



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

# SEANAD ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

*Dé Máirt, 27 Meán Fómhair 2011.*

[illegible]

# SEANAD ÉIREANN

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*Dé Máirt, 27 Meán Fómhair 2011.*  
*Tuesday, 27 September 2011.*

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Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

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*Paidir.*

*Prayer.*

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## Business of Seanad

**An Cathaoirleach:** I have received notice from Senator Denis O'Donovan that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Health to outline the reduction in ambulance services in Cork and confirm this will have no adverse effect on Bantry General Hospital and that the minor injury and assessment unit will not be downgraded from a 24-7 to an 8 a.m. to 8 p.m. service and that weekend services will not be excluded; if he will clarify that the staffing levels, including the current number of consultants, will not be diminished, and if he will make a statement on the implications of such cutbacks for the population of Bantry.

I have also received notice from Senator Fidelma Healy Eames of the following matter:

The need for the Minister for Health to fund residential treatment in the United Kingdom for a person (details supplied) with severe borderline personality disorder, BPD.

I have also received notice from Senator Diarmuid Wilson of the following matter:

The need for the Minister for Defence to confirm that Dun Uí Neill Army Barracks in Cavan town will retain its current status and remain a strategic part of the Defence Forces into the future.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and they will be taken at the conclusion of business.

## Order of Business

**Senator Maurice Cummins:** The Order of Business is No. 1, Road Traffic (No. 2) Bill 2011, Order for Second Stage and Second Stage, to be taken at the conclusion of the Order of Business and conclude not later than 5.45 p.m., with the contributions of group spokespersons not to exceed ten minutes and those of all other Senators not to exceed eight minutes, and the Minister to be called upon to reply not later than 5.40 p.m.

**Senator Brian Ó Domhnaill:** Ba mhaith liom roinnt pointí a ardú. I would like to refer to a number of issues of major concern, not only in Ireland but also across Europe. They stem from the comments of the President of the United States, Mr. Barack Obama, on the need for

[Senator Brian Ó Domhnaill.]

European leaders to grapple with the issue of debt in Europe, an issue referred to by the Taoiseach last Friday when he stated at a public event that he would meet the German and French leaders to discuss the very serious situation affecting Ireland and other EU countries. We heard the leader of Greece refer to it in a public address to the nation earlier today. I call on the Leader to ask the Minister for Finance to come to the House to discuss and outline clearly the steps the Government is taking to deal with the issue on a European-wide basis.

Many worrying issues arise in regard to health services. Last week we learned about the €6 million write-off by HSE West of fees for which consultants did not apply to the health insurance companies. Today we learn that the accident and emergency unit at Limerick hospital is not able to meet demand and that nurses are going on strike. We also learn that health consultants are breaching their contracts by not fulfilling their obligations to public patients within the State health care system. In fact, they are not providing the required level of public patient care. They are, however, performing extensive private health care duties in public hospital facilities. The Minister for Health, Deputy James Reilly, is long overdue a visit to the House. This side has been calling for him to visit since the new Seanad was formed, but he has not yet done so. I, therefore, call on the Leader to urgently request the presence of the Minister in the House to discuss these pertinent issues.

I propose an amendment to the Order of Business that we take No. 13, motion 5, which pertains to the septic tank charge and the consequences therefrom, at 5.45 p.m. today, in the presence of the Minister for the Environment, Community and Local Government, after the Second Stage debate on the Road Traffic (No. 2) Bill 2011. It is vital to the 440,000 households who live in rural Ireland and who are scared. As the Government has proposed EU legislation, they wish to ascertain whether it would impose a charge on anyone with a septic tank and whether such people will be asked to register the septic tank and bring it up to standard if it does not meet the standards. According to evidence put forward by the IFA and others, approximately 75,000 septic tanks in rural Ireland do not meet those standards. The cost of meeting the standards could be anything from a few thousand euro to €15,000 or €20,000 per household. What is the rationale for the Government move? The Government would have Members believe that Europe is imposing this——

**An Cathaoirleach:** These are points the Senator can make during the debate.

**Senator Brian Ó Domhnaill:** I appeal to the Leader, given this is an issue of national importance to rural Ireland and as many people in rural Ireland voted for Fine Gael and the Labour Party at the last general election. As it would be unacceptable not to have this debate today, I appeal for common sense to prevail and for the Leader to request the Minister for the Environment, Community and Local Government to come to the House to enable Members to discuss the issue of septic tank charges being proposed by the Government, as well as the implications of that registration for the poor people of Ireland who can barely afford to pay their mortgages, let alone bringing septic tanks up to standard.

**Senator Ivana Bacik:** It is difficult to sit and take lectures from Fianna Fáil on the poor people of Ireland.

**Senator Fidelma Healy Eames:** Yes, exactly.

**Senator Ivana Bacik:** It is worth noting that many people in both rural and urban Ireland voted for Fine Gael and the Labour Party in the last general election because they felt betrayed and let down by Fianna Fáil on foot of the bringing in of the IMF, the EU and the ECB.

**Senator Mark Daly:** They feel betrayed and let down by the Government now——

**Senator Brian Ó Domhnaill:** Fianna Fáil did not make promises.

**Senator Mark Daly:** ——because Fine Gael and the Labour Party made all the promises.

**Senator Brian Ó Domhnaill:** The promises were disgraceful.

**An Cathaoirleach:** Senator——

**Senator Ivana Bacik:** It is a bit rich now for Fianna Fáil——

**Senator Mark Daly:** Every time Senator Bacik stands up in this Chamber as Deputy Leader, she fails to mention all the promises on which the Government has reneged thus far.

**An Cathaoirleach:** Senator Bacik, without interruption, on the Order of Business.

**Senator Ivana Bacik:** ——to be expressing false sympathy and crocodile tears.

**Senator Mark Daly:** What of the Government's false promises?

**An Cathaoirleach:** Senator Bacik, on the Order of Business.

**Senator Brian Ó Domhnaill:** What about its social welfare record?

**An Cathaoirleach:** Senator Bacik, without interruption.

**Senator Fidelma Healy Eames:** Fianna Fáil is still out of touch.

**Senator Ivana Bacik:** Fianna Fáil has never been in touch.

**An Cathaoirleach:** Please, can we have——

**Senator Fidelma Healy Eames:** It remains out of touch.

**Senator Brian Ó Domhnaill:** We never attacked the household benefits package.

*(Interruptions).*

**Senator Thomas Byrne:** Lifestyle choices for poor people.

**An Cathaoirleach:** I remind Members they are eating into their own time. Senator Bacik, without interruption.

**Senator Thomas Byrne:** “Let them eat cake” is what Fine Gael and the Labour Party says to the poor people of Ireland.

*(Interruptions).*

**Senator Ivana Bacik:** It is difficult to take the crocodile tears and false sympathy from Fianna Fáil, a party that is not even running a presidential candidate in the forthcoming election.

**Senator Brian Ó Domhnaill:** We are not blocking anyone either.

**Senator Thomas Byrne:** We are not voting for the magician Higgins.

**An Cathaoirleach:** On the Order of Business.

**Senator Ivana Bacik:** I am moving on to the Order of Business.

**An Cathaoirleach:** Has the Senator a question for the Leader?

**Senator Thomas Byrne:** The first 100 days is over.

**Senator Ivana Bacik:** I wish to renew a call to the Leader for a further debate on the arts in the presence of the Minister, Deputy Deenihan, who has promised to attend. I do so particularly in light of the great success of culture night last Friday. It was a huge success nationwide with a record number of institutions, including Leinster House, opening their doors. It was a real piece of good news.

On a completely different note, I welcome the good news that women in Saudi Arabia now have the vote. This is a very important step forward for democracy internationally and it is worth Members noting it here.

On a less positive note, the Amnesty International report, *In Plain Sight*, which was published yesterday, also deserves debate in this House, given the insight it provides into the failures by successive Governments and the institutional church in respect of the terrible abuse of children over the years.

**Senator Jillian van Turnhout:** The point I wish to raise concerns the aforementioned Amnesty International report by Dr. Carole Holohan, which was informed and reviewed by an independent advisory group and commissioned by Amnesty International, namely, *In Plain Sight*, Responding to the Ferns, Ryan, Murphy and Cloyne Reports. At 430 pages, the report is of considerable length and obviously will take Members time to consider. It would be worth our time both to read it and to consider how best it could be debated in the House. The report acknowledges and understands what went wrong but also is working to ensure we establish a child protection system that is fit for purpose, lest we ever allow this to happen again. The “we” on which Amnesty International puts value is not simply about the church or the State but pertains to “we” as a society. *In Plain Sight* calls on us to acknowledge the extent to which the systematic abuse and exploitation of the tens of thousands of vulnerable Irish children in State and church run institutions was known across Irish society. The report does not purport to play the blame game. It moves beyond what has been to date a largely factual discourse about the who, what, where and when of the widespread and systematic abuse in question to a more philosophical and sociological analysis of why. To understand why it happened will help us to transform the present.

At the launch yesterday, Colm O’Gorman, executive director of Amnesty International, said:

But the focus cannot be purely on the past, as if this history has no relevance for our society now. We must consider the degree to which this history reveals vital truths about the nature of our society today. The past only becomes history once we have addressed it, learnt from it and made the changes necessary to ensure that we do not repeat mistakes and wrongdoings.

Another striking and vital feature of the report is the acknowledgement that the abuse survivors endured is not only morally repugnant, shocking beyond many people’s comprehension and patently illegal, but amounts to a grievous violation of their human rights. The Minister for Children and Youth Affairs, Deputy Fitzgerald, launched the report yesterday and acknowledged the Government’s legislative agenda. This House needs to have a debate about that agenda. I also ask the Leader to call on the Minister to redouble her efforts to ensure the constitutional amendment to strengthen children’s rights is held without delay, that we

ensure the full implementation of the UN convention on the rights of the child in Ireland, study the report and use it to inform our policy on child protection.

**Senator Rónán Mullen:** I express my agreement with what has been said by other speakers, including Senator van Turnhout. In Plain Sight offers us an opportunity to debate the important issue of how people were mistreated and abused in our past. We have had a debate on the Cloyne report and have since had the response of the Holy See. Perhaps we could incorporate it into the discussion. Most fair observers thinking about these issues would agree that we have to move beyond anger and towards analysis to ensure we are making the right decisions for our future, in terms of promoting attitudes that are most protective of the most vulnerable people in our society, especially children.

In that context I would like to raise another human rights abuse issue. Today it is impossible to run a brothel in Sweden and because of the good work of the Immigrant Council of Ireland and Ruhama we have experts from Sweden in Ireland. They are making one issue very clear, namely that Sweden is not repenting of the legislation it passed in 1999 which specifically criminalised the purchase of sex from women in particular. It has had a beneficial effect and ten years on a review shows a halving of street prostitution and a reduction in organised crime in general. Detective Superintendent Trolle, one of the speakers from Sweden, spoke about the radical reduction in street and indoor prostitution that has taken place.

When the previous Seanad discussed legislation on human trafficking, which along with other issues affecting the victims of trafficking was the subject of a Private Member's motion I tabled, an argument was made repeatedly that if one criminalises the purchaser, one would somehow drive the problem underground rather than solve it. That is an increasingly discredited excuse. There is more support for this view in the House than in the previous Seanad.

We have to thank the good work of the Immigrant Council of Ireland and especially Ruhama. They accompany people who are caught up in prostitution and victimised every day of the week and provide practical support. They are also keeping the pressure on Government and policymakers. The Oireachtas needs to show some initiative on this issue and move to introduce legislation before long to criminalise persons who seek to purchase other persons in this way. As has been said, not only is it a question of gender equality, it is also a question of human dignity.

**Senator Catherine Noone:** I join Senator Ivana Bacik in congratulating all involved in the Solheim Cup. It is more evidence that it is becoming less of a man's world, thanks be to God.

**A Senator:** That is a very sexist remark.

*(Interruptions).*

**Senator Catherine Noone:** I do not know what those rumblings are supposed to suggest, but it was not meant as a sexist remark. With the GAA ladies finals over the weekend and the Solheim Cup, an international event, our sports are starting to receive some attention, which I welcome. The broadcasting of the Solheim cup on Sky Sports and ESPN in the United States puts us on an international setting for tourism, which we should also welcome.

I agree with what Senator Ivana Bacik said about culture night which was a great success. I was in and around town on Friday night and people were everywhere, which was fantastic to see. We must remember Temple Bar Cultural Trust had the vision to start culture night which has come in for some criticism recently, which is somewhat excessive. While all organisations run certain things that could be better, the proof of its effectiveness is seen internally in the

[Senator Catherine Noone.]

success of Temple Bar and externally throughout the country when we see such a wonderful event as this.

I must rush off to a meeting of a committee where I should have been at 12.30 p.m. I find it unacceptable that I am required to be at a committee meeting and here for the Order of Business at the same time. I have raised this issue on numerous occasions with the Chairman of the committee. It is more evidence of the Seanad being treated as some kind of nodding dog. I have requested that the committee start at 3 p.m. I do not know when the Dáil starts — perhaps 4 p.m. or 4.30 p.m.

**A Senator:** At 2 p.m.

**Senator Catherine Noone:** There should be some compromise. Deputies get to go in at 2 p.m. I do not know what the commitments are in the Dáil and, frankly, I do not care. As Senators, we should be shown the same courtesy.

**An Cathaoirleach:** That is a matter the Senator can take up with the Chairman

**Senator Catherine Noone:** I agree with you, a Chathaoirligh, but I wanted to raise it with the Leader. If he could do something about it, it would be fantastic. I will go and, obviously, take it up with the committee Chairman now.

**Senator Thomas Byrne:** I also welcome the benefit the Solheim Cup brought to Ireland at the weekend and particularly to County Meath. There was a significant tourism spin-off in the county as a number of hoteliers have confirmed to me. It was wonderful to see it being such a success.

I am calling for an investigation into the leaking of a private social welfare file to a Labour Party Senator as reported in today's newspapers. The investigation could be carried out by the Data Protection Commissioner or the Garda. There seems to be an agenda in the Labour Party to denigrate persons on social welfare. It started with the Minister for Social Protection talking about it being a lifestyle choice. We were told that one in four lone parents were making fraudulent claims when it was one in four claims that were investigated. Senator Harte has information on a case that seems to be totally wrong, with figures that are all over the place. It seems there are seven children, 1.5 guardians, two severely disabled people in the house and the family was not granted a council house. It is a very strange case which, if true, merits a full investigation, as it relates to the private file of identifiable individuals. The Senator is talking about an individual family in which two people are disabled, four children——

**Senator Ivana Bacik:** On a point of order, I am not clear to what the Senator is referring and I am not sure if it is appropriate to take up the issue on the Order of Business.

**An Cathaoirleach:** That is not a point of order.

**Senator Ivana Bacik:** I have no knowledge of what the Senator is speaking about.

**Senator Thomas Byrne:** I am talking about an article which appears on the front page of the *Irish Examiner*. There is also an article in the *Irish Independent*, as well as coverage on the Newstalk radio station. Senator Harte has claimed a couple from Bosnia is receiving €90,000 in social welfare payments every year. If that claim is true — the Senator has said someone in the Department of Social Protection gave him the information — it needs to be investigated because it is a criminal offence to give the private information of persons on social welfare to anyone, including politicians. If what the Senator is claiming is not correct which I have reason

to believe is the case, he should answer because the figures he has given do not add up. There is a concerted approach by the Labour Party to downgrade persons on social welfare.

**An Cathaoirleach:** Does the Senator have a question for the Leader?

**Senator Ivana Bacik:** On a point of order, this is a matter for Senator Byrne to take up directly with Senator Harte. It is not an appropriate matter to be raised on the Order of Business. I am asking you, a Chathaoirligh, for a ruling on the matter.

**An Cathaoirleach:** Does Senator Byrne have a question for the Leader?

**Senator Thomas Byrne:** I want the Leader to arrange a debate on data protection and social welfare files. Whether this is true or not, it is a serious breach of privacy. We are talking about a family with allegedly two disabled members, with at least one or probably two orphans living in the house as well. If this is true, they are easily identifiable. It is the principle in this case that the Labour Party should not be leaking files to Senators and Deputies to advance their anti-welfare agenda at the moment.

**Senator Ivana Bacik:** We are not anti-welfare. That is nonsense.

**Senator Thomas Byrne:** That is the truth.

**Senator Marie Moloney:** The Senator should take back those accusations.

**Senator Thomas Byrne:** I will quote from the newspaper: “Mr. Harte, who received the information from the Department of Social Protection——

**Senator Marie Moloney:** The Labour Party did not leak that information.

**An Cathaoirleach:** Senator Moloney should allow the Senator to finish.

**Senator Thomas Byrne:** I am calling for an investigation into this, because it is a very worrying precedent.

**An Cathaoirleach:** The Senator is now out of time.

**Senator Thomas Byrne:** I second the amendment to the Order of Business on the anti-rural septic tank charge.

**Senator Marie Moloney:** The Labour Party is not leaking information. Is Senator Byrne insinuating that it is coming from the Minister?

**An Cathaoirleach:** We are not reopening that. Has the Senator a question for the Leader?

**Senator Marie Moloney:** I do. I will speak on a subject about which I feel strongly, which is the attitude of people towards those with mental illness. It has taken years to change the mindset of the people and their attitude towards those with a mental health issue. I strongly condemn a recent reality television show which ridiculed a person who clearly had a mental illness in order to boost ratings and to amuse others. It was clearly a case of abuse of people with a mental health illness.

I call on the Leader to ask the Minister of State with responsibility for mental health to come into this House for an in-depth debate on mental health issue. I would also like the Leader to ask the Minister for Communications, Energy and Natural Resources to tell us why this was allowed to be broadcast. I have no problem with the show itself, but this aspect of the show

[Senator Marie Moloney.]

should not have been broadcast. If one of those contestants had decided to strip naked on the stage, would that have been broadcast? It would not have and that aspect would have been taken out. I cannot understand why they were allowed to broadcast a person with a mental health issue being ridiculed in public.

**Senator Eamonn Coghlan:** Looking outside, it is a beautiful autumn day. This kind of weather brings out the best in everyone. A walk on the beach, a walk in the park, a stroll around town makes everyone feel good and look good. Even a trip around the country on one's motorcycle is most enjoyable.

**Senator Terry Leyden:** The Senator should be working with Met Éireann.

**Senator Eamonn Coghlan:** Last weekend, however, I was baffled by the number of motorcyclists from all around the country who drove to Dáil Éireann in protest against the introduction of compulsory testing of their motorcycles, similar to the test for cars that was introduced a few years ago. I was baffled by their protest about the compulsory use of visibility jackets while riding their motorcycles. I am an avid motorcycle enthusiast. I love to ride my motorcycle around the country, even on Seanad business.

**Senator Rónán Mullen:** Did it pass the NCT?

**Senator Eamonn Coghlan:** One of the things I learned when I took up motorcycling was that I had to wear personal protection equipment at all times, from helmets to visibility jackets, as well as having a properly functioning motorcycle. One of the organisers of this protest is an RSA certified instructor, and for him to lead the protest was complete hypocrisy.

As I drove into the office here today, I noticed numerous cyclists — not motorcyclists — wearing no headgear, breaking traffic lights and wearing headphones. I witnessed one lady pedestrian almost being knocked down by a cyclist on Nassau Street. I was once a victim of a cyclist crashing into me when he went the wrong way down a one-way street. If I was still an athlete, it would have ended my career. A friend of a friend of mine tragically lost his life when he was knocked down by a cyclist.

**An Cathaoirleach:** Have the Senator a question for the Leader?

**Senator Eamonn Coghlan:** Cyclists are a law unto themselves. They get tax breaks when they purchase their bicycles. The safety of pedestrians and cyclists is a major area that needs to be addressed.

I call on the Minister for Transport to explore a way in which the law could be used to cover cyclists who might be prosecuted for not wearing protective and visibility equipment.

**Senator Fidelma Healy Eames:** Hundreds of newly qualified teachers are seeking an opportunity to complete the probation period to allow them to become fully qualified. This can be done in the course of one school year. However, posts are not available and the teachers in question are unable to do so. A way forward was found last December when the then Department of Education and Science issued a circular to all schools indicating that the FÁS work placement programme could be used to enable newly qualified teachers to complete up to nine months' probation. A problem has arisen, however, because the unions are blocking the proposal. While schools may be willing to apply for a placement, the unions have not given their blessing to the proposal. I ask the Leader to invite the Minister for Education and Skills to come before the House to discuss how this problem will be solved. It is unfair that newly

qualified teachers are being prevented from completing the professional qualification required in the classroom.

Senators have been requesting that the Minister for Education and Skills come before the House since before the summer recess. The issue of probation is only one of many issues they wish to discuss with him. I want him to make a ruling on the issue of probation to ensure teachers will be able to become fully qualified to teach in the classroom. It is great that a way forward has been found. Newly qualified teachers cannot risk emigrating because they are not yet fully qualified to teach abroad and, in the event that they take up a post abroad, they must return to Ireland within two years. They are caught in all directions. I look forward to a debate with the Minister on the issue.

3 o'clock I ask that the Minister for Health come to the House to discuss the position in Galway University Hospital which is on a knife edge. As many as 38 patients were lying on trolleys in the hospital over the weekend. I ask that the Minister outline his timeframe for the roll-out of primary health care services in the community to shift the balance from the hospital to the community. While I am aware the Government inherited a financial mess from its predecessor, we must examine how we can make the best of current circumstances. The House requires an update on the position.

**Senator Kathryn Reilly:** With another savage budget due to be introduced in December, the Government continues to perform flip-flops on whether it will increase income tax and, if so, in what guise and whether social welfare rates will be cut, notwithstanding commitments made to the contrary. A colleague told me a joke about this issue this morning: "Why did Enda Kenny cross the road? Because he said he would not cross it." In the midst of all this, the Minister for Finance confirmed at the weekend that Allied Irish Banks had requested the Government's permission to negotiate a salary for its new chief executive officer of in excess of €500,000, the level at which the Government capped bankers' pay. As people continue to struggle to make ends meet and decide which bills they will pay, I ask the Leader to bring the Minister for Finance before the House to discuss bankers' salaries and confirm that the Government will not allow AIB to breach the cap on bankers' pay.

On an issue close to my heart, a newspaper report published in the summer noted that the National Centre for Pharmacoeconomics had deemed a cancer test, the oncotype DX test, too expensive for public patients and decided it should only be available privately at a cost of €3,200. According to the report, the test was not recommended on price grounds "to ensure the taxpayer gets value for money". I want the Minister for Health to indicate what action will be taken to ensure comprehensive gene testing will be made available to women with breast cancer and those at risk of the disease and what gene testing facilities for cancer are available to public and private patients. This is an important issue. We all know people with cancer, a disease that is scourging families and tearing communities apart. I call for a debate on this issue on behalf of all those waiting for genetic testing services, those who may be unaware of the existence of such a test and those who may be precluded from availing of such a service owing to its cost and unduly long waiting lists.

**Senator Mary Moran:** I will make two points. On Friday I attended a seminar on suicide awareness organised in Leinster House. I pay tribute to the people who organised this comprehensive and very well run event intended to raise awareness of suicide and heighten our ability to detect it. The course is very well worth taking. I call on the Minister for Health to come to the House for a debate on the continuing stigma attached to mental illness. I refer in particular to the fact that people who suffer from epilepsy or a long-term physical condition are entitled to a disability or long-term illness card whereas people who suffer from depression or any type

[Senator Mary Moran.]

of mental illness are not so entitled, even though when applying for a job they are obliged to report that they suffer from mental illness.

I refer to a programme aired on RTE last night, “The Secret Millionaire”. It was made in my own town and last night I was privileged to be asked to the reception for the cast where I met several of the people who took part in the programme. “The Secret Millionaire” featured the hotelier, John Fitzpatrick, who came to live undercover in the town. The programme also takes place in various other towns. I wish to highlight the absolutely dreadful plight depicted. I am new to the Seanad but one factor that affected me last night was that there are two people, both of whom are disabled and wheelchair users, living in a house that has an upstairs neither person can access although they have been promised a house that is suitably adaptable. I find it abhorrent that in 2011 the lady of this house does not even have a bed she can use. At night her husband takes the bed because he is on oxygen. All through the programme they both smiled and said nothing about this situation but the wife in question must sit in a chair all night and can sleep only by putting her head on a bed. I ask the Minister to come to the House to address such continuing issues of mental health and disability.

**Senator Terry Leyden:** I second the proposal by Senator Healy Eames in regard to University College Hospital Galway. The hospital is greatly overcrowded and the closure of the accident and emergency department at Roscommon County Hospital has added to the numbers attending. The situation is very serious, to the extent that the HSE has requested that patients not attend UCHG. There was one case last week where a patient came from Roscommon at 3.45 p.m. and was not seen until 4 a.m. the following day. The situation is critical. I realise the Minister for Health has been in China and New York but I hope he will find time to attend the Chamber. I ask the Leader to arrange a question and answer session in the House which would be very worthwhile.

Will the Leader agree to and accept the non-Government motion, No. 13, motion 4 on the Order Paper, in the name of Fianna Fáil, Independent, university and Sinn Féin Senators, regarding the recognition of Palestine at the United Nations? I commend the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore——

**An Cathaoirleach:** The motion——

**Senator Terry Leyden:** I commend the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore——

**Senator Maurice Cummins:** That is done and dusted.

**Senator Terry Leyden:** Wait a moment——

**An Cathaoirleach:** Let there be an end to the interruptions. The motion is on the Order Paper. Has Senator Leyden a question for the Leader?

**Senator Terry Leyden:** Yes. I commend the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, on his statement in New York in regard to this issue. I am now convinced he is more of a lion than a lamb in the Cabinet. Senator Ivana Bacik stated last week that the Government would follow this policy, which has been confirmed. I thank the Senator for that.

**Senator Ivana Bacik:** I thank Senator Leyden for that acknowledgment.

**Senator Rónán Mullen:** It appears the Senator has exceeded expectations.

**Senator Terry Leyden:** In light of the statement by the Minister, it would be appropriate for the House to have an all-party, agreed motion, by combining both motions in a very positive way. This is very important to the people of Palestine.

**Senator Ivana Bacik:** It is very nice to hear Senator Leyden being so constructive for a change.

**An Cathaoirleach:** No interruptions, please.

**Senator Terry Leyden:** I believe the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, is more of a lion than a lamb in the Cabinet. That is a fact.

**An Cathaoirleach:** The Senator is out of time. Does he have a question for the Leader?

**Senator Terry Leyden:** My question to the Leader is very clear. I request that he and the leaders of the other groups draw up a combined motion. That would be an extremely useful exercise. If one criticises the actions of Israel——

**An Cathaoirleach:** The Senator is out of time.

**Senator Terry Leyden:** ——one is continually accused of being anti-Semitic. That is grossly unfair. I am not anti-Semitic. The Leader inadvertently implied that last week when he said——

**Senator Maurice Cummins:** It was not implied.

**Senator Terry Leyden:** I know what the Leader said. He stated that my comments were verging on——

**Senator Ivana Bacik:** It was implied in what Senator Leyden said.

**Senator Maurice Cummins:** That is correct. I would advise the Senator not to pursue the matter.

**Senator Terry Leyden:** The Leader said my comments were verging——

**An Cathaoirleach:** Senator Leyden must conclude. I call Senator Keane.

**Senator Terry Leyden:** I only received one e-mail from someone who was not happy with regard to what I said. One Labour Party councillor in south Dublin also made some kind of statement on the matter. I wish to make the point that I am not anti-Israel. I am pro-Palestine and pro-Israel. I support the notion that both countries should have self-determination and that their people should live side by side in peace and harmony.

**Senator Brian Ó Domhnaill:** Hear, hear.

**Senator Mark Daly:** Well done.

**Senator Cáit Keane:** In light of the very weighty debate that has just taken place, the matter I wish to raise might seem trivial but is very important to householders and consumers. I refer to the fact that manufacturers have taken to reducing the size of products while not reducing the price in respect of them. In actuality, this represents a price increase. I intend to name three products in respect of which this has happened in recent times. Manufacturers are increasing prices in a deceitful and deceptive way and they believe they are pulling the wool over people's eyes. They are doing so at a time when we want Ireland to be competitive in every respect. One of the products in question is Fairy washing-up liquid. Some Members may not

[Senator Cáit Keane.]

have used this product recently, particularly in view of the fact that they spend so much time in the Seanad. The size of the Fairy washing-up liquid bottle has been reduced from 450 ml to 433 ml.

**An Cathaoirleach:** We cannot have commercials on the Order of Business.

**Senator Cáit Keane:** It is not a commercial. Senator Leyden may not be familiar with this product but it is fairly popular among households.

**Senator Terry Leyden:** Senator Keane has lovely, soft hands.

**Senator Cáit Keane:** The size of the bottle in which this product comes has been reduced and, as a result, there has been a price increase of 25%. The position is the same in respect of Pampers baby wipes and Persil washing-up liquid. I request that the Minister for Jobs, Innovation and Enterprise ask the Consumers Association of Ireland to carry out research into companies which are acting in the way in which I have outlined in respect of their products. If possible, we should take action to outlaw this type of deceitful and deceptive way of increasing prices. This type of underhanded behaviour should be highlighted for consumers.

**An Cathaoirleach:** This is more an issue for Joe Duffy's "Liveline" radio show than it is for the Seanad.

**Senator Cáit Keane:** I apologise, but people are experiencing income difficulties — whether it be as a result of being unemployed or whatever — and have less money to spend.

**An Cathaoirleach:** Does the Senator have a question for the Leader?

**Senator Cáit Keane:** I request that the Leader ask the Minister to ensure that the Consumers Association of Ireland, which comes under his remit, carries out research in respect of this matter. If possible, we should introduce legislation to ensure that manufacturers cannot get away with increasing prices in such a deceitful way.

**Senator Martin Conway:** I echo the concerns expressed by colleagues in respect of University College Hospital Galway. I am also concerned with regard to the Mid-Western Regional Hospital in Limerick where another industrial dispute is due to take place either this week or next as a result of the terrible overcrowding and appalling conditions there. Will the Leader communicate to the Minister for Health the concerns of Members regarding the hospitals to which I refer? People in the Clare constituency in which I live attend at both of these hospitals. Since the 24-hour accident and emergency unit at the Mid-Western Regional Hospital in Ennis was closed, this matter is critical to them.

I agree with previous speakers who referred to Amnesty International's report, *In Plain Sight*. As is regularly the case with Amnesty International, the research carried out in respect of this report is extremely welcome and worthwhile. I concur with Senator van Turnhout and others that what happened in the past was appalling. The most constructive memorial we can have to the past is to ensure we put in place a world-class child protection policy. There is no reason this country cannot have the best child protection policy in the world. I suggest to the Leader that it might be worthwhile during a Friday sitting to have a debate on the Amnesty International report. There was a serious amount of resources and time used in commissioning the report which is a very valuable piece of research. There may be merit in dedicating time some Friday morning to a debate on it.

**Senator Paul Coghlan:** It is very encouraging to hear that culture night was such a success at all venues throughout the country. I was very happy to be at Quill's farmhouse at Muckcross Traditional Farms witnessing a fantastic night's entertainment of traditional Irish music, song and dance, which the locals enjoyed and from which they benefited. However, with more advertising and marketing, it could provide a significant boost for tourism at many venues throughout the country.

I support Senator Ivana Bacik's call for a further debate on the arts. I am sure the relevant Minister, Deputy Jimmy Deenihan, would oblige us in that regard. Last week's debate was truly worthwhile and further questioning of the Minister — if the schedule was slightly different — would be very beneficial to Members.

There is a motion tabled by the Opposition on the south west. There is a serious issue in Caherciveen. I know how dear and near the town is to the Cathaoirleach's heart. He knows how peripheral it is and of the great distances to travel to Tralee and Cork hospitals. The ambulance service is seriously under threat in the town.

**An Cathaoirleach:** This matter is suitable to be raised on the Adjournment.

**Senator Paul Coghlan:** I ask the Leader to make his best endeavours to bring the Minister for Health, Deputy James Reilly, before the Seanad as early as possible. The Minister is busy and has a high profile and many important issues to deal with. However, we could have a useful and wide-ranging debate with him whenever the Leader can arrange it.

**Senator Tony Mulcahy:** I find myself disagreeing absolutely with a Senator on one item, while agreeing with the same Senator on another. The Taoiseach has unquestionably stepped up to the mark in the past six or seven months in dealing with the massive economic crisis facing the country. I have absolute faith that he will carry us through the next four or five years, with our colleagues in the Labour Party, in particular the Tánaiste, Deputy Eamon Gilmore. I refute any suggestion that he has shown an incapacity to do the job.

On bankers' pay, I absolutely support the suggestion the Minister for Finance should come to the Seanad. I did not see the job in AIB advertised anywhere and there is no doubt that it will be one of the old pals in the banking sector who will get it. To think of anybody getting more than €500,000 — or that anybody would even request to have the rate of pay increased — is incredible. I, therefore, ask the Leader to request the Minister for Finance to come before us in order that we can put a stop to this once and for all. There should be no increase in pay for these fellows, as they have done enough damage already. Our position is bad enough without them looking for even more money.

**Senator Diarmuid Wilson:** I second Senator Coghlan's proposed amendment to the Order of Business that the Minister for Health, Deputy James Reilly, come before the House to discuss a number of health issues raised in the past number of months.

**An Cathaoirleach:** I am not so sure Senator Coghlan proposed an amendment.

**Senator Diarmuid Wilson:** He may have intended to do so.

**Senator Paul Coghlan:** Could we turn up the volume of the microphones for Senator Wilson?

**An Cathaoirleach:** Senator Coghlan did not formally propose an amendment.

**Senator Diarmuid Wilson:** I agree with him that it is appalling that the Minister has not been in the House in recent weeks. A number of health matters have been raised in the House in the past few months.

**Senator Paul Coghlan:** Down one more vote.

**Senator Diarmuid Wilson:** The Minister has failed to come to the House. I would like to see him here sooner rather than later.

I agree with colleagues that culture night was a success. In Cavan I attended a very successful event in the Johnston Central Library on Farnham Street. I would like to see more such activities organised on a national basis throughout the year.

I also join my colleague, Senator Brian Ó Domhnaill, in requesting that the Minister for the Environment, Community and Local Government come before the House to discuss his plans for local government reform. I raised this issue last week and will continue to raise it until the Leader successfully ascertains if the Minister will come to the House. There are many councillors throughout the length and breadth of the country who are in a limbo as to whether their electoral areas will be in existence at the next local elections, whether the number of councillors will be reduced in their counties, and I understand there are proposals that county councils of 25 members will be reduced to 20 or 21 members. This is a matter of grave concern not only to the incumbent councillors but to the public who demand a first class service, and rightly so, from their councillors. The sooner this issue is clarified the better. I request the Minister for the Environment, Community and Local Government to come into the House to discuss this very important matter of local government reform as well as the septic tank issue.

**Senator Michael Mullins:** I join Senator Mary Moran in calling on the Leader to request the facilitation of a debate on the scourge of suicide in Ireland and especially among young people. It now appears that financial pressures are seriously impacting on the health of many people here. The auctions at the weekend of repossessed properties are having a serious affect. I call on the banks to show more compassion and flexibility in dealing with home owners who are in mortgage arrears in view of the contribution that those same banks made to the awful situation in which people find themselves. It is galling to think that any financial institution would consider paying one of its executives a salary of more than €500,000 per year. We all bemoan the fact that none of those bankers who, clearly, has broken the law has yet been brought to book. I hope the day is not far off when some of those people pay for the crimes they have committed against the people and that some who are overseas are extradited and brought back to face the full rigours of the law.

**Senator Maurice Cummins:** Senator Brian Ó Domhnaill, the acting leader of the Opposition, called on the Minister for Finance to come to the House. He will be in the House to take questions and statements next Thursday. Senator Ó Domhnaill and others called for the Minister for Health, Deputy James Reilly, to come into the House. He will be in the House to take statements and questions by the end of October.

**Senator Terry Leyden:** Excellent.

**Senator Maurice Cummins:** I think it will be in the last week of October. There was also a call for the Minister for the Environment, Community and Local Government to come to the House. He is anxious to return soon and will be here to deal with the Dormant Accounts (Amendment) Bill in a fortnight's time. I am sure he will be in the House soon afterwards to address the problems that Senators Ó Domhnaill and Senator Wilson have outlined in respect of septic tanks and local government reform. I confirm that the Minister for Finance, Deputy Michael Noonan, will come to the House next Thursday and the Minister for Health, Deputy James Reilly, will come to the House in the last week in October.

Senator Ivana Bacik referred to the arts debate which was a very good one. There probably is a need for a more structured debate in the future and I am sure the Minister will be willing to come to the House for a more structured debate on the arts. Like several Members, she mentioned culture night and its success. I am pleased the Government Chief Whip and the Opposition Whip had a very enjoyable evening on culture night.

**Senator Diarmuid Wilson:** They are two very cultured people.

**Senator Maurice Cummins:** In regard to the Amnesty International report raised by Senators Jillian van Turnhout, Ivana Bacik and Martin Conway, we have had debates in the House on the Ferns, Cloyne and Murphy reports. I can try to facilitate a debate on the actual report with the Minister, which would probably be a worthwhile debate.

I thank Senator Mullen for raising the Swedish experience in criminalising the purchase of sex and complimenting Ruhama and other organisations which work with people in this field. I agree there is a need for legislation in this area and I certainly support his comments.

Senator Noone referred to women's involvement in sport and we join her in complimenting the European team on their success in the Solheim Cup and the Cork ladies team who won the Gaelic football final. I inform Members that the Minister of State at the Department of Transport, Tourism and Sport, Deputy Michael Ring, will be in the House next week to listen to the spokespersons and answer questions during the debate on sport.

Senator Thomas Byrne raised the leaking of a social welfare file and made grave accusations about a Senator who is not present. Any information he has on the leaking of the document should be reported to the Minister. The Minister for Social Protection, Deputy Joan Burton will come to the Seanad on 24 October and I advise the Senator to raise this matter with her at that time.

Senator Marie Moloney raised the incident on the reality television show where a person with mental health issues was ridiculed. I am not aware of the programme, but it is appalling that a television show would do not. That is unacceptable.

Senator Mary Moran raised mental health and suicide awareness issues. The Minister of State, Deputy Kathleen Lynch, was in the Seanad, in July but I am sure she would be willing to return to address the issues raised by Senators.

Senator Healy Eames raised the situation with newly qualified teachers. The Minister for Education and Skills was in the Seanad last week dealing with educational qualifications. That would have been an ideal opportunity to raise the matter with him. It will take some time before the Minister comes to the House again, but we will endeavour to do so. The opportunity to raise the issue when the Minister was in the Chamber was missed.

Senator Reilly raised the flip-flopping on the budget, I do not think there is any basis for that assertion. The budget will be introduced on the date specified and then we will learn what it contains. The Minister for Finance, Deputy Michael Noonan, will come to the Seanad next week to address any other matters on finance that Members wish to raise. Senator Reilly also raised a health matter which can be addressed by the Minister for Health.

I have addressed Senator Leyden's point on health issues. The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, has outlined the Government's position on Palestine and I will consider putting a combined motion on the Order Paper.

Senator Cáit Keane raised the practice of reducing the size of products while retaining the same price. This is not acceptable. This matter of concern to shoppers should be raised with the National Consumer Agency.

[Senator Maurice Cummins.]

Senator Martin Conway raised issues in the Mid-Western Regional Hospital. The Minister for Health, Deputy James Reilly, will come to the Seanad and that is the time to pose those questions.

Senator Coghlan commented on culture night and the need for a debate on the arts. We will have a more structured debate at a later stage.

Senator Mulcahy raised the issue of the cap of €500,000 on the salary of a new chief executive of AIB. It is a matter which I am sure the Minister, Deputy Noonan, will address next week when he is present in the House.

Senator Mullins called for the banks to show more compassion to mortgage holders who are in arrears. I am sure we would agree with him in that regard.

**An Cathaoirleach:** Senator Brian Ó Domhnaill has proposed an amendment to the Order of Business: “That No. 13, motion No. 5, be taken at the conclusion of No. 1.” Is the amendment being pressed?

**Senator Brian Ó Domhnaill:** Yes.

Amendment put.

The Seanad divided: Tá, 14; Níl, 28.

Tá

Barrett, Sean D.  
Byrne, Thomas.  
Daly, Mark.  
Leyden, Terry.  
Mooney, Paschal.  
Mullen, Rónán.  
Ó Clochartaigh, Trevor.

Ó Domhnaill, Brian.  
O'Donovan, Denis.  
O'Sullivan, Ned.  
Power, Averil.  
Reilly, Kathryn.  
Walsh, Jim.  
Wilson, Diarmuid.

Níl

Bacik, Ivana.  
Bradford, Paul.  
Brennan, Terry.  
Burke, Colm.  
Coghlan, Eamonn.  
Coghlan, Paul.  
Comiskey, Michael.  
Conway, Martin.  
Cummins, Maurice.  
D'Arcy, Michael.  
Gilroy, John.  
Harte, Jimmy.  
Hayden, Aideen.  
Healy Eames, Fidelma.

Heffernan, James.  
Henry, Imelda.  
Higgins, Lorraine.  
Keane, Cáit.  
Kelly, John.  
Landy, Denis.  
Moloney, Marie.  
Moran, Mary.  
Mulcahy, Tony.  
Mullins, Michael.  
Noone, Catherine.  
O'Brien, Mary Ann.  
O'Neill, Pat.  
van Turnhout, Jillian.

Tellers: Tá, Senators Ned O'Sullivan and Diarmuid Wilson; Níl, Senators Ivana Bacik and Paul Coghlan..

Amendment declared lost.

Order of Business agreed to.

**Road Traffic (No. 2) Bill 2011: Order for Second Stage**

Bill entitled an Act to amend and extend the Road Traffic Acts 1961 to 2011 and to provide for related matters .

**Senator Pat O'Neill:** I move: "That Second Stage be taken today."

Question put and agreed to.

**Road Traffic (No. 2) Bill 2011: Second Stage**

Question proposed: "That the Bill be now read a Second Time."

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Road Traffic Bill (No. 2) Bill 2011 represents yet another step in the evolution of better driving practice in Ireland. Over the years, we have travelled a great distance in our approach to driving and safety. Thirty years ago, it was not common practice for people to wear seat belts, children were often unrestrained when travelling, drink driving was not unusual or taboo and the dangers of driving were not paramount considerations of daily life. In 1972, an incredible 640 people died on Irish roads, which equates to more than 50 deaths per month. Times have changed and road deaths are in decline, but we want the evolution of driving practice to continue. There is room for further change in making roads safer and such aspirations can be facilitated with this Bill.

Legislation in recent years has made a major contribution to safer roads. The Road Traffic Act 2002 introduced the fixed charge and penalty points system as well as a framework for implementing the mutual recognition of driving disqualifications between EU member states. The Road Traffic Act 2006 introduced roadside checkpoints for testing drivers, and the Road Safety Authority Act 2006 established the Road Safety Authority. Last year we made considerable changes to the intoxicated driving legislation under the provisions of the Road Traffic Act 2010, and this year we strengthened the provisions relating to mandatory breath testing under the Road Traffic Act 2011.

It is not a coincidence that in the same period since 2001, Ireland has witnessed a rapid improvement in road safety from the perspective of annual road death statistics. The number of fatalities in the decade from 2001 to 2010 has fallen by 48%, and if there are no dramatic changes this year, fewer than 200 people will have died on Irish roads for the first time since records began, making us one of the five safest countries in Europe for road fatalities. Despite such significant gains, however, we cannot ignore the fact that people continue to be killed and seriously injured. In the same way, we cannot ignore the grief and devastation that road collisions cause for families and communities. We must continue to challenge the statistics and leave no room for complacency.

The Road Traffic (No. 2) Bill 2011 will help us to meet that challenge. The Bill is the eighth legislative initiative that has been taken in regard to traffic law over the past decade, which truly reflects the extent of the work that has been done in this area and the extent of the changes I have outlined. While the provisions contained in the Road Traffic (No. 2) Bill 2011 are not new, they will allow us to implement and strengthen the initiatives that we have agreed through the passing of the Road Traffic Acts 2010 and 2011. The 2010 Act provides for the lowering of the current drink driving limits for all drivers with a particular focus on learner, novice and professional drivers. The new limits have been the subject of much media debate, and I think there is now a general awareness and acceptance that these measures will be and should be implemented without delay. The necessary breath-testing instruments for the lower limits are being provided at present and the administrative and operational systems to support the measures are being finalised. The Bill that I am introducing today will make key amend-

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ments to strengthen and improve the related legislative provisions before the new limits come into force.

The Road Traffic Act 2011, which was enacted earlier this year, amended the mandatory alcohol testing provision of the 2010 Act and was commenced in June. The commencement of that provision made breath testing of drivers for alcohol mandatory in situations where a person has been injured as part of a collision or where a driver is suspected of consuming alcohol when driving or being in charge of a vehicle.

My commitment to endorsing mandatory breath testing is again being represented in this Bill where the same mandatory testing provisions will be applied at the lower drink driving limits. The Bill reflects the changes that were made in the 2011 Act and further clarifies some of the related intoxicated driving provisions in the 2010 Act. In essence, this Bill will bring greater cohesiveness and strength to the intoxicated driving legislation, thus making it more resistant to legal challenge and more effective as a deterrent to bad driving choices.

In terms of the timescale involved, Senators will be aware that new evidential breath-testing instruments to measure the lower blood alcohol concentration levels had to be procured. The Medical Bureau of Road Safety is well advanced in the testing and installation of these instruments and a detailed training programme for An Garda Síochána in the use of the instruments has also been provided by the bureau. All stakeholders are on schedule for commencing the new limits in the coming weeks. As a result, I want this legislation in place as quickly as possible so that drivers will receive a strong message before the October bank holiday and the Christmas period that drink driving is not an option and cannot be tolerated. When operational, drivers can expect to be tested in more circumstances than before with more stringent limits being applied. For learner, novice and professional drivers, the lower limits will effectively mean a policy of zero tolerance.

In line with the Government's new proposals in relation to the introduction of legislation, I held preliminary discussions on the general scheme of the Bill with members of the Oireachtas Joint Committee on the Environment, Transport, Culture and Gaeltacht. I found the engagement very useful and the Chair has since written to me with the committee's proposals and recommendations, to which I will give careful consideration. Following discussion with the committee and the Attorney General, I decided to divide the provisions of the general scheme into two separate Bills. As I stated earlier, I want to introduce mandatory breath testing at the new lower limits as quickly as possible and, therefore, this Road Traffic (No. 2) Bill is concentrated mainly on these provisions. I intend to publish another Bill, the road traffic (No. 3) Bill, before the end of the year to address the other issues discussed with and raised by the committee.

At this juncture, I would like to give a bit more detail about the provisions in the Road Traffic (No. 2) Bill. Most of the amendments in this Bill are technical and some are minor. The Bill is largely a tidying-up exercise with a view to bringing greater cohesiveness to the intoxicated driving legislation as a whole.

The aim of section 2 is simply to bring clarity to the type of information a Garda can demand from a person who does not produce a driving licence. A garda can ask for a person's name, address and date of birth and failure to provide any or all of this information will be viewed as an offence. This level of information is vital to following up on an offence and for obtaining successful prosecutions. The 2010 Act already allows a garda to ask for this information but the amendments in section 2 will make the provisions easier to interpret and should minimise any confusion when commenced.

Section 3 is restating, through substitution, certain sections of the principal Act. Amendments are also being made to bring clarity to the offence of knowingly driving a dangerously defective vehicle. I do not want there to be any doubt about who could be prosecuted for an offence under section 54. The amended wording more closely resembles the original wording in the principal Act.

One of the more significant amendments arises in section 5 and relates to failure or refusal to produce a driving licence. While the overall policy remains the same as in the 2010 Act, the wording in this section has been substantially altered. The amendments are on foot of legal advice relating to the 2010 Act and recommendations by the Attorney General's office. Section 5 amends, by substitution, section 8 of the Road Traffic Act 2010 to bring clarity to the requirements related to the production of a driving licence where a person has been required to undergo a breath test for alcohol under sections 9 and 10 of the 2010 Act. If a person fails or refuses to produce a licence, it shall be presumed that the person does not hold a licence until the contrary is shown and he or she can prove otherwise. As it stands, the legislation immediately deems the person to be a "specified person" in the same circumstances. It is this deeming that was considered to require legal enhancement.

Section 5 also inserts a new section 8A in the 2010 Act to bring clarity to the options available to the courts in regard to offences. Section 6 amends the Road Traffic Act 2010 by substituting section 9 to reflect the obligations on drivers to provide a preliminary breath test as set out in the Road Traffic Act 2011. Section 9, as amended, provides for the mandatory preliminary breath testing of drivers where a member of the Garda Síochána is of the opinion that a driver has consumed alcohol or where a driver has been involved in a collision in which a death or injury that requires medical attention has occurred. The reference to "death" in the section is new to the provision simply to ensure there are no loopholes in the mandatory testing element.

Section 7 amends the Road Traffic Act 2010 by substituting section 14 to reflect the adjusted policy of the Road Traffic Act 2011. The section provides for the obligation on a driver to provide a blood or urine specimen while in hospital where that person has been involved in a road traffic collision and appears or claims to have been injured. There is nothing new in this section which simply combines existing legislation in a more appropriate legal location.

Section 8 provides for a number of technical and minor amendments to the Road Traffic Act 2010. There is one amendment, however, that I would like to highlight under this section. Paragraph (a) substitutes new text for the definition of "specified person" in section 3 of the Road Traffic Act 2010. Section 3 is being amended to provide that a person who does not hold a current licence for the vehicle concerned will be categorised as a specified person when prosecuting for intoxicated driving. The amendment reflects and reinforces existing legislation that all drivers must hold a current licence at all times.

That, in essence, summarises the Bill. I know that road traffic legislation is somewhat convoluted and hope I have explained the provisions clearly. I look forward to hearing the contributions of Senators. In previous debates about drink driving measures many referred to the development of a "nanny state". What does this mean? We are required to make judgements in all aspects of our lives and, in most cases, we will make sound judgments. However, a misjudgment in driving can have catastrophic consequences, not just for the driver concerned but also for others. We need to minimise the potential for such errors and targeting intoxicated driving is an obvious route. A recent study conducted by the Automobile Association found that 87% of motorists in Ireland believed drink driving was shameful. While it may be considered shameful by most, it is also foolish and irresponsible. Perhaps this viewpoint seems harsh, but statistics show that alcohol plays a contributory role in one of every three fatal

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accidents. It is important, therefore, that we reach the remaining cohort, the 13% who did not share the same strong views. Perhaps these are the drivers who think the risk is worth taking.

The measures to be implemented in the coming months will reflect what the majority believe about intoxicated driving. I hope a more stringent regulatory regime will convince those who still engage in drink driving to reconsider and evaluate their choices. A car, in certain circumstances, can be a lethal weapon. If used without showing due care and responsibility, it can cause untold devastation for individuals, families and communities.

4 o'clock

A state that regulates to protect its citizens is one that cares and puts the views of the majority first. I look forward to the co-operation of Senators in facilitating the passage of the Bill which I commend to the House.

**Senator Ned O'Sullivan:** I welcome the Minister, Deputy Leo Varadkar. My party will not oppose the Bill for a number of reasons. First, it is very much based on what was included in the programme of the previous Fianna Fáil-led Government and, to a certain extent, is fine-tuning the heavy lifting done in the 2010 Act. The last Government must be commended for its huge commitment to enhancing road safety, not just in the 2010 Act but also in a whole raft of initiatives it took in dealing with the matter. Some of this was done under very strong pressure exerted by interest groups such as the vintners associations, community groups and many other influential organisations. Moreover, much of it was delivered, despite a barrage of criticism from then Opposition backbenchers. I happened to pick out one choice contribution by a then backbencher who is no longer in the Houses. In opposing the legislation he said:

I oppose the main provisions and the detail of this Bill. The Minister has been driven around for far too long and he no longer has his feet on the ground . . . The Minister is using a sledgehammer to crack a nut in this case by reducing the permitted blood alcohol level.

The Minister will be delighted to know that this quote is taken from the contribution of his former party colleague, the great P. J. Sheehan.

The previous Government did not get an easy passage in 2010.

**Senator Pat O'Neill:** He did not get any support did he?

**Senator Ned O'Sullivan:** We steered it through anyway——

**Senator Catherine Noone:** Well done. That was great.

**Senator Ned O'Sullivan:** ——although I am unsure how the former Deputy Sheehan voted at the time.

**Deputy Leo Varadkar:** I believe he practised what he preached.

**Senator Ned O'Sullivan:** During a previous long and interesting debate on transport, I noted to the Minister it is becoming an everyday occurrence for the Government to reverse its position in respect of measures it violently opposed in the past. Now it is in the driver's seat — that is not meant to be a pun — everything is all right. This is flattering for Fianna Fáil.

Another reason Fianna Fáil obviously will not oppose this Bill is because road safety must be and is a priority with all right-thinking people and all Members of both Houses of the Oireachtas. It is encouraging to note the death toll on Irish roads has been on a downward curve and that an all-time low was reached last year. I am sure the Minister is delighted with this trend and I wish him well in his activities to drive the figure down even further, if possible.

One life lost in a needless road accident is one too many. However, the trend is positive and it is to be hoped it can be kept like that.

One initiative introduced by the previous Government was the GoSafe programme involving speed cameras. I have a particular interest in this initiative because part of the consortium that secured the contract was a company based in my home town of Listowel. I understand it is providing a very good service and perhaps the Minister might comment in his concluding remarks on the GoSafe programme's progress, which would be of interest to most Members.

One must acknowledge the legislation contains downsides. While I will not return to the urban-rural divide, it is easy for city dwellers to have a social drink with friends after work or have a few glasses of wine with their evening meal, after which they can hop on the DART, the Luas or the bus. However, their rural equivalents simply cannot do this and, consequently, the quality of life of the latter has been eroded. I do not make a case against lower blood alcohol levels but one must consider the consequences thereof and must address them in a positive way to ascertain what can be done to improve the quality of life of people who, in many cases, now suffer from real isolation and exclusion, particularly in the more remote counties along the western seaboard and so on. Such locations have a higher incidence of male suicides in particular and I believe to an extent this is connected in some way to the inability of individual bachelors to access the pub on a regular basis because they have no way of returning home thereafter. When the previous Government was in office, the former Minister, Deputy Ó Cuív, introduced the rural transport initiative, which did much good work. Does the Minister have plans to enhance those initiatives to make rural life viable on a social level? The introduction of lower permissible blood alcohol levels of 50 mg per 100 ml will again result in the magnification of the problem.

As for publicans themselves, rural pubs at one time were the hub of the universe and provided a good living for many families. However, that has gone as people simply cannot casually call to a rural pub on the way home from a funeral or a football match anymore. There is a huge downside in the form of a drop of incomes. Will the Minister bring forward plans to compensate publicans who are making an all-out effort to keep their businesses open and to avoid going on the dole queue? Many publicans are providing transport services of their own and consideration should be given to providing funding in this regard. If direct funding is not possible, perhaps tax exemptions for publicans who invest in transport, drivers and so on might be considered because this problem definitely exists.

I refer to one or two miscellaneous items of interest about which I have queries. The section dealing with defective vehicles does not really make clear what constitutes a defective vehicle. Are we talking about a vehicle that did not pass the NCT or have a current NCT certificate or will it be at the discretion of a garda to decide a vehicle is defective because it has a bald tyre, lacks a light or something like that? As we are finalising the Bill it is time to clarify that issue.

How does one prove a vehicle is driven by a person without authority? The Bill envisages it to be an offence for the driver and the owner of a defective vehicle. The only way out for an owner, if he or she was not driving the vehicle, will be to claim the driver had no authority.

I have concerns about another element of the Bill. The Minister was a medical man. The Bill will ask serious questions of doctors and medical personnel. A garda will be able to enter a hospital without a warrant and look for a blood or urine sample. He or she can be prevented from doing so if a doctor is of the opinion that it would be injurious to an individual's health. We have all heard stories about people becoming sick and collapsing in order to avoid being tested. Will the onus be on a junior or casualty doctor to allow a sample to be taken from a person? There could be repercussions for the health of an individual. What would happen to the doctor?

[Senator Ned O’Sullivan.]

A roadside test can be taken by a doctor or what is described as “available medical personnel”. The reference to samples taken in hospitals specify a doctor or nurse. Who are “available medical personnel”? Are they paramedics or ambulance attendants? Some clarity on that would be useful.

I commend the Minister for continuing the good work of his predecessors. I wish him well in his attempts to further reduce road fatalities.

I wish to conclude on an issue not related to the Bill. The Minister knows there are currently no flights from Kerry to Dublin and none will be available until October.

**Deputy Leo Varadkar:** That is next week.

**Senator Ned O’Sullivan:** We missed out on the Listowel races which creates a huge influx of tourists. It is important, not just for Kerry Airport but all regional airports, that we keep a close eye on service providers and how they are shaping up to avoid sudden departures and the chaos it can cause for communities and tourists. I thank the Minister.

**An Leas-Chathaoirleach:** The Senator jumped the wrong fence at the end of his contribution. We will let him off.

**Senator Pat O’Neill:** I want to comment on Senator O’Sullivan’s contribution. I agree that not all legislation brought before both Houses by Fianna Fáil was flawed but we are still trying to fix one of the major pieces of legislation it passed, namely, the bank guarantee scheme.

**Senator Ned O’Sullivan:** The 100 days are up.

**Senator Pat O’Neill:** Yes, but we are still working as a Government. As Fine Gael spokesperson on transport in the Upper House I am pleased to welcome the Minister. I commend him and his Department for the excellent briefing notes we received prior to the Bill being put before the House. The Bill is the latest in a series of measures to improve road safety in Ireland. Many have said it may be seen as a missing piece of legislation rather than a stand-alone departure in its own right.

Given the legislative background, namely, the Road Traffic Acts 2010 and 2011, the Minister stated last year was the safest year on the roads since records began in 1959. While this is welcome news, the fact that 212 people lost their lives on our roads last year is a stark and tragic statistic when one considers the impact of a road death on the families, friends and communities of each of the 212 people killed. We must continue to introduce every possible legislative measure to safeguard life and limb on our roads.

The Bill amends the 2010 Act to introduce mandatory testing where a driver is or has been involved in a collision where a death or injury has occurred. I strongly welcome this measure. Addressing drink-driving is one vital component in improving road safety but other serious issues need to be addressed. Tailgating is a very dangerous practice, especially on motorways, and I hope the Minister addresses the issue in future legislation.

The approach taken to the driving test has a serious effect. The emphasis is on passing the test rather than being a safe driver. A safe driver is one who is considerate to other drivers and is conscious that a car is a dangerous machine that can not only kill or injure others but can also kill or injure its driver.

Tailgating is an issue that is not being dealt with satisfactorily in driving lessons or tests. It is a phenomenon that is most frequent and dangerous away from the ambit of the driving test — on the motorway. It is the vigilance of other drivers that prevents tailgaters from causing

more accidents. In 2007 during a period of dense fog, the worst traffic pile up in the State's history occurred in Kildare during the morning rush hour. Even though visibility was nil, many drivers continued to travel at high speeds and without lights causing carnage on the M7 and M9 motorways. Some 27 people were injured with one critically injured following more than 40 collisions on a 5 km stretch of motorway. Many victims had to be cut from their cars and at least 23 ambulances travelled to the scene from five counties along with numerous units of the fire brigade. Thankfully we do not often experience dense fog, but the problem is that many people seem clueless as to how to behave if dense fog descends.

This comes back to the notion of driving lessons being geared to passing a driving test rather than being a safe and courteous road user. This ethos encompassing courtesy is the missing link in our drive to improve road safety. Driving instructors need to emphasise these points. The advertisements running on television at present are useful in this regard and I hope the initiative will continue.

Of course the reduction in the blood-alcohol level as provided for in the Bill is aimed at achieving safer roads. However, many rural people and rural publicans may feel they are paying a disproportionate price for the new levels as Senator O'Sullivan has said. Reducing blood-alcohol limits needs to be accompanied with a serious review of the rural transport programme. As both of these matters are under the remit of the Department of Transport, Tourism and Sport, I ask the Minister to clarify whether they will be considered in tandem. Last week the Minister of State, Deputy Kelly, was in the House to brief Members on matters including rural transport. In my contribution I stressed the need for the rural transport programme to expand its services. The emphasis tends to be on older people, which makes sense as this group is least independent in getting to shops and elsewhere. With ongoing changes to drink driving laws there is an opportunity for the rural transport network to analyse the market in terms of people who might like to go for a few social drinks in the evening.

In my local area Ring a Link provides a door-to-door bus service to rural people in three counties, Kilkenny, Carlow and south Tipperary. While I do not propose to change the name to "Ring for a Drink", the Ring a Link website states that the service is open to all the community with a modest charge in some cases and no charge in others, including for those with free transport passes. I imagine that many people are unaware that the rural transport service is available to them and considerable work needs to be done in promoting rural transport services. As Senator O'Sullivan pointed out, most of these services run during the daytime. These services could be run in the evening to help people in isolated rural areas to socialise, given that isolation and loneliness represent one of the biggest dangers we are facing, as the Society of St. Vincent de Paul has pointed out. The recent CSO survey showing that more than 50% of people in rural areas believed that no transport was available shows that the rural transport network may need to reconsider its approach even in terms of making people aware of its existence.

Fine Gael has long been committed to the concept of a reliable and sustainable transport service for rural communities. As the party with the largest cohort of rural-based Deputies and Senators in the Oireachtas, we are very well informed on the importance of rural transport provision. We are also aware of the sense of loss felt in rural areas in respect of the revising downwards of drink driving limits and the consequent effect it has on community life in small villages and towns. Rural isolation is a very real problem and one the State must take seriously. Last week I referred to the Society of St. Vincent de Paul study which reported that loneliness was the biggest problem faced by older people. The report referred to the importance of rural transport in addressing the sense of isolation often felt by older people. I urge the Minister and the Minister of State, Deputy Kelly, to take all these matters into account when formulating transport policies.

[Senator Pat O'Neill.]

At the other end of the age spectrum are young drivers. In my experience, while young people, especially young men, can often be guilty of driving far too fast, they tend to have a more sensible attitude to drink driving. They are more culturally attuned to the notion of a designated driver. Reducing the blood-alcohol level to virtually zero for learner drivers will further consolidate this cultural shift and I welcome this move. Similarly, it makes sense to have the same limits imposed on professional drivers.

I welcome the other measures in the Bill, including the offence of knowingly driving a dangerously defective vehicle, and requiring a blood or urine sample to be taken from a driver who has been treated in hospital following a collision. It is sensible to provide that anyone who refuses to produce a driving licence within ten days will be assumed not to have had a licence.

It goes without saying that to be safe roads require a proper surface. I, therefore, encourage the Minister to continue to prioritise the roads programme in his Department's strategy. The measures in the Bill provide for a logical tightening of the law. I congratulate the Minister on his achievements in the progression of a safer roads agenda. I hope the Bill will have the desired effect by keeping drivers safer.

**Senator Sean D. Barrett:** I join other Senators in welcoming the Minister. We have made great strides, for which I commend the Minister and his predecessors. However, if we were starting from scratch and knew an activity would entail the deaths of nearly 200 people every year, we would be stopped in our tracks. We have ignored this problem. As the Minister pointed out, the figure used to be over 600 people killed on the roads every year. The RSA estimates the cost of accidents at well over €500 million, not to mention the human suffering and misery caused. We need safe transport. In that respect, what is before us is commendable.

Looking at the list of fatalities, I see that driver behaviour was a factor in 81% and drink driving in 37%. Pedestrians accounted for 12%. We must, therefore, tackle the drink problem, in regard to which I fully support the Minister. There are alternatives available to him. He should open up bus services in rural areas. Since 1932, we have spent our time stopping bus companies. After 79 years of preventing bus competition, those who were not meant to be there own 79% of the buses in use. It is time to let them off. There is the school bus service. There are buses in every locality that bring people to football matches on a Sunday and into towns during the week. The other alternative is to designate in advance the person whose turn it is to drive. That works. Younger people have a much more sensible approach to this problem.

The Bill makes it clear that one will not be able to drink and drive. In this regard, I commend the Minister for lowering the limits for younger people. Until recently drink driving has been the major cause of death among males under 35 years. Another Senator has pointed out that death by suicide has, unfortunately, taken over top spot. This is serious for males under the age of 35 years. Alcohol features prominently in single vehicle crashes, about which we hear so much. We must, therefore, use whatever method we can, whether it be sports heroes or whoever can appeal to this group to desist from engaging in this practice which is so damaging to themselves and their families. We all recall groups such as Mothers Against Drink Driving in County Meath. As such deaths cause misery for generations, we have to deal with the problem.

I note with concern that the level of compliance with speed limits can be as low as 14% and 16% in urban areas and that there was a huge increase in the level of non-compliance in rural areas when speed limits were converted to metric figures in 2005. There was a 94% non-compliance rate among those driving articulated trucks. I would commend the Minister and his officials if they were to get the Garda to clamp down on this practice. The limits are not discretionary; speed is a major cause of accidents.

Some of those involved in single vehicle accidents and other accidents are people who are fatigued after driving for many hours and so on. The Minister might like to explore this issue with some of his international counterparts. The European Conference of Ministers of Transport has been absorbed into the OECD. I gather there is technology available where the ignition will not work if a person cannot perform in a certain number of alertness tests. It will be interesting to see if the Minister and his continental colleagues can introduce such technology in order that when somebody's concentration starts to lapse, the so-called intelligent vehicle will not start. Where young people travel together — I refer again to the 18 to 35 years age group rather than children — the number not wearing a seat belt is high. As the Minister noted, it is elementary these days that people in the back seats of cars should wear seat belts. While one may be surprised to hear of back seat passengers being injured or killed in car crashes, this group tends to be the one that does not wear seat belts. A case can be made for running an awareness campaign on this issue.

Alcohol is a factor in 38% of road traffic accidents involving pedestrians. I also gather that the majority of pedestrians killed in road traffic accidents are aged over 65 years. Is there scope for distributing high visibility jackets with the free travel pass and telling people to enjoy the train and bus as they may no longer be as mobile as they once were? The figures show a problem with elderly pedestrians being killed on the roads.

Alcohol was found to be a factor in 62% of single vehicle accidents and 90% of drivers involved in such accidents were found to be male. It would be of value to introduce a concentrated programme, similar to some of the successful programmes the Road Safety Authority has implemented, geared towards male drivers.

A regional problem is also evident. I note in the county statistics that Donegal, with a population of 147,000 in 2010, had 19 road deaths, while Dublin, with a population of 1.5 million, had 21 road deaths. Does this give rise to a need for cross-Border co-operation on the issue between the PSNI and Garda Síochána? County Cavan recorded 11 deaths in 2010 or about half the number of County Dublin which has a population 22 times greater. There is a fear in Border areas that people from the adjoining jurisdiction ignore the law. From the recent figures, there appears to be a substantial possibility that being able to transfer penalty points from County Fermanagh to County Cavan or County Derry to County Donegal would pay a dividend in achieving the goal we all seek, namely, reducing the number of accidents.

I referred to the 18 to 34 and 65 plus age groups and the preponderance of men in single vehicle accidents. I do not know the reason for the high level of non-compliance with seat belt regulations among the 17 to 24 years age group. A campaign geared towards this group would be welcome given the success of a similar campaign focused on children.

I will refer briefly to the road network. Data indicate a spectacular success in converting the road from Dublin to the Border at Jonesborough to motorway. The accident rate on motorways is half what it was on dual carriageways which, in turn, is half of what it was on single carriageways. I am concerned at attempts by the National Roads Authority to persuade the Minister to place toll booths at intervals of every 100 yards or whatever on the M50. To do so would divert drivers on to other roads on which the accident rate would increase by a factor of perhaps four. We built the motorways to a high standard and they have been successful in reducing accidents. For this reason, I caution against any strategy that prices people off them. The results of motorway safety programmes have been spectacular.

While I do not have legal training, having examined the regulatory impact analysis, I may table amendments on Committee Stage in respect of the provision that a person should have ten days to produce a driving licence. If a person has a vehicle worth tens of thousands of euro and a wallet full of credit cards, why does he not have a driving licence and why would one

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wait for ten days for him to produce it? The licence may be produced at any Garda station which means the garda on duty must verify that it has been produced. Why not require people to have a driving licence on their person? In light of proposals to introduce a credit card type driving licence, people should be required to carry their licence in their wallet or purse. I presume also that the production of a driving licence at a Garda station at a different location would delay the Garda investigation. It is strange that a period of ten days for producing a driving licence is being provided for.

The comprehensive spending review must set the tone for what the Government will do to address our problems with the IMF rescue and so forth. An *bord snip* recommends that the Road Safety Authority and the Rail Safety Commission be merged into a single transportation safety body. There is merit in that recommendation if savings can be made on administration costs.

I am concerned that reports on serious public transport crashes such as the bus crash on Wellington Quay in 2004, in which five people were killed and the report on which ran into the ground in 2009, will never be published. The fine imposed on CIE for its part in the Kentstown bus crash in 2005 was €2 million. Most mysterious of all, the collapse of the Malahide rail viaduct in 2009 is not even mentioned in the Department's annual report on rail safety, despite the fact that for four months the two main cities on this island had no rail connection. The Malahide sea scouts saw the fault and telephoned to tell someone about it. Happily, a driver saw the problem and stopped all traffic. However, 1,000 people had been on the four trains which had passed in a 20 minute period before the viaduct collapsed. This fact seems to have escaped the Department's memory. Providing for the comprehensiveness evident in the road safety budget, with which the Minister is dealing with the relevant agency, to be applied to bus and train services would be an advantage. I am surprised that major safety considerations are not addressed adequately in the Department's 2009 annual report.

I offer these suggestions. I commend the Minister who is seeking to tackle a major source of sorrow in the community and I am delighted every Member of the House supports him in that endeavour. The figure of 600 fatalities was appalling and 200 is still too high and should be much lower. I note that the nomenclature has changed concerning what used to be called "road accidents". They are not accidents, rather they are caused by people who practise unsafe behaviour which the Minister has made commendable attempts to tackle. I support the Bill.

**Senator James Heffernan:** I join others in welcoming the Minister. Both he and his Department are doing a great job, as is the Minister of State responsible, Deputy Alan Kelly. I wish them continued success as they proceed with their work.

I welcome the provisions of the Bill because there is not a family in Ireland which has not been touched by a road traffic accident. As I think about the number of people I knew who died on the roads, off the top of my head I can recall ten fatalities in my parish. I do not live by any stretch of the imagination in a major urban metropolis but in a small town. Furthermore, I know each and every one of the families affected and how the loss of a young son or daughter, a father or mother, has affected each of them. Families never really get over this. We all know families in the same position. Only six weeks ago I attended the funeral of a young man who had died by the side of a country road. Any measure introduced to reduce the number road deaths must, therefore, be broadly welcomed.

I welcome, too, the timing of the Bill, in the lead-up to the October bank holiday weekend and, especially, the Christmas period. This will send a clear message to all road users. These are the times of the year in which people who would normally not drive under the influence

of alcohol might be tempted to do so. I hope the Bill will send a clear message to those who might be so inclined not to do so.

The Bill seeks to bring together various strands of prior legislation and tie up any remaining loopholes. In particular, I welcome the provisions of section 7, under which a person involved in a road traffic accident will be tested in hospital. I know of a case close to my own heart in which a young man who rode a motorbike and had been out drinking for a day became adventurous and decided to drive home. However, on the way he crashed into a local farmer who had never touched a drop of alcohol in his life. The young man in question was taken to hospital where no breath or blood tests were done. In time, the farmer was found to be accountable and had to compensate the drunken man who had crashed into him through the payment of a considerable amount of money. I welcome any measure that seeks to stop this from happening.

Senator Ned O'Sullivan referred to the provision dealing with defective vehicles. Will the Minister clarify what constitutes such a vehicle? Is it one which has not passed the NCT?

The problem of drink driving is comprehensively addressed in the Bill. Will the Minister outline the measures that will be taken to deal with the phenomenon of drug driving. Will the mandatory tests apply in cases where drug driving is suspected?

What education programmes are being put in place in schools? Four weeks ago I was approached by the parents of a child who was involved in a road traffic accident. The accident resulted in the death of the driver of the other vehicle and also in their child suffering a long-term brain injury. The father indicated that his son had become suicidal as a result of his injury and that he wanted to bring him to schools, particularly secondary schools, in order that he might speak to other children. It is, after all, during the leaving certificate cycle that most young men decide to purchase their first car. If the boy in question could speak to his peers, it would make them aware of the dangers they face on the roads. Has the Road Safety Authority been asked to provide education programmes whereby the victims of road traffic accidents could be brought to schools in order to speak to students?

I thank the Minister for coming before the House and I look forward to his reply.

**Senator Catherine Noone:** I welcome the Minister. It is great that there is someone in charge of the Department of Transport, Tourism and Sport who is so good at his job. I agree with Senator O'Sullivan that we are always very quick to highlight the negative. However, I am of the view that Fianna Fáil did a reasonably good job in respect of transport.

The Bill is extremely important in that it will assist in further reducing the number of accidents on our roads. The number of road deaths reached a record low in 2010, when 212 people were involved in fatal accidents. This compares with almost 400 road deaths in 2005. A previous speaker indicated that at some point in the past there were 600 road deaths in one year. This shows how far we have come in the intervening period. It seems likely that there will be another record low in 2011. To date this year there have, thank God, only been 135 fatal accidents. We must remain on top of this issue and we cannot afford to become complacent in respect of it.

I accept that there are many vested interests and organisations which have not welcomed the legislation. However, people must be encouraged to consider the bigger picture. The lower limits relating to drink driving that are contained in the Bill were originally outlined in the Road Traffic Act 2010. I do not need to rehearse the position in respect of those limits because Senator O'Sullivan has already done so. One of the points that is consistently raised in opposition to reductions in the drink driving limit is that they will contribute to rural isolation by forcing people to remain in their homes. That is a real issue and there are two observations which must be made in respect of it. The first is that in virtually every debate relating to this

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matter, the idea that people can go out and not have a drink is completely ignored. This speaks to a greater societal and cultural issue which must be addressed. I agree with my party's spokesperson, Senator O'Neill, to the effect that we must take cognisance of the issue of courtesy when discussing this matter. There are many issues other than those relating to alcohol which give rise to problems on the roads.

The pervasiveness of the drinking culture that exists in this country tends to reinforce the notion that people cannot go out without consuming alcohol. I raised this point recently when commenting on under-age drinking and I reiterate what I said then, namely, that young people can only but follow the example given to them by adults. The wider debate on this matter highlights a need on the part of some people in society and it also presents us with an opportunity to develop further legislation. One proposal could be for the Minister to consider granting very limited, tightly controlled hackney licences to publicans. I know that was previously part of a Fine Gael policy. There should be incentives to allow publicans to transport citizens on some form of social benefit, particularly those in receipt of old-age pension. A nominal fee could be charged and in addition, a rebate could be allowed on the tax on petrol consumed. I am sure the Department would be more than capable of coming up with this or some other measure.

This Bill is certainly a step in the right direction but we must continue down this path. Ultimately, we should advocate a zero tolerance policy. In the context of such a policy, the need to find creative ways for such establishments to make money becomes greater. We must foresee such a problem and look to formulate alternative revenue streams for urban and rural Irish pubs. Zero tolerance is a necessity and the prevention of a life being needlessly cut short is a goal worth pursuing.

**Senator Kathryn Reilly:** I welcome the Minister to the House. I also welcome the legislation and the opportunity to address such a critical issue. Many people in all our communities are bereaved and too many crosses dot the roadside across the State because of road deaths. As Senator Noone mentioned, one positive aspect of the previous Government's record over the past ten to 15 years is that there was success in reducing the number of road fatalities. This was done through a mix of public awareness, education and adjustments to enforcement and licensing.

The number of road deaths has fallen dramatically as a result of these steps, which forced people to realise the potential danger of car travel and the responsibility of all people to keep safe and be considerate of the safety of others. Road safety advertisements are vivid and graphic but they have caused people to rethink actions and attitudes to driving, taking in drink-driving, driving while on a phone call or the recent phenomenon of driving while texting on a phone. Those adverts have brought about much awareness despite being very graphic.

I wholeheartedly welcome this legislation as it will further promote road safety. Taken with the recent proposals by a Minister in the North, Mr. Alex Attwood, there will be harmonised limits across the island. As Senator Barrett has already mentioned, this is critical for communities along the Border. There is scope for the Minister to work through the North-South Ministerial Council to develop harmonised road safety policy and enforcement across the island to ensure the safety of pedestrians and motorists both North and South. I encourage the Minister to continue with this work, especially with regard to the issues already highlighted by Senator Barrett.

In welcoming the legislation I am mindful that early figures for 2011 showed a slight spike in deaths, and I hope this will not become a trend. As has been mentioned by earlier speakers, I am concerned about a possible disconnection between this legislation to enhance road safety and other Government policies and actions arising from budget cuts. I am concerned that planned cuts to public services will have a direct impact on front-line services. There will be an effect on the Garda budget, for example, and it would be wrong for budget cuts to have an impact on the ability of gardaí to enforce the legislation we are debating. It would also be wrong for budget cuts to have an impact on the ability of the Garda to reduce the number of intoxicated and dangerous drivers on our roads and remove unsafe vehicles. It would be wrong for such cuts to affect the ability of emergency services to respond to accidents and the ability of accident and emergency units to deal with major road traffic trauma. There is a possibility that the good work of this Bill could be undone by spending cuts.

We must be clear that drink-driving is a major issue which impairs drivers. Much work has been done to discourage people from drink-driving but additional measures must be explored, such as providing public service vehicle licences to service isolated rural areas in particular. Such measures have already been mentioned. There should be other options for rural areas which do not have public transport, and which have already faced cuts to the rural transport programme.

Drink driving is one factor in accidents and road traffic deaths but there are other factors that need to be addressed. I take this opportunity to highlight briefly an issue expressed to me about road traffic accidents and emergency responses. When the emergency response gets a call, the ambulance has to go to the scene first and if the fire brigade is required, it will be sent out. If this practice continues whereby the ambulance has to be on the scene first and the call for the fire brigade cannot go out until after it has attended the scene, there will be problems if a car goes on fire as the fire brigade will not be on hand as a first response to deal with the fire. At least half a dozen times in one small area of Cavan the ambulance was helpless until the fire brigade arrived. We do not want it to be too late and do not want to add to the crosses dotted along the roadside. People ask why it takes so long for the fire brigade to get to the scene.

In conjunction with whatever other areas he needs to examine, I ask the Minister to consider an automatic phone-out of the fire service with the ambulance to all road traffic accidents because if the fire brigade arrives first, it can cut out victims and make preparations for the ambulance staff before they arrive. All fire brigades have first responders to administer treatment when they get to the scene. If the need arises, some members of the fire brigade could be trained up to paramedic level. My party and I support the measures in the Bill to ensure continued safety on our roads with the objective of continuing to lower the number of road deaths. We cannot afford to cut the front-line services or driver testing services. The Garda needs to be adequately funded to deal with the problem, including the provision of the new breath-testing equipment. We cannot undo the good work of this legislation by underfunding other vital aspects of road safety. I ask the Minister to consider those points.

**Senator Imelda Henry:** I welcome the Minister to the House and welcome the opportunity to speak on the Bill. We all know the reduction in alcohol levels has played a major part in reducing the number of fatalities on our roads. We are aware that the new lower limit is consistent with practice in many European countries. The flip side of this policy is that it has created major social concerns, especially in rural areas. For many years the pub was the social centre of many communities where people had a drink in a controlled environment. The whole structure of towns and rural areas has changed completely. We are still grappling with the

[Senator Imelda Henry.]

epidemic of road deaths and we are making positive progress, but we have created a serious social issue whereby many elderly people are isolated and vulnerable and unable to socialise in the way they did.

The legislation, which has been widely supported, will help the Government reduce fatalities on our roads. Statistics would suggest that speed and drugs are now the major reason so many young people, particularly young men, are killed on our roads. Statistics also show that these people who are isolated rarely cause any fatalities on the road. While the reduction is welcome, I call on the Government to implement policies that will help the many hundreds of thousands of people who are vulnerable, isolated and lonely.

It is clear we have a serious problem with alcohol and I hope the Government will deliver on its promise to deal with the below-cost selling of alcohol in supermarkets. In the late 1980s there was a proposal to legislate for a separate area with a separate entrance for alcohol in supermarkets that would be manned by mature staff. Unfortunately, this legislation was not passed, and perhaps it is time we showed some common sense and revisited these proposals.

**Senator Colm Burke:** I will be brief as all the issues I had hoped to raise were raised by the Acting Chairman, Senator Catherine Noone, and my colleagues, Senators Pat O'Neill and Imelda Henry. I am concerned about a technical aspect of the Bill, that is, the taking of a blood sample in the hospital. I understand that if a sample is taken in a Garda station, a sample is also given to the accused party. The doctor takes a sample, but in accident and emergency departments the junior doctors who are moving on do this. Have we covered all the technicalities that will arise in these situations? The reason I have a concern is that when I practised in the District Court, I remember dealing with a case where a man had admitted to a Garda that he had five pints, but after three days of debate in the District Court, we got him off the drunk driving charge on a technicality. I am very conscious of technicalities when it comes to legislation. Can that issue be looked at? I may be missing the point in the legislation, but I ask that this would be carefully tuned, especially in relation to both the doctor, chain of evidence and the fact that the party from whom the sample is taken has a right to retain part of that sample. That is my understanding of the provision. I may be incorrect, but it is a technical issue and I wonder if this would be looked at again.

**Senator Martin Conway:** I welcome the Minister and I am delighted to take this opportunity to commend publicly him on becoming Minister. This promotion was well deserved. The Minister is doing an excellent job. As the only Member of the Oireachtas who does not drive, because I am prohibited from driving, I would swap my position and accept the legislation, if I could drive. I do not have a tolerance for people who are arguing the toss on this issue. It is a matter of the safety of human life. There are social issues, and in my community in a rural constituency there are divided views on the legislation. There is a belief that a person should be able to go out and have two pints and drive home, but the research has proved beyond any doubt that even after one pint, a person's judgment is impaired.

There are practical actions we can take to assist publicans. We could issue each publican with a free PSV licence and enable and facilitate them to bring their customers home after the pubs close. That would be a sensible proposal and it would not cost anything. It would create a vehicle for dealing with the issue of social isolation. There is merit in deregulating the bus service.

**Senator Sean D. Barrett:** Hear, hear.

**Senator Martin Conway:** We could facilitate entrepreneurs to examine the possibilities of providing a social service on an economic basis. If there were a night link bus travelling around my area, I have no doubt that old people would take advantage of it. Previous Governments gave tax incentives to property developers, and perhaps tax incentives for this type of service could be examined. People do not have to get behind the wheel of a car to go to a pub at night. There are ways and means around it and the Government must think outside the box to complement the legislation and to be seen to be inclusive. We do not have a choice because the legislation must pass. I welcome Senator Kathryn Reilly's contribution and that of the main Opposition party. This is politics working for the people and saving the lives of citizens.

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I thank Senators who contributed to the debate for their views and their support for the Bill. I want to clarify that the primary purpose of the Bill is to introduce mandatory breath testing of drivers by Garda at the lower blood alcohol concentration levels. The Garda will be required to test where death or injury has occurred as a result of a road collision or where he the member in question forms the opinion that the driver has consumed intoxicating liquor. The Bill does not amend in any way the lower drink driving limits. They were already passed in the 2010 Act and will be signed into law as a commencement order by me later in the year. The provisions in the Bill are proposed technical amendments to the existing legislation and they seek to strengthen the legislation in order to close any potential loopholes.

What Senator O'Sullivan said is correct, namely, that this Bill is a fine-tuning of the existing legislation, which was slightly defective but I will not labour that point. Notwithstanding the objection of a minority of Members of various parties, the legislation of 2010 was supported by the Fine Gael Party and the Labour Party in both Houses. The Senator referred to the work of the previous Government in this area, with which I agree 100%. Fianna Fáil has got a lot of abuse, and rightly so, for its handling of the economy and other matters in recent years, but it did a very good job on road safety. It is important to acknowledge the contribution of the former Ministers, Noel Dempsey and Martin Cullen, and their predecessors who did the things that made a difference. They include the setting up the RSA, the establishment of the Garda traffic corps and the introduction of speed cameras, which are now run by GoSafe and I am happy with the service it is providing. Other measures include the bringing in of the penalty points system, fixed fines and random breath testing, which resulted in a decrease in the number of fatalities and a change in behaviour. The improved condition of the roads also made a difference. Senator Barrett touched on that point.

Whatever we will do about tolling, it will be a long way down the road. It would totally defeat the purpose of having more tolls if that were to drive people off the roads because we would not get any further revenues from that measure. We are certainly conscious of that. No decisions have been made by the Government on that issue. We have not done any work in the past six months to progress it but every time the issue is mentioned the media go mad. Any time I have an unpopular decision to hide, I might decide to talk about tolling because it seems to be of great interest to the tabloids and some sections of the media.

The issue of rural isolation is a matter of real concern. Even though I am an urban Deputy I do not dismiss that issue at all. Large parts of my constituency are very rural which people may not realise but, hopefully, when they are out canvassing during the by-election campaign around Thornton, Coolquay, St. Margaret's and Rolestown they will get to experience some of it.

[Deputy Leo Varadkar.]

Notwithstanding rural isolation, rural road deaths are also a big issue. Even though 30% of the population live in Dublin, only 15% of road deaths occur in Dublin. Even though we cannot break down the figures to small areas, the incidence of road deaths tends to a bigger problem in rural areas than in urban areas. That is not only due to the lighting on roads, it is also due to drink driving. In my view, the solution to rural isolation is not to allow people to drink and drive and mow down their neighbours, rather it is initiatives such as having designated drivers and the provision of a courtesy bus, which many pubs, in fairness, are already operating. I know of a pub in Kells that provides a courtesy bus and it is extremely popular. I am sure some other pubs also provide one. Designated drivers are not that hard to find. I do not wish to be glib about this but it is possible to make friends with a teetotaler and while one has a pint the other person can have a Lucozade and he or she might even drive one home.

Another issue is taxis. Taximen tell me all the time, and perhaps they are right, that there are a lot of taxis operating and they cannot get business, yet people in rural areas tell me they cannot get a taxi. There must be some mismatch. Taximen complain all the time that they cannot get business and they have to queue up, yet people, particularly those in rural areas, complain that they cannot get a taxi home.

On the issue of rural transport, anything in that regard is subject to the comprehensive spending review. All Departments will have to take very deep cuts. There is no point in pretending that this budget will not be affected. It will be, but the project that the Minister of State, Deputy Kelly, is working on, in conjunction with others, seeks to bring together rural transport, HSE transport and school transport into an integrated system and perhaps one that is much more efficient than the one we have now.

In terms of definitions, I was asked to define the term “available medical personnel”, there is no definition of that as such in the legislation but it is understood to mean a doctor, and that is certainly the case now. Roadside tests are not carried out by doctors, they are carried out gardaí, but those are breath tests. Evidential breath tests are carried out in Garda stations and blood tests are carried out by doctors in a Garda station or in the hospital.

There is no specific offence of tailgating but it is considered to be dangerous driving or driving without due care. It was a big issue on the M50 due to people evading paying tolls, but now that the cameras face both ways it is no longer an issue. There is no longer any advantage in doing it because the number plate on the back of the car can be caught as well as the one on the front.

A defective vehicle is defined as a vehicle deemed to be defective by the Garda. It is not necessarily related to having done the national car test, NCT.

Senator Barrett referred to compliance with speed limits. I very much agree with his point. One third of fatal collisions involve alcohol but two thirds do not, and speed is obviously a significant factor in those. Enforcement is the key. In Australia, for example, there is good compliance with speed limits. People do not break the speed limit in the way they do here because they know they will get caught. That is the reason enforcement is so important. To make a different point as an aside, some speed limits in Ireland are inappropriate. Local authorities have a great deal more autonomy in setting speed limits than they had previously and they should use them to ensure speed limits are appropriate and not too low in certain cases.

With regard to technology, I am not familiar with any alertness technologies. I would be interested to know more about them. Some of the private bus companies use what is essentially

a breathalyser on their buses, which means the driver cannot drive the bus without passing a breath test first. That is a positive move.

I will have to think about the ten day period for producing driving licences. There has to be some period of time although perhaps ten days is too long. There can be a legitimate reason that a person did not happen to have their licence with them at the time. I am sure I have forgotten to bring my wallet with me on occasions and that should not be an offence. Perhaps ten days is too much but we will give the matter some consideration.

**Senator Pat O'Neill:** When the licences are changed it will be different.

**Deputy Leo Varadkar:** Yes, the plastic card licence is being introduced. Under a European directive we must have it in place by the last day of 2012 or the first day of 2013. The Road Safety Authority will have responsibility for implementing that. The first plastic card licences will be issued next year. It is similar to a credit card and can be fitted into a wallet. People will not be required to change over but when they renew their licence it will be replaced by the plastic card licence. Many people will want to have one because it will be a handy identification card. It is to be hoped, subject to written confirmation, that people will be able to use it on Ryanair flights as well. People will probably be much more likely to——

**Senator Martin Conway:** Well done.

**Senator Pat O'Neill:** Is that confirmed?

**Deputy Leo Varadkar:** Yes, I have been told that verbally but I have not got it in writing. I expect to get the letter soon. It would make a big difference if people could use it.

Senator Heffernan mentioned the issue of drug driving, which greatly concerns me. The road traffic (No. 3) Bill will strengthen the provisions relating to the evidential test people must undergo for drug driving impairment. Essentially, it will be similar to what one sees on American television where people are asked to walk along a line or do various exercises to ensure they are not under the influence of drugs. I anticipate it will be implemented next year. There is no reliable technology yet for breathalysing a person at the roadside for drugs, but it is the case that blood tested for alcohol is also tested for drugs at the same time. In most cases where people are drug driving they have also consumed alcohol, so if we do not get them for one, we get them for the other.

The Road Safety Authority contacts all schools and makes its services available for carrying out education programmes in them. It has used one method very effectively in some cases whereby it brings a car to the school and puts the children in the car so they can experience what it is like to be in an overturned car, which is not very nice. It appears to be quite effective. I am not familiar with the authority bringing victims into schools. There probably would be sensitivities surrounding that. Some victims have been willing to appear at conferences and to speak in the media. This has been very helpful, especially in television advertisements.

Senator Reilly mentioned the issue of fire brigades and ambulances. That is not directly within my remit so I will have to give it some thought. We must be careful about it. Ideally, one would send a fire brigade and ambulance to every collision but that would be extremely inefficient because in most cases it would not be necessary. There is a proposal in the existing road safety strategy to combine fire brigade and ambulance control under a single control. That has not yet been done as they are under separate management.

That is something the Cabinet sub-committee on road safety will have to discuss.

[Deputy Leo Varadkar.]

We are working on mutual recognition of penalty points for certain offences with Northern Ireland under the North-South Ministerial Council. The initial plan, between myself and the Minister for the Environment, Mr. Attwood MLA, is to implement it on a pilot basis for a small number of offences where they are pretty much the same north and south of the Border. We want to do that quite soon. It can be difficult because the penalty points system in the Republic of Ireland is different from the one in Northern Ireland, and is very different from the one in France, for example. One cannot necessarily apply equivalency if the points are not the same and are not applied for the same reasons, but we will work through that over time.

5 o'clock Senator Henry brought up some valid broader issues relating to alcohol. It is wrong to have this debate only about road safety and not address it in the context of alcohol. I do not know whether a ban on below cost selling would work because no one seems able to define the cost of alcohol. The alternative, or one that people put forward, is to have a minimum price and there is probably some sense in that. My own view is that it would be a good idea but it is not something that falls under my remit. I can see the sense in it. It seems that the sale of low-cost alcohol or very cheap beer and wine cannot be good for us under any heading.

I must come back to Senator Colm Burke on the issue of whether a person in hospital can retain the sample. I assume a person can. In my capacity as a general practitioner, once or twice I had to go to the Garda station and take the sample and it was always the case that the person from whom the sample was being taken would get a sample of his or her own so that he or she could have it tested independently. I imagine, or at least I would assume, it is the case that if the sample is taken in a hospital, the person gets to take a sample to have it tested by a laboratory of his or her choice, but I must double-check that. My office will be in touch with Senator Burke directly on that matter.

Senator Conway asked about things we can do to assist publicans in rural areas to provide transport. If the transport is provided for free, for example, a courtesy bus or even the publican driving people home, it is not required that he or she have a PSV licence. It is not particularly difficult to get a PSV or taxi licence these days. In fact, the number of taxi licences is falling because of the large supply of taxis. I would certainly consider in the run-up to the budget whether there are things we could do to incentivise publicans to provide transport or make it easier for them to do so, but there are problems with all of these because then, potentially, one would be giving them a competitive advantage over someone whose business is providing transport. One must bear that in mind as well.

I mentioned previously that road traffic legislation is the most challenged in the courts. For that reason, my Department is constantly reviewing existing legislation to determine if further strengthening is necessary. Even since the publication of this Bill two weeks ago, we have identified some issues that I propose to address with a small number of minor amendments on Committee Stage. It is my wish to have this Bill enacted as quickly as possible in order that I can commence its provisions very soon. The stronger the legislation, the greater the chances of reducing death and injury on our roads. No doubt the Bill will contribute in this regard. I thank Senators for facilitating the introduction of the Bill and I look forward to our discussions on Committee Stage.

**Senator Sean D. Barrett:** I forgot to mention that there are 450,000 people on provisional licences as against 2 million full licences. Does that not suggest that drivers spend an inordinate amount of time on a provisional licence? One would expect a person to be on a provisional licence for a year and then drive on a full licence for 30 years. Perhaps we might discuss that

on Thursday. I forgot to alert the Minister to it. Has he any measures to get those on provisional licences to apply for full licences? I look forward to another debate on this on Thursday.

Question put and agreed to.

Committee Stage ordered for Thursday, 29 September 2011.

**Acting Chairman (Senator Catherine Noone):** When is it proposed to sit again?

**Senator Maurice Cummins:** At 10.30 a.m. tomorrow.

### **Adjournment Matters.**

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### **Hospital Services.**

**Acting Chairman (Senator Michael Mullins):** I welcome the Minister of State, Deputy Shortall, back to the House and call on Senator Denis O'Donovan to propose the first motion.

**Senator Denis O'Donovan:** I also welcome the Minister of State to the House to speak briefly on the issue concerning one of, if not the most, geographically peripheral hospital, Bantry General. It is an old hobby-horse of mine. I was involved in the action committee back in the 1980s.

There is grave concern at present and a public meeting is being called by a member of the Minister of State's party on Friday night to address a couple of issues. First, the reconfiguration of the ambulance service seems to indicate there will be a loss of acute ambulance services in the peninsular and west Cork regions, places such as Mizen Head and Allihies. Many people do not realise when they talk of being close to the hospital that the nearest hospital, Cork University Hospital, is roughly a two and a half hours drive on somewhat unconducive roads.

Bantry General Hospital currently has an accident and emergency unit of sorts. It is not in the full sense of what that means, but there is a 24 hour, seven day a week service there. In the event of a casualty, it has probably one of the finest intensive care units in Ireland. There are four excellent consultants in Bantry General Hospital. There are cutbacks in different departments and there is a grave fear that, whether it is the ambulance reconfiguration or the reduction of the number of consultants from four to three, any diminution of services would create havoc in this area.

The population base for Bantry General Hospital is approximately 65,000 and takes in a little of south Kerry as well. The important point to note is that not that long ago the hospital had a maternity unit, which is now closed and which we accept will never reopen. What the public will not accept is a scenario where current services, including the assessment unit and minor injuries unit, would be closed at weekends or even during the week by operating on an 8 a.m. to 8 p.m. basis. This would create considerable difficulties because we are so far away from the centre of attention. We will never get a cancer unit or full cardiac unit in the hospital but what we have, we should hold.

The public, public representatives across party lines and the HSE agreed to the reconfiguration of services so that there would be an improvement. We have a relatively new hospital. A couple of Ministers have visited it over the years. It was only built in 1960. The theatres are under-utilised, and in the reconfiguration it was hoped that a consultant for day elective surgery procedures would come, possibly from Tralee or Cork, and at least keep the flag flying there.

[Senator Denis O'Donovan.]

The purpose of my motion is that there are concerns. I am not one for public meetings, major protests or whatever. I seek reassurance from the Minister of State, Deputy Shortall, or the Minister, Deputy Reilly, that the facilities in Bantry General Hospital which are not utopian, as we would like to have them, but for which we have fought for several decades will be retained and that there will be no diminution of services, whether it be ambulance services, a reduction in the number of consultants or the removal of its 24-7 facilities.

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I thank the Senator for raising this issue, to which I am responding on behalf of my colleague, the Minister for Health, Deputy Reilly. I am glad to have an opportunity to clarify a number of points.

The Government wants a health service which is safe, of high quality and affordable. Local hospitals can and should be a vibrant element of local health services. They should provide treatment and care at the appropriate level of complexity for patients in their areas. That care must be safe and not put patients at risk. HIQA has set out the type of services that can safely be provided in smaller hospitals in the reports on Ennis and Mallow hospitals. The HSE is developing proposals for future acute hospital services in Bantry General Hospital, in line with the national clinical programmes.

While the emergency department at Bantry General Hospital deals mostly with minor injuries, with an average of three attendances per day between 8 p.m. and 8 a.m. so far in 2011, Bantry's remote rural location is recognised and this needs flexibility in the application of all programmes of care being delivered. HSE South has in recent months again engaged with senior clinicians, GPs and management in Bantry, most recently on 2 September. Proposals are expected to be finalised in the coming weeks, consistent with the outcome of the comprehensive consultation process. The proposals will reaffirm Bantry General Hospital's crucial role in providing acute hospital care in west Cork as part of a wider network of acute hospitals across counties Cork and Kerry. However, no final decisions will be made on models of service delivery in small hospitals until the Minister has had an opportunity to study this in detail.

Pre-hospital emergency care is critical to the successful implementation of the HIQA recommendations on smaller hospitals. Current evidence suggests patient outcomes can be improved by better treatment and stabilisation at the scene, with ongoing treatment and transport to the most appropriate centre, even if that takes longer. On-duty service gives a modern emergency response service, involving paramedics, advanced paramedics, community first responders and GP out-of-hours services, working together to respond to emergencies. This approach is consistent with international best practice and will ensure compliance with HIQA response times and quality standards.

I am happy to confirm that no ambulance stations are closing in west Cork. In fact, the opposite is true; stations will be moving to on-duty status and away from on-call status. This means our highly trained paramedic crews are on site in their stations to respond to calls rather than having to travel to a station on being called out. It also means resources can be deployed dynamically, based on need and predictable demand rather than simply location, thereby giving greater flexibility and responsiveness. The dynamic delivery model means an on-duty emergency ambulance will be available from within the region, as required. This will produce better response times for people in counties Cork and Kerry and a better service. Other developments include improved arrangements for control and dispatch, practitioner deployment and inter-hospital transfers. All of these will allow the national ambulance service to provide a better, safer, more comprehensive and efficient emergency ambulance service for the people of counties Cork and Kerry.

There has been extensive consultation on Bantry General Hospital's future, both on acute services and pre-hospital support, with the staff, the public and public representatives. The need to change in order to ensure safety and the future role of the hospital is understood and supported. The HSE will continue to communicate with staff, the public, public representatives, health professionals and other interested parties on how best to provide services in the region. The Minister and the HSE recognise the importance of Bantry General Hospital and the contribution it has made and will continue to make to the provision of hospital services in the region.

**Senator Denis O'Donovan:** I thank the Minister of State for her response which, by and large, is reassuring. I hope the fears being generated at local level can be set aside and what the Minister of State has set out will produce positive rather than negative results. I hope that in the coming months the commitments given by the Minister through the HSE on reconfiguration, in particular with regard to acute services, elective surgery and so forth, will be met.

### **Mental Health Services**

**Senator Fidelma Healy Eames:** I welcome the Minister of State, Deputy Shortall. I raise this matter to request the Minister for Health to fund residential treatment in the United Kingdom for a young woman with a severe borderline personality disorder who has been certified as being at imminent risk of suicide and who has already attempted suicide on 14 occasions. This is a severe and pressing case. It is the first time I have raised a matter of this nature in the Seanad and I do not do so easily. It is a case worth listening to carefully.

I have been contacted by the parents of a beautiful 22 year old woman. For the purposes of this debate, I will call her Danielle which is her first name, but that is as far as I will go in identifying her. She has been unwell for over six years and has been diagnosed with a borderline personality disorder. She started to self-harm at the age of 15 or 16 years and has had many admissions to hospital since. She has required surgery on many occasions. Her problem was discovered during her first term in UCD. Prior to that, she was a bright and energetic teenager with a promising future. She was involved in swimming, dancing and various other activities; she did a lot of voluntary work both in Ireland and abroad and was a very good student. She has spent 20 months of the last three years as an inpatient in various psychiatric wards in both Dublin and Galway and has attempted to take her own life on 14 occasions. The last attempt was on Friday, 2 September while she was an inpatient at a psychiatric facility.

Danielle's parents were advised earlier this year by a number of health care professionals to look for treatment in the United Kingdom or elsewhere abroad. They spoke to the consultant psychiatrist at McLean Hospital in Massachusetts in the United States who specialises in this condition. He advised that the cost of treatment there would be prohibitive and that they should investigate possibilities in the United Kingdom. They feel very fortunate that they have identified the best demonstrated and documented treatment for borderline personality disorder, intensive dialectic behavioural therapy, DBT. With a number of health care professionals, they researched several locations in the United Kingdom and found an institution which treats females with borderline personality disorder, which mostly affects females. Some 95% of the referrals to the centre are from the National Health Service in the United Kingdom.

The outcomes from intensive DBT programmes are excellent. Following this degree of intensive treatment, many need fewer admissions to acute psychiatric institutions. However, intensive DBT programmes are not available in this country. That is the key point to be made.

Danielle had a four hour assessment in the centre in the United Kingdom. Her parents were very impressed by that assessment and the professionalism of those who carried it out. It is a residential centre which offers a range of therapies on a daily basis as part of a lengthy prog-

[Senator Fidelma Healy Eames.]

ramme of between eight months and one year. They were advised one week after her visit that their daughter had secured a place.

The first application for treatment abroad through the E112 process was made to the HSE on 24 July, but it was refused on the grounds that it did not meet the criteria laid down. The parents appealed this decision and asked the HSE to reconsider the application. They submitted all of the documentation required, as well as the letter documenting the excellent assessment that had been made in the United Kingdom, but, once again, they were refused on the grounds that the family did not satisfy the criteria. Instead, the HSE has offered a limited dialectic therapy service for one hour a week to their daughter.

DBT comprises four elements, but the therapist employed by the HSE can offer just one element of the four. The treatment being offered is less than what Danielle has been receiving in the past two years and that treatment has not worked. The process of applying for treatment abroad is not easy; it is slow and arduous. It takes time, even before an application is submitted, and is highly traumatic and distressing for patients and their families. The family in question have told me their daughter found the process so distressing that she became acutely suicidal and had to be admitted for observation. As a consequence, she is again an inpatient in an acute bed. The more she is refused, the worse it is for her because her coping skills are absolutely gone. The family have informed me that since the appeal was refused, their daughter has lost all hope and the will to live and, for the most part, is deeply agitated. They note she is extremely disappointed she has been refused the treatment and therapy she desperately needs to survive. Moreover, they have told me it was heartbreaking for them to watch her deteriorate before their very eyes in the knowledge she was being prevented from availing of the treatment she urgently needed. They find it hard to keep up her spirits each day, as she cannot understand the reason she is being denied treatment that could give her hope to live and have a life.

This is a willing participant who is not fighting against having such treatment. I am sure many families are going through similar traumas as living with mental illness is not easy. There is still a stigma attached to it in Ireland. There is a dearth of essential therapies, counsellors and psychologists to provide therapeutic care for those with a mental illness. The parents in this case have told me they are both professional public servants who have given more than 30 years of service to their country. They always have paid their taxes and tried unsuccessfully to sell their family home. It is important to note they are prepared to do whatever it takes and have tried to sell their home to raise money for their daughter's treatment because they are desperate to give her hope and a chance to live. They claim the only viable prospect for their daughter's recovery and long-term well-being now depends on her securing some HSE funding to help to pay for this treatment abroad. I understand it costs approximately €150,000. The parents insist they are not applying for full funding and are endeavouring to sell the family home. In essence, they are trying to save their daughter's life. As she has attempted suicide 14 times, each day constitutes a struggle to ensure she lives.

I acknowledge this is not a normal application to bring before the House in these straitened times. For that reason, I was careful before so doing. I look forward to the Minister of State's response.

**Deputy Róisín Shortall:** I thank the Senator for raising this matter on the Adjournment. The Government has prioritised the development of the mental health service in line with A Vision for Change. In that context, it is committed to reforming our model of health care delivery in order that more and better quality care is delivered in the community. It is its intention that over time access to modern mental health services in the community will be significantly improved. It is proposed to ring-fence €35 million annually from within the health budget

specifically to develop community mental health teams and services to ensure early access to more appropriate services for both adults and children. I am working with officials in the Department of Health and the HSE to deliver immediate and effective progress in this area.

Preventing and reducing the rate of suicide is an urgent public health issue that is at the centre of the Government's efforts and policies to build healthy and productive communities. Our policy strategy on suicide prevention, *Reach Out*, outlines the actions that must be taken to prevent suicide and deliberate self-harm and to increase awareness of the importance of good mental health. While much progress has been made in implementing these measures, one can never say one has done enough. It is essential that the Government continues to work and even redoubles its efforts. Members will be aware that an additional €1 million was provided this year to ensure the National Office for Suicide Prevention could build on initiatives to date. This special funding has enabled the office to target priority areas, which will make a real difference.

This year the focus will be on the further development of skills-based training and awareness programmes in suicide prevention, improving the response to those who deliberately self-harm, developing the capacity of primary care to help those presenting with suicidal behaviours, improving inter-agency co-ordination and the provision of a 24 hour emotional support helpline. I am sure Members also will be aware of the huge effort and commitment put into this area by my ministerial colleague, Deputy Kathleen Lynch, who, among other things, has special responsibility for mental health and disability services. I know she is working hard to regain the momentum in implementing the excellent strategy on mental health, *A Vision for Change*, and I am confident she will be successful in bringing about the improvements everyone wishes to see in this critical area for vulnerable groups.

On the case referred to by the Senator, I understand that on 25 July an application was received on behalf of the person in question in the offices of HSE West for treatment under the E112 treatment abroad scheme. A report has been obtained from the HSE on the application for funding and the subsequent appeal of the initial decision. Unfortunately, the decision of the executive which the appeals officer has upheld is that the application does not meet the conditions of the scheme and funding cannot, therefore, be provided. I understand the application was not approved owing to the fact that a treatment plan was available locally in Galway and the view of the treating consultant psychiatrist is this treatment plan should be availed of in the first instance.

I have been informed the person in question was admitted to the psychiatric unit in her area on 26 August following self-presentation and is now under the care of a consultant psychiatrist. It is the latter's view that while the person in question could benefit from admission to the therapeutic service in the United Kingdom, there are treatment services available here from which the patient would benefit and these should be used in the first instance. The consultant psychiatrist will continue to consider the request for treatment abroad while the person in question is under the care of the psychiatrist's team. I hope the person in question will avail of the treatment options being made available and that the treatment will be successful for her.

I again thank the Senator for raising the matter.

**Senator Fidelma Healy Eames:** I have a supplementary question. I imagine the family's reaction will be one of grave disappointment because my understanding is they are already availing of this treatment. Am I to understand from the Minister of State's response that the conditions attached to the scheme for travelling to the United Kingdom were not met because of the views of the treating consultant psychiatrist? I hope the consultant psychiatrist in question is not taking on too much responsibility that could place a life at risk. The Minister of State

[Senator Fidelma Healy Eames.]

should clarify whether the conditions attached to the aforementioned scheme were not met because of the views of the treating consulting psychiatrist.

**Deputy Róisín Shortall:** To clarify, in this case the clinical decision was taken by the clinical psychiatrist. It is the view of that psychiatrist that a treatment plan is available locally in Galway and that it should be availed of in the first instance. This is not something in which a Minister has a role. A clinical decision was taken by the young woman's treating clinical psychiatrist.

**Senator Fidelma Healy Eames:** We can always come back to it. I thank the Minister of State.

### **Army Barracks**

**Acting Chairman (Senator Michael Mullins):** I welcome the Minister for Defence, Deputy Alan Shatter.

**Senator Diarmuid Wilson:** I also welcome the Minister who is one of the few Ministers who personally attends this Chamber to deal with issues relating to his Justice or Defence briefs.

In 1990 the Army moved from the longest occupied barracks in Europe to the new purpose-built Dún Uí Néill Barracks in Cavan town. These are the only barracks to be purpose-built and designed by the Defence Forces since the foundation of the State and are in an important geographic location along the border with Northern Ireland. In recent weeks rumours have been circulating that this strategic base is being considered for closure by the Government. This cannot be allowed to happen. Dún Uí Néill barracks is the most economic in the country, costing less than €200,000 per year to run, which includes maintenance, utilities, electricity, heating and transport fuel.

As well as serving the State as an aid to civil power, the Army based in Cavan has shown great commitment to the community it lives among. Its state-of-the-art gymnasium and other sporting facilities are regularly used by county teams as well as other local football and sports clubs. Senior citizens are facilitated regularly as well as at Christmas time each year. The local Youthreach project participates in a two week training programme during the summer months. The Army also assists groups in fund-raising and facilitates weekly church services. The support it gave to the local emergency services during the bad weather of recent winters was immeasurable.

Some 120 soldiers from A Company 6th Battalion of the western command currently occupy the barracks. This number can increase from time to time as the barracks is regularly used as a training facility. If needed it can accommodate up to 300 personnel at any given time. The Reserve Defence Force plays an important role in supporting the regular Army in this country and there is a full-time company of 120 men and women in the force in Cavan.

To close Dun Uí Néill makes no sense. The impact such a closure would have on the soldiers, their families and the community of Cavan, not to mention the €3 million that would be lost to the economy of Cavan, would be immeasurable. This cannot be allowed to happen and I look forward to a favourable reply in this regard.

**Minister for Defence (Deputy Alan Shatter):** I thank Senator Wilson for raising this matter on the Adjournment. As of now, no decision has been made by the Government on the future of Cavan barracks or any other military installation. The issue of the closure of barracks no longer required for operational reasons to effect necessary savings will, however, be considered shortly by Government.

Various commissions, reports and studies back to the 1990s identified barrack closures as a fundamental requirement towards improving military effectiveness and efficiency. Since then

there have been a number of consolidation programmes which have seen the number of barracks occupied by the Permanent Defence Force reduced from 34 to 18 today. Since 1998 a total of ten barracks have been closed under the two barrack consolidation programmes. A total of €84.98 million has been realised from the disposal of seven barracks and while three remain the property of the Department of Defence, agreement in principle has been reached to dispose of two of these. The moneys received from the sales of such properties have returned to the defence Vote as appropriations-in-aid, and these increased levels of appropriations-in-aid have allowed the retention of funding levels for investment in equipment and infrastructure for the Defence Forces over recent years as well as saving substantial sums of taxpayers' money.

Some of the major programmes include the acquisition of light tactical armoured vehicles, MOWAG armoured personnel carriers, two EC135 helicopters, six AW139 helicopters and two new offshore patrol vessels. This approach is in line with the 2000 White Paper on Defence and a Government decision of 29 February 2000 which, *inter alia*, approved "The allocation of 100% of the revenue arising from the sale of property surplus to military requirements, for investment in equipment and infrastructure for the Defence Forces."

Notwithstanding the progress made to date, the dispersal of Defence Force personnel over an extended number of locations continues to be a major impediment to essential collective training and to releasing personnel for operational duties. It also imposes unnecessary increased overheads on the Defence Forces in terms of barrack management, administration, maintenance and security. The consolidation of the Defence Forces formations into a smaller number of locations is a key objective of the ongoing defence modernisation programme to maximise the effectiveness and efficiency of the Defence Forces.

As is the case with all Departments, my Department has been actively reviewing all areas of expenditure for which it is responsible to ensure the maximum benefit in the public interest from the use of resources. This is a key element in the context of the comprehensive review of expenditure in which the Government is engaged. My Department has submitted its report as part of that process. This report sets out in clear terms the options available to Government with regard to defence funding. The outcome of the comprehensive review of expenditure will determine the future resource envelope available for defence.

I wish to ensure that all decisions made and resources utilised are focused on maximising the capability of the Defence Forces and ensuring their continued operational excellence. I am also anxious to ensure, in so far as is possible, that the Government is not compelled by fiscal and budgetary constraints to effect any substantial reduction in the current number of personnel in the Defence Forces which stands at just over 9,500. It is crucial that our Defence Forces retain their existing operational capacity and capabilities and operate within the maximum financial efficiencies both in the interest of taxpayers and to facilitate our meeting our obligations to the EU and IMF to contain and reduce public expenditure. It is this which will inform decisions yet to be made by Government.

**Senator Diarmuid Wilson:** I thank the Minister for his reply. Cavan is a strategic base and is vital to the security of the State. Its geographical location is very important. Deputy Smith, Councillor Patricia Walsh and I met representatives of PDFORRA last Friday evening. There is great concern among the 120 personnel based in Dún Uí Néill and the 22 personnel currently serving in the Lebanon who are based in Cavan. It is important that the Minister takes into consideration these families as well as the strategic location of the barracks and its importance to the security of the State. To relocate 120 soldiers to Athlone, Dundalk or Dublin will necessitate huge additional expenditure in terms of providing accommodation. If the object of the exercise is to save money, I hope the Minister will examine the issue very carefully. No saving will be realised by closing the barracks, not to mention endangering the security of our State.

**Deputy Alan Shatter:** In determining what decisions should be made in this area I will pay very careful regard to the views of the military authorities and to what they say to me about security issues. The security issues with regard to the location of barracks are very much something to be assessed based on the expertise of our Defence Forces, and I must listen carefully to what they say to me. I am very conscious that any further consolidation of barracks is a cause for concern and will cause inconvenience and disruption for members of the Defence Forces located in the barracks.

The Senator's party presided over the closure of ten barracks in different parts of the country. The closures undoubtedly were disruptive from the perspective of those members of the Defence Forces affected. Sadly, the legacy we have inherited as a Government, the financial and fiscal constraints imposed on the State by outside forces and the excessive level of our public expenditure can only be addressed by making difficult and uncomfortable decisions that in different financial circumstances would not be necessary.

I must have regard to the prevailing reality with which I am confronted in the very difficult decisions that need to be made, while also appreciating the fact that such decisions are disruptive for people. I also have to do it having regard to what is in the ultimate and final interest of maintaining our Defence Forces. My concern is to ensure that I have available to me the funding, as best I can secure it, to maintain our Defence Forces at the current level of 9,500, which is the level they were at in the 1970s. In the context of the Department of Defence I have to contribute to the financial savings that we are required to secure for the year commencing 2012 when there must be a reduction of between €3.6 billion and €4 billion in public expenditure. The tragic and sad reality is that no Department or area of expenditure is immune in this context and I hope it is something the Senator would understand in the context of any decisions that may be made with regard to barracks, should any such decision affect the barracks in Cavan.

The Seanad adjourned at 5.40 p.m. until 10.30 a.m. on Wednesday, 28 September 2011.