an application is made in respect of the commercial drilling of shale beyond exploratory stage, those involved will have to come to the EPA for a licence. At that stage we will have a regulatory role, but that is beyond this research period up to 2016 and exploratory licensing

which will happen within a particular period of time. After the exploratory phase, if hydraulic fracturing is commercially viable as determined by those involved, they will have to come to us and a number of other regulatory agencies to go through the normal regulatory processes.

On the health implications, our view is that the issue of health is part of the study. As I said in my opening statement, the health impacts associated with pollution of environmental media are definitely part of the project. That means the level of air, water, vibration and noise pollution will be assessed as part of the project. It will also look at how a health impact assessment has been utilised in other countries in dealing with this type of project. We will have a fairly good handle on the health impacts associated with environmental pollution of the various media involved.

The Senator referenced CDM Smith, which is a very large consultancy firm. Like many large legal and accountancy firms, it has a lot of clients and provides advice on a wide range of issues. It is part of a much wider consortium which includes the Geological Survey of Britain, University College, Dublin, the University of Ulster and Philip Lee Solicitors, among others. In our tender we deliberately went looking for experience in this realm. The tender document stated: “The proposed project team is expected to include members who have comprehensive understanding of geology and hydrology, as well as an in depth knowledge of a range of legal, environmental, health, socio-economic and technical issues, as well as knowledge of mineral and fossil fuels (preferably unconventional gas) extraction practices and technologies”. We looked for people with experience in this area, but we went through an open tender process which involved 27 people from 14 or 15 organisations in assessing six bids from various consortia to conduct this very important research valued at €1.25 million. That independent group came to the view that CDM and its consortium was the best. All of the consortium members were required to sign a conflict of interest form, which they did. We are happy that the group conducting this research is eminently qualified to carry it out and will do so in a peer-reviewed, independent manner and that the research will be fit for purpose.

**Deputy Michael Colreavy:** I welcome the delegates from the EPA. Having said that, I do not think we should be here. This is a personal as well as a political issue for me. Senator Paschal Mooney lives close to the area most immediately threatened by fracking, but I practically live in it. I know the real fear people have as we discuss the matter coldly and scientifically. I am not a scientist or an engineer, but I am a person who is passionate about the beautiful unspoilt landscape of north Leitrim and County Fermanagh. One could not have picked a more beautiful part of the country to set out to destroy and it hurts me that members are obliged to sit here and discuss mechanisms that might tell them it will be all right to destroy this landscape and to destroy the livelihoods, health and well-being of those who live in this landscape. This is why I believe members should not be here.

The request to submit expressions of interest was sent out by the Government’s predecessor and I must state that had I been in the Oireachtas at the time, I certainly would have tried to block it. There was no public discussion and no Dáil debate over it. I have used freedom of information requests, parliamentary questions, telephone calls and meetings with civil servants to try to establish what was the trigger to issue those advertisements seeking expressions of interest. I cannot get such a trigger point and one need not be cynical to assume that somewhere in the midst of all that off-the-record discussion and debate, extensive lobbying was going on in behalf of the energy industry. I find it extraordinary that those requests for expressions of interest and exploratory licences were issued in the dying days of the previous Administration, not just here but in Stormont as well. That is not and cannot be a coincidence. There is a puppeteer

with a hand up a glove some place in all of this. I simply have not been able to identify what person, company or companies are lobbying the group and who is the puppeteer in this regard. I will park this issue now for the present.

Mr. Lynott has used the word “independent” at least four, if not five, times in his presentation. CDM Smith is a cheerleader for the fracking industry and no reasonable person will place any credit in any report for which it is leading the consortium engaged by the Environmental Protection Agency, EPA, in this regard. It is on the record as being cheerleaders for the fracking industry and neither I nor anyone else will place the slightest credibility in a report that comes out from a consortium led by CDM Smith. It was an extraordinary decision to engage CDM Smith and I do not care what it has signed as that is what it does. This is what its shareholders expect it to do, namely, to get fracking into Europe, the United States and Ireland. That is how it makes its money. It is not doing this for what it is getting from us or from Stormont, which it would regard as a pittance. Are these people acting in the interest of those who I represent in the north west of Ireland or are they acting in the interests of their shareholders? The answer is clear. What I consider to be extraordinary is that any Government agency would expect the likes of me and the people I represent to believe it could be independent as it cannot. I do not care how many Chinese walls are in place; Chinese walls are paper walls.

**Acting Chairman (Deputy Brendan Griffin):** As the Deputy has spoken for six minutes, he might put the questions please.

**Deputy Michael Colreavy:** The presentation went on for eight and a half minutes and I am at least entitled to as much time as the presentation.

**Acting Chairman (Deputy Brendan Griffin):** No, please put your questions.

**Deputy Michael Colreavy:** I am getting to the question. First, how can the EPA expect that reasonable people will treat the report that will emerge from this process eventually as independent when the project is being led by cheerleaders for the fracking industry? Please tell me more than they have signed an undertaking, because that does not answer the question. How can reasonable people be expected to believe this will be independent? Are not two people, who formerly were in the British Geological Survey, working with Tamboran Resources, which has one of the licences here? I realise this will entail additional work for the joint committee but I will be asking that the EPA comes back before it because although the report is dated 26 April, I only received eight days ago. It is just me and a man from County Kerry and I need to talk to many different groups that were involved in this matter to analyse what the joint committee has received thus far. For example, it does not state which consortium companies are doing which modules of the work.

Mr. Lynott spoke about the health impact assessment. Will that be a public health impact assessment and who will carry it out? There is no reference to the already-existing body of peer-reviewed medical information and I am informed there have been 400 different reports within the past 12 months of which 170, if not more, have been peer-reviewed. It is clear that a huge effort is being made by the fracking industry and by political supporters of that industry to get this introduced throughout the world. I have just received word in the course of this meeting that thankfully, the European Parliament has voted in favour of an amendment calling on member states not to authorise fracking until it can be proven to be safe for the environment and health. That is very welcome.

**Acting Chairman (Deputy Brendan Griffin):** We will put the questions Deputy.

**Deputy Michael Colreavy:** The first question I want answered is how does the EPA expect me or reasonable people to believe this will be an independent report, when the company leading on the research is a cheerleader for the fracking industry and the reason for its existence is to make sure that fracking takes place in Europe, the United States and wherever it can introduce it?

**Acting Chairman (Deputy Brendan Griffin):** Can we get a response to the questions and to any other questions asked?

**Mr. Dara Lynott:** To begin with, the EPA also is about the protection of the environment. Its sole role is the protection of the environment for the people of Ireland. We have been doing research for a long time and commission research where there are complex issues coming down the line that need more information to allow everyone to come to an informed view or decision on them. We were the first to come through, with a 2012 preliminary study, to try to carry out literature-based research on all the available data and studies that exist. Moreover, from that we developed a scope of work on which we subsequently went out for public consultation. We have a robust and independent system, which is the same system we have used for all €74 million worth of research we have commissioned since 2007. Since then, we are relying on 27 people from An Bord Pleanála, the Commission for Energy Regulation, the Departments of Communications, Energy and Natural Resources and the Environment, Community and Local Government, the Department of the Environment in Northern Ireland, the EPA, the Geological Survey of Ireland, the Health Service Executive and a number of universities.

We relied on those 27 experts to go through all six tenders - there was not just one tender, there were six - to identify who was most appropriately suited to carrying out this research. We relied on them to use their best judgment in an unbiased way. This is publicly-funded research, it is not research commissioned by private industry. The money for the project is being invested by the Environmental Protection Agency, the Department of Communications, Energy and Natural Resources and the Northern Ireland authorities. We must ensure that this research is peer reviewed and robust. We have a steering group comprising a number of independent, publicly-funded individuals who come together and use their best knowledge to determine whether this research stands up to scrutiny. Ultimately, the latter will have to be the case because it will not be published anywhere unless it is peer reviewed. I reiterate that no hydraulic fracturing will happen as part of this research. No exploratory licence will be granted until this research is completed. All regulatory processes will come into play if and when some private entity decides to become involved.

CDM Smith is one part of a large consortium which includes Philip Lee solicitors, Foster Wheeler, UCD and British Geological Survey. Its role is to co-ordinate this research. CDM Smith is a significant player in environmental consultancy worldwide, employs 5,000 people and it consults on every aspect of the environmental impacts of projects. We are satisfied that the process we have undergone was robust. The process of peer review and oversight by the steering group is also robust, designed to ensure that the research will stand up to scrutiny. We are of the view that it will provide answers in respect of the questions we have put forward.

**Deputy Michael Colreavy:** Is Mr. Lynott in a position to name a site - not to mention a country - where CDM Smith Ireland Limited recommended that fracking should not proceed?

**Mr. Dara Lynott:** I have no information to provide the committee on that.

**Deputy Michael Colreavy:** It would be instructive if that question were asked.

**Dr. Brian Donlon:** One of the members of the consortium is AMEC Foster Wheeler, which has advised the European Commission in respect of regulation in member states. It contributed to a report for the German federal ministry in 2012 in which it was recommended that hydraulic fracturing should not be banned but that its application should only be allowed with strict regulation in place and should be accompanied by intensive administrative and scientific supervision. Moratoria subsequently implemented were independent of the study in question and responsibilities of the individual states. One member of the consortium, therefore-----

**Deputy Michael Colreavy:** Dr. Donlon has put his finger on it. People are concerned that this work is being done in order that a checklist can be provided in respect of aspects that must be monitored and measures to be put in place to minimise any potential impact. However, they fear that what is being worked on is something that will indicate that provided certain actions are taken, fracking can safely proceed. If neither Dr. Donlon nor I can look at the companies involved in the consortium and say that there is not a single instance where one of them stated that in the case of a particular installation - again, not to mention a country - it would be wrong to allow hydraulic fracturing to proceed. When I refer to hydraulic fracturing, I mean UGEE. I have also become used to calling it fracking. There is not even one installation in respect of which any of these companies stated that the latter should not be allowed to go ahead. In global terms, this country is a small garden in the Atlantic. If we poison a bit of it, we will poison it all. It will not matter to those in the Chinese market who are buying infant formula from this country if the water in the north west is poisoned. All they will do is stop purchasing our milk products.

**Deputy Denis Naughten:** I thank the representatives from the EPA for coming before the committee. I have an interest in this matter. The main focus is on Leitrim and Fermanagh but the former shares a border with north Roscommon. If fracking is to take place, it probably will be expanded outwards because the geology of north Roscommon is very similar to that of Leitrim and the entire Lough Allen basin.

Hydraulic fracturing is very new technology and that is probably why there have been very few peer-reviewed scientific journal articles published in respect of it. I wish to ask a number of questions but before doing so, I wish to pursue a particular matter. Is it not the case that what we are doing with our counterparts in Northern Ireland in this particular field is unique? Am I correct in stating that it has not been done anywhere else in the world? The results of this research will be extremely significant because not only will it have implications in respect of fracking in Ireland, it will also have major implications for fracking throughout the world in the future. The latter is the case because research of this nature has not been carried out to date. In other words, there is not a body of research available which reflects that which is going to be produced here. Whatever the outcome of the research - and subject to it being properly peer reviewed - it will be extensively quoted, probably for generations, as the litmus test with regard to whether fracking should take place or the conditions under which it should take place, not just in Ireland or Europe but across the globe.

A number of questions arise. I recall attending a presentation in Dawson Street at which some of the key researchers in this area were brought together. The major issue which arose at that event related to well integrity, which, based on the research that has been carried out to date - limited though it may be - is the single biggest threat in respect of fracking. As a result of the fact that this is a new technology and because the wells involved are relatively new, how does the EPA analyse the long-term implications of well integrity? Does it consider the example of the storage of radioactive material in the UK in this regard? Such material was stored to a

certain standard a number of years ago but now the UK has been left quite literally with a time bomb. How does one go about trying to make these particular storage facilities secure? How does one design a project to examine the issue of well integrity, not just for the present but for 100 or 150 years from now? Perhaps our guests will provide answers to these questions.

Mr. Lynott referred to exposure to chemicals. To date, the emphasis has been on the chemicals that are included in fracking fluid in order to try to release methane gas. The advocates of fracking and those companies which are considering becoming involved in using the process in our part of the country inform us that they will not use these chemicals. Is the EPA examining the feasibility of being able to carry out fracking without the use of such chemicals? Surely if these chemicals are not required in order for the fracking process to be carried out, then the US Environmental Protection Agency would not have licensed their use in the first instance. I am more concerned about the material that could actually be released from the ground as a result of the process, even if only water and sand are pumped in. There are some toxic chemicals in the ground. I am sure Leitrim and Roscommon are no different from anywhere else and that there will be arsenic, lead and other toxic chemicals in the ground which will be released as a result of the fracking process. Does the research being carried out contemplate the impact of those chemicals that can be released from the soil as a result of fracking?

The third issue I wish to raise relates to some of the very dispersed housing that is found in rural areas. Many environmentalists in this country have been critical of this. This means that the implications of fracking in Ireland are different from those in continental Europe or in the US, where most people live in clusters in towns and villages. The number of people who would be affected by fracking in rural parts of continental Europe and the US is very limited. There are far more people involved here, even though we are talking about rural, isolated areas. There is a much higher population density here than in many parts of Europe where fracking takes place. Is that issue being taken into consideration? In regard to the design and structure of our housing - Deputy Michael Colreavy will understand this - many stone buildings are still inhabited today, which is not the case in many parts of the US, where there is mainly timber frame housing, or in many parts of Europe. Even very small vibrations could have a long-term structural impact on property. Is that being taken into account?

Deputy Colreavy mentioned the company Foster Wheeler. That company constructed the two peat-fired power stations at Shannonbridge and Lanesborough. As we are aware, it made a miscalculation of the acidity in the peat, which led to both of those plants having to be shut down and completely refitted. Seasonal staff in Bord na Móna lost out on employment for a whole season because of this retrofitting which had to take place. Some of the best consultants, even though they are advising the European Union, sometimes get it wrong also.

**Mr. Dara Lynott:** I thank Deputy Naughten. In answer to a number of his questions, I would say this is unique. It is unique in that we are using a proportional approach. Other countries rushed to exploratory licensing rather than standing back and doing the research on it. Ireland and the EPA have decided to do this research. Subsequently, Departments have decided to take their decisions regarding licensing. A number of countries have started and stopped and are now doing the research with a view to determining whether this is a good or a bad thing. The second unique feature of this research is that looking at research in the US is not applicable in many cases to Ireland. The geology of Clare, Leitrim and Fermanagh is quite unique and very complex in terms of hydrology and geology. For that reason the EPA was very much focusing on trying to get as much information as possible to capture the complexity of the geology and hydrology. Part of that is also about seismicity - the potential for earthquakes. In addition,

there is the radiological nature of some of the groundwaters that are very deep underground, which have much longer exposure to rock containing radionuclides. All of that is part of this study. I cannot answer the Deputy as I do not know. Like the Deputy, I will be waiting for the study to tell me what the issues are. Well construction is definitely part of this research. Also, what I call decommissioning, or long-life decommissioning, is part of this research. A broad swathe of research is trying to accurately map the complexity of the system. It is also looking at construction standards and impacts. Our own initial study in 2012 said that well integrity was a key point. If the well is not constructed correctly, that provides a pathway from the surface or from the mid-layers to the lower layers or from the lower layers to the mid-layers. That is a key issue, and the research will have to look into it.

With regard to housing dispersion, another unique aspect in Leitrim is the housing patterns compared to very uninhabited areas of the US where fracking is taking place. A huge part of the study will have to look, particularly in terms of seismicity, at how houses are dispersed and where they are dispersed. I agree with the Deputy that this raises the bar in terms of environmental impact. That too will have to be answered by this research. I agree with the Deputy. The research is unique to Ireland because of the geological pattern that stretches from Clare through Roscommon and Leitrim to Northern Ireland and also reaches into Scotland. Dr. Brian Donlon will confirm whether I am correct, but I think Scotland recently stopped any fracking activity until it starts its research into this area, because it realises also the complexity of the geology and the hydrology.

I reiterate that there will be no hydraulic fracturing taking place as part of this research. It is about understanding what is under the ground in Leitrim. That will be there for generations and for the whole of the country as a resource for the country. Data will be collected whether hydraulic fracturing happens or not. Those groundwaters and that geological information will become part of the national canon of environmental information that is available to everyone, pro- and anti-fracking, to use as they wish.

**Dr. Brian Donlon:** With regard to the Deputy's question about chemical free fracking products, task 6 of project B explicitly asked the consultants to look at this and what is going on worldwide. There are reports that members may have seen in which people say they can do it chemical-free. This is part one of the tasks they have to do. Another task is on the flowback fluid and looking at treatment and disposal methods and best practice; that is task 7 of project B. Therefore, the two points raised about chemicals and flowback will be addressed in the project.

**Deputy Michael Moynihan:** I will be brief. My colleagues have a personal and in-depth knowledge of issues, particularly in Leitrim. This is a fundamental report and study. Every single aspect has to be adjudicated on. It cannot be possible for anybody to find that a part is missing in terms of underground water, health or whatever is the issue. There is genuine concern that those who have an input into the report may have a biased view. That view must be dispelled in whatever way is possible. The report, which will be in place for generations, must be one million per cent trusted, without question from any sector, because the concerns that people from Leitrim and elsewhere have expressed to me must be addressed. Every aspect has to be taken into account because this is a fundamental report.

**Acting Chairman (Deputy Brendan Griffin):** Does Mr. Lynott wish to make a brief comment?

**Mr. Dara Lynott:** That is our aim also.

**Deputy Denis Naughten:** Following on from the issue raised by Deputy Michael Moynihan, speaking not with my political hat on but as a former scientist, the EPA, Queen's University, the British Geological Survey, UCD and the University of Ulster are all putting their names on the line. If they cannot stand over the research that is produced or if somebody knocks a hole in the research after it is published, their names are tarnished. I have absolutely no doubt that they will not put their name to any report that they cannot stand over or that is not fully peer-reviewed. This is a unique study. It will be reviewed by every government and every exploration company in the world, and every advocacy organisation will examine it. If there are errors, mistakes or discrepancies, they will be pointed out very quickly and exposed. It is in the interests of the EPA and all the other bodies involved to ensure the issues are comprehensively addressed and that no questions are left unanswered. It is fundamentally important that no questions are left unanswered before either this Government or the authorities in Northern Ireland consider even exploratory fracking, not to mention fracking on a commercial basis.

**Deputy Michael Colreavy:** My question is mainly about scope. I believe I know the answer to it, but I take it that the scope does not include the EPA considering factors such as the impact on house values, the cost to local authorities of road repairs and replacement and socioeconomic considerations. Is it intended that these factors will be included in the scope of the project?

**Dr. Brian Donlon:** The information is similar. In projects B and C we will be considering what people would be expected to include in an environmental impact statement. It is not necessarily about looking at house values and such issues; that would not really be within the scope.

**Deputy Michael Colreavy:** What about the cost to the local authority, which would have to have roads of a certain dimension in order to accommodate heavy lorries carrying water? Is that part of it?

**Mr. Dara Lynott:** It is not part of it. An environmental impact statement would suggest road traffic be considered, in addition to vibrations and noise. From a traffic-calming perspective, the size of roads would have to be examined in an environmental impact assessment. The cost and who pays would be considered only in the event that a licence was imminent or as part of planning permission as part of a local authority development levy on a developer that would come into an area.

**Deputy Michael Colreavy:** It is not part of this study.

**Mr. Dara Lynott:** The issue of money would not be part of it.

**Deputy Michael Colreavy:** Have the delegates considered how the fracking industry has misused the US Environmental Protection Agency and potentially even discredited it recently by putting forward a distorted view of that agency's information? Is there a risk to the reputation of the EPA in Ireland?

**Mr. Dara Lynott:** No. We have been conducting research for a long time. We have conducted research which has been valued at €75 million and dates back as far as 2007. We have a tried, tested and robust method of carrying out research. We carry it out by using the right people who help us to decide who should conduct the research and the right people to review the research outputs. Ultimately, as Deputy Denis Naughten indicated, the research has to stand on its own merits in the international community and that makes many people stand to attention.

I do not believe we are ahead of the game. Unlike the US Environmental Protection Agency, in 2012 we commissioned an initial small-scale study. We were the ones who proposed this research study to begin with, knowing what was coming down the line. It is our view that we will have the information in advance of any licence being issued. This has been indicated by the Ministers in the North and the South. That is a much stronger position for an environmental protection authority to be in.

**Deputy Michael Colreavy:** The progress report is dated 22 April. Addressing my query may not be within the delegates' jurisdiction. I only received the progress report on 28 May, a month and six days after it had been issued. The committee received a status report which was a page and a bit long. I became quite angry when I received it. Was the progress report prepared and sent at the same time as that status report of a page and a bit?

**Mr. Dara Lynott:** Let me clarify the matter. I tried to do so in our statement. The EPA has issued no report on this project. I said in my statement that no report had been issued by the EPA on this research programme.

**Deputy Michael Colreavy:** I am confused. The document I have reads "Progress Report".

**Mr. Dara Lynott:** Yes. We were asked by the other funding partners to present a short report on the status of the research. On request, in January we gave a one-page report to the Department of Communications, Energy and Natural Resources. We were again asked by the Department, I believe on foot of an appearance before this committee, whether we could provide the other funding partner with a status report. There is a little confusion about it being called an "interim report". It is not an interim report but a status report on the current position and whether we are nearly finished. It is not intended to be a full-blown interim research report. There has been some confusion in that regard.

**Deputy Michael Colreavy:** There may well have been; I accept that. Regardless of whether it is called a status report, it is useful. Given that I received it on 28 May and would like to run it by various organisations, would the delegates be open to meeting me to discuss my detailed points on it when I have them put together?

**Mr. Dara Lynott:** Again, the EPA is not conducting the research. It is steered by a steering committee involving a number of organisations on behalf of the EPA. As I stated, it is not the EPA that is directing the research; we are one of many involved. If there are particular questions, they should be put to the steering committee in order that it can then assess whether there is any particular information it can provide for the Deputy in that regard.

**Deputy Michael Colreavy:** As an aid to that flow of information, would the delegates be in a position to advise me on the various modules on which each company is working?

**Mr. Dara Lynott:** We can come back to the Deputy on that matter.

**Deputy Michael Colreavy:** I would like to know which body is responsible for each module.

**Mr. Dara Lynott:** That looks possible.

**Acting Chairman (Deputy Brendan Griffin):** On behalf of the committee, I thank Mr. Lynott and Dr. Donlon for attending and outlining the EPA's role and the background to the research project. The committee will reconvene at 2.30 p.m. in tandem with the Joint Committee

JOINT SITTING WITH THE JOINT COMMITTEE ON JUSTICE, DEFENCE AND EQUALITY  
on Justice, Defence and Equality.

*Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.*

### **Joint Sitting with the Joint Committee on Justice, Defence and Equality**

#### **Pro-Social Drivers Programme: Pro-Social Ireland**

**Co-Chairman (Deputy John O'Mahony):** Turning to the usual housekeeping, let us ensure that all mobile telephones are switched off. I am Deputy John O'Mahony, Chairman of the Joint Committee on Transport and Communications. My colleague, Deputy David Stanton, chairs the Joint Committee on Justice, Defence and Equality. The purpose of this afternoon's continued meeting is to engage with the Donegal-based driver rehabilitation programme that is run by Pro-Social Ireland. We are sitting jointly in accordance with Dáil Standing Order 84 and Seanad Standing Order 72. This is a rare occasion and is the first joint sitting in which I have been involved. We are making history for the transport committee, although I am unsure as to the justice committee.

**Co-Chairman (Deputy David Stanton):** From the justice committee, I apologise on behalf of Deputy Anne Ferris and Senator Bacik, who cannot attend. Others may drop in, but the Dáil is in session and some members are there.

On behalf of members of the Joint Committee on Justice, Defence and Equality, I am happy that this joint sitting is occurring. This is our second joint sitting during this Dáil. The first was this morning. It is especially strange to have two on one day, but there we go.

We look forward to listening to what the witnesses have to say and engaging with them on the issues that they bring to our attention. As the Co-Chairman stated, the purpose of this meeting is to discuss with the witnesses their driver rehabilitation programme, which we are interested in from a justice point of view. We have done a great deal of work on rehabilitation, penal reform and so on, as the witnesses may be aware. All parties and none on the justice committee are agreed that any alternative to criminal sanction should be explored and used to the maximum. This was the thrust of a report on penal reform that we issued a while ago. We also considered community courts and other such initiatives with a view to keeping people out of the criminal justice system, including prison. Any initiative like the one being discussed today is most welcome. We look forward to what the witnesses have to say, particularly about the impact on recidivism and how effective their approach has been.

**Co-Chairman (Deputy John O'Mahony):** On behalf of both committees, I welcome Mr. Gary Doggett, Mr. Mick Quinlivan, Mr. Paul McCusker and Mr. Martin McFadden of Pro-Social Ireland. I draw their attention to the fact that, by virtue of section 17(2)(l) of the Defamation Act 2009, they are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by it to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity

by name or in such a way as to make him, her or it identifiable. Any document or opening statement that they have submitted to the committee will be published on the committee's website after the meeting.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable.

I invite Mr. Doggett to make his opening statement.

**Mr. Gary Doggett:** Good afternoon. I thank members for inviting us to this meeting to discuss our project. My name is Gary Doggett and I am the co-ordinator of the Pro-Social drivers programme. With me today is our chairman, Mr. Mick Quinlivan, a retired garda with 31 years of experience who is currently working in the community and voluntary sector, specifically mental health, disability and youth. Our treasurer, Mr. Paul McCusker, is a lecturer in business studies and community development. He is also the treasurer of the Donegal Youth Service and Youth Work Ireland at national level. Our lead facilitator is Mr. Martin McFadden, who is sitting at the end. He is an integrative counsellor and a founder of the Friends of Bill W Club in Donegal, which is a support centre for the recovery community. He is highly regarded within mental health and addiction services and works on a daily basis with challenging clients who present with behavioural issues. He is also a trained facilitator and trainer. My field is adult education. I have an honours BA in community development and have written a thesis on strategies to reduce reoffending.

The aim of the Pro-Social drivers programme is to reduce the number of deaths on our roads. We also want to reduce road traffic reoffending and to avoid an escalation of offences that lead to criminal records. The year 2012 saw the first year-on-year increase in fatalities on our roads since 2005. These numbers represent human lives and devastation to families. From the justice perspective, there were more than 24,000 convictions for road traffic offences in 2012. These are members of our community. We are trying to reduce the number of perpetrators and victims of road traffic offences.

Donegal has a recent and tragic history in terms of road safety. It was against this backdrop that, in 2012, our organisation was approached by representatives of the criminal justice system in Letterkenny with a view to putting together a driver rehabilitation programme to try to reduce the high incidence of anti-social driving behaviour in the county. All of the research that we have seen to date as well as our personal experiences have shown that it is generally personal factors rather than technical skill that are the main cause of risky or careless driving behaviour. With this in mind, we put together a course that took into consideration four factors that we believed would be the most conducive to safe driving. These are emotional control, social responsibility, driving under the influence and the consequences of anti-social driving behaviour.

Our clients are generally referred to us by judges, the Probation Service or solicitors. This is a key strength of the programme in that it is an indication of the integrity of the work we are doing and of the trust placed in us by professionals in this area.

We meet our clients on a one-to-one basis to discuss what they need to do to complete the programme. They then attend three-hour modules delivered over a four-week period. After the initial induction is a module on emotional control which addresses the way that we respond to certain situations while behind the wheel. The next module is on social responsibility which looks at the responsibility we all have as members of our communities. This is followed by a

module on driving under the influence. This module is very important as we find that many of the younger people with whom we deal have poor skills in peer refusal. We try to give people the skills whereby they can learn to say “No” to their friends and encourage their friends to drive in a safer manner. The last module is on the consequences of anti-social driving behaviour. Since the outset, our thoughts have been mainly with road traffic victims. With this in mind, we have always wanted to create a space in which victims can voice their own pain and explain what they have been through. Generally, we invite someone who has lost a loved one, someone who has been in a bad collision or a representative of the emergency services to give a talk on the last module.

To date, we have run 12 courses which have been successfully completed by 110 people. So far, we are informed that only one person has reappeared before the courts. It is our understanding that probation-led reports have shown that the recidivism rate for road traffic offences is in the region of 28% within two years. The majority of those offences occur within the first year. International research has shown that driver rehabilitation programmes can reduce reoffending by up to 50%. I will now pass the joint committee to our treasurer, Mr. Paul McCusker, who will set out our strategy for moving forward.

**Mr. Paul McCusker:** We have been an organisation for approximately three years and are looking to harness the success of the programme to date. We are looking to mainstream it. The key strengths of the programme are as follows. We have a relationship with the Judiciary and statutory bodies, including the Garda and ambulance service, which is very positive. We are seeking to offer them two things; in particular the Judiciary. Those are certainty and consistency. It is not enough for a judge to think a course is going to run, he or she must know it will. Currently, we run courses on demand and have run three so far this year on a voluntary basis. We would like to offer certainty. We would also like to roll the programme out on the basis of certainty. Second, as a community group, our board is voluntary. We have councillors and representatives from the business community. We are very sensitive to the needs of all members of the community. That is one of our key things. Within the group itself, it is very much person-led and person-centred and that requires resources. It will require investment. Our hope from today is that the joint committee will make positive representations to the Department to enable us to grow the programme. This morning, we have had a huge amount of interest from other counties about coming down to develop programmes. We have been asked to come down and talk to people. There is a need for a programme such as this. We do not see ourselves in competition with other activities but as a complement to them by bringing a different perspective to bear. On a more international stage, we have been approached from other countries including the Czech Republic, Estonia and Austria.

There is a great deal of learning going on in this area. By no means does anyone know all the answers. We can look at them together, however. In terms of the ongoing challenges, texting is becoming more and more of an issue. We will need strategies to address that. The RSA has some phenomenal advertisements which are scary on the distance a car can travel in 15 seconds while a person is texting. These are issues in respect of which we will have to adapt our programme. We are also getting invitations from groups outside the road traffic area to see if we can adapt our programme for their needs. We would like to invest time in doing that. The approach we have applied to road safety can also be applied to other areas, including public order offences and within schools to address cyberbullies. Those who are doing the cyberbullying need to be dealt with as well as the victims. We see those areas as ones we would like to explore in partnership with other groups. We have always adopted a partnership-based approach to developing this model. Mr. Doggett and Mr. McFadden in particular have worked very closely

with other organisations. We are members of the road safety working group in Donegal and liaise with anybody who is in this area. We need and would like to get the resources and space to do that.

The programme has been very successful and the window of opportunity is there right now and should be taken advantage of. We have a loose plan to develop this. Phase 1 involves a pilot programme in seven counties. This is the proposal we put to the Minister, Deputy Paschal Donohoe, when we met him in Donegal two months ago. It is a geographic but also a rural thing. The seven counties are around Donegal as that is where we are based, but it would be moved down then and eventually come to Dublin in 2020. It will take five years to plan and come into an area with a working programme. Over the past five years, we have developed a way of working that is very much based on dialogue with the major stakeholders in the community. We liaise with the judges and gardaí and we do not prescribe. Everybody is involved and anybody who wants a say has one. Mr. McFadden will talk about how the programme runs, but it is very much a partnership-based approach. We have no statutory powers and we do not want any. It is in essence a group of people getting together in a room to discuss something which is of huge importance to everybody. We would like to take it from there. Outside of the numbers, the success of the programme is that all of those who have done the courses continue to speak very positively about what they learned quite a while later. That cannot be quantified.

**Mr. Martin McFadden:** I thank the joint committee for having us down from Donegal today. It is lovely to get the opportunity to present to everybody. I will try not to duplicate anything my colleagues have said. My aim is to give a flavour of the content and delivery of the programme and what makes us different.

This is the first programme of its kind in the country, as I am sure the joint committee is aware. It is very much a cognitive behavioural approach. My own orientation as a counsellor is interpretative and I draw on different skills and tools to work with particularly difficult or resistant clients who present. The participants who come to us usually come through a solicitor or are referred by a judge. As such, they come with a certain amount of resistance and do not really want to be there at the start. We must, therefore, work with them. It is very important that we meet them individually first and find out a little about who they are, what they are coming with and what are their needs. Building that rapport and trust is very important. It is possibly the first time they have sat down with someone and had that kind of conversation. When we get to the delivery of the programme, week one is around emotional control and basic communication, which is very important. Driving is a highly complex social activity that has a language all of its own. A lot of the time when one talks to these kids, they are not aware of what they are doing and why. That is part and parcel of why we have been successful. We have dug underneath and gone to a different level to find out exactly why they are behaving the way they are; much of the time, they have not realised why themselves. As such, it is a classic cognitive behavioural approach. If we can change the thinking, we change the behaviour. That is very important.

We give value to the course when we start off. We always contract with the group to give value, safety and confidentiality to its members so they feel they can express themselves within that forum. That is very important as it is something they may not be used to. The programme is client and person-centred. It is a collaborative, shared learning experience. Mr. Doggett will agree with me that we have also learned much from the participants coming through the programme. It is about maintaining balance also. We are working on a very serious issue. Road safety is highly sensitive, and we are very conscious of that, but it is also about getting the participants to engage and, to date, that has been superb. It is also about raising awareness and

getting people to understand that they have a social responsibility in that there are other road users. It often goes deeper than just road safety. It goes across the board in terms of their own work or family environment.

We try to change that automatic thinking to more skilled thinking, and we have drawn from a number of people across Europe who have lent some of their programme to us. There is one from Canada, for example, which involved one of the men coming here to train with us for a week on reasoning and rehabilitation, based on a 30-year, evidence-based programme that works with young offenders and so on. We have drawn from many places and pieced all that together quite well.

In terms of the delivery, it is not a lecture as such, but we have group discussion, Power-Point, some role play and case studies, so it is quite good.

On the aims, we try to get participants to think about self-control. Impulsiveness is a major aspect, particularly with young people, and it is what gets them in trouble in the first place. We try to temper that slightly or at least get them to become aware of it. It is about getting them to stop and think. It is about trying to get them to think about their thinking, to use more critical reasoning and to consider objectives and different decision making styles. This is all heavy stuff for young people, but all I can say is that my experience to date is that it works when it is done in a simple form.

Social and societal skills are very important. Some people can come in who might not necessarily have a set of skills. We have found that peer influence has been a huge issue also. We identified that early on and brought in part of the final module where we do some work on peer reviews and skills. It is about how one can say "No" and not lose face. That is very important for young people. We dig into the moral values and core beliefs as well, which is also very important. It is about raising awareness and getting that emotional management.

On the last day we bring in first responders from the ambulance service and someone who has been involved in a serious collision. We do a talk and then review what we have done over the previous month. What I have found, and this goes back to what I said at the outset, is that these guys come in every morning and they are quite resistant and closed, but as the programme wears on, they become open, involved and engaged, and they go off and tell their friends. It is by no means a get-out-of-jail card. They work for the certificate they get, and it is beholden on us to hold up the integrity of the programme to maintain that. To bring it forward, we ask the committee members to endorse the programme for us.

**Co-Chairman (Deputy John O'Mahony):** I will hand over to members and to my colleague, Deputy David Stanton, in a moment. I thank the witnesses for the presentation. It is intriguing and a solution to an issue. Reducing fatalities and improving behaviour were the two main points. I want to ask some questions, following which I will open to floor to members, who I ask to stick to asking questions as much as possible, and I will try to lead by example. On the figures, reference was made to the fact that there was only one re-offender. Is that a definite figure? Did it come from the Garda?

**Mr. Gary Doggett:** That comes from a recent article in the Irish Independent. The reporter spoke to Judge Kelly and I believe it was he who-----

**Co-Chairman (Deputy John O'Mahony):** I am wondering if it is an exact figure or anecdotal. Also, reference was made to the aim of rolling out the programme across the country.

What cost are we talking about? I will put all my questions together. On the workings of the programme, is this a case in which a young person or whoever is in court and the judge recommends that they do this course? Might they do this course if they are in prison as a result of a road offence, or is it for people who do not have to serve a sentence?

**Mr. Paul McCusker:** Over the two years of phase 1 we estimate the cost to be €200,000 for the seven counties. We do not know the exact figures but we would aim to have between 600 and 800 participants through courses in that time.

In terms of the way we work it, when we go into an area, we liaise with the judges and then work with the solicitors. We then work with the Garda in terms of familiarising members with what we are aiming to do and get their buy-in. We then talk to community groups, which is done mainly by Mr. Doggett, and then the course rolls out with referrals from the court system. Mr. McFadden and Mr. Doggett work on that together. We have worked on this in Donegal for the past three years. That is the roll-out. We go into jurisdictional areas and work with the judges to get referrals, and then roll out the course.

**Co-Chairman (Deputy John O'Mahony):** It is €200,000 for the whole lot?

**Mr. Paul McCusker:** For the whole lot.

**Mr. Gary Doggett:** For the two years.

With regard to how the programme works, it is interesting that we recently had much more buy-in from the Probation Service. We have a serving member of the Probation Service on our board. She sat the course and was so impressed that she decided to join the board.

The programme started out mainly with referrals from Judge Kelly. The referrals would come on a person's first hearing. They then have to go back to the courts after they have completed the course. Early on we were very aware of the problem that some people may respond better than others while others might not respond well at all. We wanted to differentiate between people who worked hard for the course and those who were just in attendance because they had to do it. In consultation with the Trasna programme in Dublin, Mr. Paul Mooney kindly allowed us use its evaluation system. We use some of the categories they use, so we evaluate clients on their punctuality as a social skill. That is the number one requirement, because if they cannot turn up early or on time for the course, it is not a good sign. We also look at participation, because it is a peer learning environment, and we believe it is very important that everybody gets involved in the conversation. We understand that the group work theory and practice in the first course is very awkward for everybody, and we do not expect anybody to get involved the first time around, but we tease it out a little and give everybody an opportunity. These things are explained to everybody in that one-to-one meeting. We show them the marking sheet on which they are marked on their punctuality, their participation, their demeanour - it is clearly explained to them that they must come in with a positive attitude and not sit there texting or using their phones - and teamwork. Those are the four areas on which they are marked from 1 to 5. They are marked 1 if they arrive very late and 5 if they are camped outside the night before waiting for us to arrive. We do not expect that, but we want people to be aware that there is a system in place. We find this a great motivational tool as well because it helps us to keep things in order. We are very aware of the victims who have suffered loss through the actions of some of our clients. We do not want people to feel it is a get-out-of-jail-free card, a term we heard previously. We want the wider community to be reassured that anybody doing our programme must earn their certificate. The other rules we have are all clearly explained at the

outset. At the start, referrals mainly came from the judge. When people appeared in court for the first time, it was suggested that they do the programme. We would then evaluate the client and the results would be sent on to the judge and possibly to the solicitors, if requested. After that, the person would go to court. That is outside our remit. Our remit is to deliver a course and whatever happens on the basis of our evaluations has nothing to do with us. We have found recently that we are getting more and more referrals from solicitors, which was surprising. We gave a presentation to the Bar Association a year or two ago and we have had massive buy-in from solicitors, which has been great. Much more recently, we have found that we are getting more and more clients coming to us who are looking to get their licence back. This has been brilliant, because with the initial shock of losing one's licence, a person might be inclined not to behave in that way again, but two or three years down the line attitudes may have softened somewhat. It is a good time to get people to change their attitudes before they get behind the wheel of a car again.

We have never seen ourselves as a replacement for the current system. We consider ourselves to be a complementary asset. However, we understand the difficulties with the punitive system. If a person in Donegal is getting a ban for the same offence as someone in Dublin, it is a very different sentence, as there are no transport links in Donegal. That is what we are talking about as an escalation of offences. People may get behind the wheel again of necessity, although we do not condone that behaviour in any way.

**Deputy Pádraig Mac Lochlainn:** I thank the two Chairmen for facilitating a rare and very welcome joint meeting of committees. I will make a very brief commentary, because Deputy Pringle and I are Deputies for Donegal and all the public representatives in the county have huge admiration for the work of Pro-Social Drivers. I am from the Inishowen peninsula. As mayor of my home town of Buncrana, I had to comment on a road tragedy on television. I remember going through the figures on deaths. I came forward with a horrendous statistic: 25 young people under the age of 25 had been killed on the roads of Inishowen over 18 months. We went through a terrible period, so for us to come from that tragic history to having a story like this is remarkable. The Chairman was right to ask the question about re-offenders, because having just one is an incredible achievement.

I am mindful that the two Chairmen are representatives of rural communities, and Deputy Fleming, who has joined us, is also from a rural community. In rural communities, public transport is very patchy, so young people grow up with a culture of cars and having to drive. The objective of Pro-Social Drivers, practically speaking, because it is based in Donegal, is to engage with a number of rural counties and with working groups there. I would like to see this mainstreamed. I am a big admirer of what the witnesses are doing. Could they talk through taking an approach with all rural communities similar to Donegal first and then working their way down, hopefully, if we can get support from the Minister or whatever Department? Could they tell us how that would move forward?

**Co-Chairman (Deputy John O'Mahony):** Perhaps we will hear Deputy Pringle first.

**Deputy Thomas Pringle:** I thank the joint Chairs for facilitating me. I am not a member of either committee, but it is important for me to come here today to support Pro-Social Drivers because it is a very important programme. I had the pleasure at the end of one course of presenting certificates to participants in Letterkenny. It is clear from the presentation today that it is a very valuable programme. There are 24,000 convictions annually for road traffic offences, some of which are custodial sentences, and if we can help reduce those convictions, as well as re-offending, which is key, there is a substantial saving to be made. While the proposal for

€200,000 to roll the programme out in seven counties over two years might seem like a lot of money, there will be a saving to the State, which is vital. Does Mr. Doggett or Mr. McFadden see their role, if this were rolled out nationally, as training people to deliver the course on a national basis? While there is an argument regarding rural counties in terms of difficulties around transport, I also see an important role for the programme in urban areas. The Chairman also asked whether it would be possible to deliver this within the prison system. The witnesses might address this, as it would be very important in terms of recidivism.

**Mr. Martin McFadden:** I will take that question. I thank both Donegal Deputies, who have been very supportive of our programme, as have all Deputies across the county and across the board, which is fantastic. Our aim is to bring the programme around the country, and that we would be in a position to train the trainers. We are very mindful of our present location. It is local and quite insular and there would be challenges for us in bringing the programme to different parts of the country. There would be different localities, situations and environments, and we are very conscious of that. That is what Mr. McCusker would also have said. In our strategy for the next five years, we have taken all that into account. Certainly, to expand the programme, we would be looking to place facilitators in different parts of the country to work within their own areas.

**Mr. Paul McCusker:** All members of the Pro-Social Drivers committee are also fairly senior members of other community organisations, and we have fairly significant networks in the youth sector, which would love this. The youth sector has tried restorative practice quite successfully. Our experience to date is that judges, gardaí and first responders are fully supportive in whatever capacity and would roll in behind us. This morning alone, Mr. Doggett's phone has been buzzing, as he is our media guru. People in the community will buy into it. They want to see every strategy used and every possible opportunity taken to stop the carnage. In the case that Deputy Mac Lochlainn mentioned, one of the five young people killed coming from a nightclub was buried in her graduation outfit. She had spent four years getting a degree and she was buried. All road accidents are so tragic and senseless and we must do anything we can to stop them, bar locking people up. Our aim is to stop them and to get young people and drivers to pause and reflect and give them a chance. It is making a difference and we hope that we will go up a level and it will make a wider difference.

**Mr. Gary Doggett:** I might answer the question on the prison system. It is quite interesting. We have explored that area ourselves. In putting this course together, we are very conscious of following best practice. We do not want to go out on our own and be mavericks; we want to see what is going on in other countries. We have spoken with the Kuratorium für Verkehrssicherheit, the road safety board in Austria, which has been running driver rehabilitation programmes since 1978. I believe they have become mandatory since 1995. The Czech Republic sent us a programme it uses within its prison system and we have had informal discussions about it. We have spoken to a person with whom we have good connections and that person has spoken with prison officers about the possibility of doing something similar.

**Deputy Tom Fleming:** I welcome this initiative. I only have a synopsis, but who would be regarded as high-risk drivers? Are they people who have been in custody for offences? Should we rate the entire general public? Some people, myself included, would probably benefit from brushing up their knowledge of the rules of the road. If I had to face a driving test now I would probably not pass it under modern standards.

**Mr. Gary Doggett:** That is a very interesting question and it is something about which we have thought in great depth. Because of the size of the county we have a generic course but

there is space for lesser offences such as where somebody has transgressed the speed limit by a small amount. What we are doing is not particularly conducive to safe driving in the context of such matters. We are most productive in the areas of dangerous driving and careless driving. There is also driving under the influence of drugs or texting or using the telephone while driving, though it is hard to believe people would even consider doing something like that. It is fantastic how Ireland has changed over the years, even in areas such as smoking. We have changed our whole attitude around these matters and we have changed the way the public thinks about them. The same happened with seat belts, though that took a while. We need to educate our clients and the fact that they have come before the courts in the first place is an indication that there is a problem.

**Mr. Mick Quinlivan:** I have 31 years' experience on the front line dealing with traffic, traffic accidents and road traffic offences. When one goes to the scene of an accident one's first concern is for people who are injured and we try to look after them. The culprit, the perpetrator, the person who is in the wrong in the accident, however, could be your brother, my brother or anybody's brother here. It could be somebody who has worked a double shift and fallen asleep on the way home. There are so many tragic stories. These people are not necessarily criminals. They are very unfortunate and should not really be treated as criminals. There are serial offenders who have to be dealt with, however, and I would not want to give any of them a get-out-of-jail-free card because I know what the consequences of this type of driving are, having seen it at first hand. We have to have a level-headed approach to this. It is not about revenge but about making everybody safer and better at driving.

**Mr. Martin McFadden:** The programme is very adaptable and would work as a preventative measure or to brush up people's skills. At the moment the course is taken as a consequence of the participants' behaviour, so it is based on experiential learning. They have touched the wet paint, so it is real to them, whereas if one delivers a programme to a pupil in transition year they think it is never going to happen to them. The programme is good because we have people's engagement. They have to be there, but when they buy into it, as they have done, it is always a bonus.

**Deputy Tom Fleming:** It is great to see that the delegates are bringing a sense of awareness to the issue and hopefully the roll-out will be done in a timely fashion. Have they thought about speed restrictors? Younger drivers are often prone to speeding and maybe speed restrictors would be desirable. They might also be desirable to insurance companies and it would be one way of getting cheaper insurance.

**Mr. Mick Quinlivan:** There is a legislative issue.

**Mr. Paul McCusker:** Attitude is also important. Technology only works if the person using the technology has the will to use it. Speed restrictors can work but the attitude of the driver and his or her demeanour while inside the car are what we work at. We do not have a driving programme and we do not teach technical driving skills as they are all very good drivers already. We focus on their behaviour from the word "Go."

**Deputy Tom Fleming:** Local authorities need to get involved with this, as they have the infrastructure. There should also be more emphasis from the Department of Transport, Tourism and Sport on getting rid of black spots. There is a need for soft landing ramps in certain places, and some counties have more than others. There is a particular need for them near schools and in built-up areas.

**Deputy Michael Fitzmaurice:** Do the witnesses talk to councils about the roads programme and alleviating problems in high-risk areas? Youngsters drive fast, but one can put a speed restrictor into a car as easily as into a lorry and it would restrict them whether they liked it or not. I have been an advocate of this but I do not know if the delegates have done anything about it. Is there an incentive for youngsters who do a course in terms of their insurance? Youngsters are being crucified with insurance and are a target for insurance companies. The prices they are being charged give them an incentive not to have insurance, and we have to something for them, as they just do not have €3,000 or €4,000. Some insurance companies provide a certificate for youngsters who have completed a certain amount of driving, which qualifies them for lower insurance costs.

A lot of good drivers are actually off the road in this country for one simple reason. They are elderly and never had a licence from the days when they did not need a licence, something which was the reality in rural parts of Ireland. They drive a truck, car or tractor better than a person with all the licences in the world but because they were nabbed on the road for not having a licence they were put off the road, even though they had been driving for 30 years. They cannot get a licence now because many of them did not have the luxury of going to school and they are afraid to go into a van to do the test. We are pushing people outside the law who are perfectly fit to drive. Do the witnesses agree?

**Mr. Gary Doggett:** We were asked about our input relating to roads. We are members of the Donegal road safety working group and that is the only input we have. We can offer our opinion on such matters, along with the rest of the committee. Speed restrictors are not necessarily our area, as we do not only deal with speeding offences. We deal with myriad offences not necessarily related to speed. The point about insurance companies was interesting. We have worked on this for three years now and we have explored many different options to continue our work, but it is a struggle to get the supports we need. We have been working for three years now. It is a struggle to get the supports we need. We have explored the idea of insurance companies reducing premiums for those who have done the course. We thought that if the companies bought into that idea, it might be a good way of getting support. We might explore that possibility again in the future. Unfortunately, I do not think what was said about the elderly is really relevant to the work we are doing. I hope I have answered the questions.

**Co-Chairman (Deputy John O'Mahony):** Deputy Mac Lochlainn wants to ask a brief supplementary question.

**Deputy Thomas Pringle:** I thank the Chairman for accommodating me. Mr. Doggett mentioned in his earlier contribution that he has had some international interest in this service. Does he see any possibility of developing it on an all-island basis or rolling it out on a cross-Border basis?

**Mr. Gary Doggett:** That is an interesting question. There have been some developments recently. The Probation Service has bought into our services to a significant extent in the last year or two. We have a board member from the Probation Service, which has recommended our course to a judge on the other side of the Border in Derry. He accepted our evaluations in one case in the past. Two more cases are pending. It has been recommended that two clients attend our course. We have had very good international co-operation so far. When we were setting out on this journey, we looked at much of what is going on in other countries. We were very conscious of providing a good service. We wanted to see what is working in other areas. One of the original authors of the reasoning and rehabilitation model, which was mentioned earlier by Mr. McFadden and is well recognised internationally, is based in Estonia. He very

kindly came over, basically at cost, to deliver training for some of our facilitators. We have had massive buy-in from those guys as well. As I mentioned earlier, the authorities in the Czech Republic have more or less handed us the programme they use within their prison system.

**Co-Chairman (Deputy John O'Mahony):** Deputy Pringle wants to come in at this point.

**Deputy Pádraig Mac Lochlainn:** The Chairman will agree that we have all been very impressed with what we have heard here. I hope both joint committees can correspond with the two Ministers. I do not know whether it is something that can be decided now or will have to be decided later.

**Co-Chairman (Deputy John O'Mahony):** I presume that after today's meeting, each committee will consider the matter at its next meeting.

**Co-Chairman (Deputy David Stanton):** We can work together from there.

**Co-Chairman (Deputy John O'Mahony):** We will be in contact.

**Deputy Pádraig Mac Lochlainn:** That is in order. I thank the Chair.

**Co-Chairman (Deputy David Stanton):** I have a few questions. Most of them have been answered. I must say I have been highly impressed with what I have heard. The witnesses are pushing all the right buttons as far as I am concerned. Is the organisation unique on this island? Are there other groups doing the same thing?

**Mr. Mick Quinlivan:** No.

**Co-Chairman (Deputy David Stanton):** There is no competition anywhere. That is good. What is the structure of the organisation? Is it a limited company, a not-for-profit body or a charity?

**Mr. Mick Quinlivan:** It is a limited not-for-profit company with no share capital.

**Co-Chairman (Deputy David Stanton):** Okay. Does it have charitable status?

**Mr. Mick Quinlivan:** It is in the process of getting that.

**Co-Chairman (Deputy David Stanton):** Okay. Very good.

**Mr. Gary Doggett:** I could outline the backgrounds of a few of our board members. I do not think I have done so before now. Our board of directors includes a serving member of the Probation Service, a community liaison officer, a public representative who is also a health care worker, an education specialist who deals with disadvantaged groups, a qualified counsellor who specialises in bereavement counselling and a representative from the business community.

**Co-Chairman (Deputy David Stanton):** Okay. That is very good to know. I have a few other questions. Insurance companies have been mentioned. I noticed in the documentation that was furnished to us a reference to the cost in some other jurisdiction. It was mentioned that the cost per participant is approximately \$300. Did the witnesses give us this document? I think they did. The document also refers to "economic bottom lines of about \$2,400 in net taxpayer-only benefits per participant". Is Mr. Doggett familiar with that?

**Mr. Gary Doggett:** No.

**Co-Chairman (Deputy David Stanton):** The programme in question is known as R&R, or reasoning and rehabilitation.

**Mr. Gary Doggett:** Perhaps that is being used in other areas. We charge €150 per client at the moment.

**Co-Chairman (Deputy David Stanton):** Does the client pay the €150 himself or herself?

**Mr. Gary Doggett:** Yes. That charge has applied since we made the presentation to the Bar Association. It has been pointed out to us by victims' groups that it is vitally important that people do pay.

**Co-Chairman (Deputy David Stanton):** Yes.

**Mr. Gary Doggett:** Otherwise, it can be viewed as a free course that leads to a reduction in the sentence, which would be a win-win situation. It is a question of feeling the pain, if I may use that term. The mammy quite often phones up to book the course. I recently had a mammy sitting in on the interview with the young man. This guy was about 25 years old. When I brought up the cost of the programme, the mammy said "sure I'll pay for it, didn't I give birth to him?". When I asked her if she was driving or sitting in the car, she said "No". I told her I would much prefer the young man to pay for it because he needed to learn. That is very much where we are at from a financial perspective.

**Co-Chairman (Deputy David Stanton):** That is interesting from the point of view of the victim. There is no two ways about that.

**Mr. Gary Doggett:** Absolutely.

**Mr. Paul McCusker:** I would like to speak about the structure and the cost as a limited company. We are fully compliant with everything. We are a voluntary group. There is quite an overhead accruing, even as a voluntary group, in order to stay legal. That is where the need for support arises. We have received an incredible amount of goodwill from Donegal. A question was asked about Donegal County Council. People have put a great amount of time, energy and effort into this project. That is a demonstration of the goodwill that exists. This brings me back to my original point. We have to provide certainty.

**Co-Chairman (Deputy John O'Mahony):** Does the €200,000 cost relate to the overall structures? Are the actual courses paid for by the people who take part in them?

**Mr. Paul McCusker:** Yes. It is a question of having a seven-county structure in place with certainty. We would hate to arrive in and promise things we cannot deliver. We would not like to say we will run courses only for those courses not to materialise because of factors within our control. That is the reality of the €200,000. Basically, it costs €100,000 a year to run this programme over seven counties and deal with the demand. We do not know what the demand is because no one else is offering this. We estimate, based on the figures in Donegal, that between 600 and 800 young people would come through.

**Mr. Martin McFadden:** Obviously, a roll-out over several counties will give us a broader depth and width in working with clients, which will inform the data and strengthen the programme as we move forward.

**Co-Chairman (Deputy David Stanton):** As I said in the beginning, I am impressed with what I have heard so far. Could I ask about insurance costs and so forth? It appears to me that

it would be a huge advantage to insurance companies to have this type of programme rolled out across the country because the savings they would make, for example in reducing accidents alone, would be pretty big. Has the positive benefit per participant in monetary terms - the net bottom line - been analysed?

**Mr. Gary Doggett:** Not as yet.

**Co-Chairman (Deputy David Stanton):** A figure of \$2,400 has been suggested here.

**Mr. Gary Doggett:** It is a question of resources.

**Co-Chairman (Deputy David Stanton):** Of course. Maybe some of the universities might take that on and give a hand.

**Mr. Gary Doggett:** Absolutely.

**Mr. Mick Quinlivan:** One of our problems is that we are localised at the moment. As insurance companies work on a national basis, it is very difficult to get in there.

**Co-Chairman (Deputy David Stanton):** Maybe they are watching today.

**Mr. Mick Quinlivan:** Hopefully.

**Mr. Gary Doggett:** We had a conversation some time ago with businesses in the community about strategies for moving forward. Insurance is one of the two of the areas in which we have thought about this. We have already discussed the possibility of young people who come on the course beforehand getting a reduced premium for taking part in the course. That would seem to be a no-brainer. We were also looking at the possibility that larger corporations might be interested in the emotional control module, which provides half a day of training for staff in the area of emotional control. It is particularly difficult to drive in the city. It is a highly charged emotional experience nowadays. It is another area we have been considering. As Mr. McCusker said, there is some uncertainty in this regard. When we have some form of certainty, we can explore these possibilities in more depth.

**Co-Chairman (Deputy David Stanton):** Mr. Doggett mentioned the Etruscan centre, representatives of which came to see us some years ago. They are involved in anger management and stuff like that.

**Mr. Gary Doggett:** No, I mentioned the Trasna project here in Dublin, which employs ex-offenders.

**Co-Chairman (Deputy David Stanton):** I am familiar with the Care After Prison model.

**Mr. Gary Doggett:** Yes, I know Stephen Doyle.

**Co-Chairman (Deputy David Stanton):** It is a great organisation. Yesterday, I visited the Churchfield Community Trust in Cork, which has a similar type of model. Last week, a number of us were in Portugal to look at its drug policy, whereby it diverts people from the criminal justice system to rehabilitation, counselling and treatment. Again, it seems a very positive approach.

**Mr. Gary Doggett:** It is successful too.

**Co-Chairman (Deputy David Stanton):** From that point of view, I and, I am sure, my

justice committee colleagues would be very interested in supporting this in any way we can and in learning more about what the programme does.

**Mr. Gary Doggett:** Mr. McFadden touched on the point that it is very easy to demonise people for what is quite often impulsivity and poor decision making at a moment in time. We really understand that people are hurt by collisions, accidents and so on. We are very much on the side of the victim and want to reduce the number of victims.

**Co-Chairman (Deputy David Stanton):** Of course.

**Mr. Gary Doggett:** At the same time, we cannot just demonise everybody who has transgressed on occasion.

**Co-Chairman (Deputy David Stanton):** If we make the roads safer, we make them safer for everybody.

**Mr. Gary Doggett:** That is our goal.

**Co-Chairman (Deputy David Stanton):** Does the programme have a presence on social media?

**Mr. Gary Doggett:** We have a website, which I had to build myself, unfortunately, and we are on Twitter and Facebook.

**Co-Chairman (Deputy John O'Mahony):** I was glad to hear Mr. Mick Quinlivan clarifying the idea that the witnesses did not want this to be a get-out-of-jail card for serious offenders. I was listening to Mr. Doggett on radio at an early hour this morning, but there was another news item later where somebody was being released after four years of a seven year sentence. While I do not know the details of that, he had escaped and re-offended at some stage. There is the human side of this, so I am glad there is a balance and that this is to improve behaviour and save lives, not to give people an escape route from being dealt with if the offences are serious.

I understand the Government's Road Safety Strategy 2013-20 has made provision for the introduction, subject to legal advice, of rehabilitation and driving awareness courses as court-based sentencing options for specific offenders.

**Mr. Gary Doggett:** We are aware of that and we absolutely applaud it. We hope we get support from that and we would see ourselves fitting into that category.

**Co-Chairman (Deputy John O'Mahony):** Obviously, that would be a competitive tender, but the witnesses will be aware of all of that. I thank the witnesses for attending. They came in with solutions rather than problems, which is the opposite of what often happens. As we said, each committee will be deliberating on this and we will be in touch with each other. We wish the witnesses well in their efforts to roll this out over a wider area.

The joint committees adjourned at 3.35 p.m. *sine die*.